

MONTEREY PENINSULA REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING

DATE: September 7, 2022
TO: Board of Directors
FROM: Shuran Parker, Administrative Services Manager
REVIEWED BY: Rafael Payan, General Manager
SUBJECT: Consider Adoption of Resolution #2022-14, Authorizing Virtual Board of Directors Meetings Pursuant to AB 361

SUMMARY:

On September 16, 2021, Governor Newsom signed Assembly Bill (AB) 361 (**ATTACHMENT 1**). This legislation amends the Brown Act to allow legislative bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act's more narrow standard rules for participation in a meeting by teleconference.

If the Board adopts the required findings at this September 7, 2022, meeting, it may meet remotely pursuant to AB 361 procedures until October 7, 2022.

FISCAL IMPACT:

There is no fiscal impact associated with taking this action.

FUNDING SOURCE:

Not applicable

FUNDING BALANCE:

Not applicable

DISCUSSION:

AB 361 allows a board, commission, or committee subject to the Brown Act, called "legislative bodies" under the Brown Act, to meet via teleconference without following the normal Brown Act teleconference rules if any of the following circumstances exist:

"A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. [or]

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the

emergency, meeting in person would present imminent risks to the health or safety of attendees.”
(Gov’t Code §54953(e)(1) [AB 361, p. 9].)

If the meeting is held via teleconference under these provisions, the meeting body must meet certain requirements under AB 361, including providing public access to the meeting and opportunity for the public to address the members of the legislative body.

AB 361 also requires periodic review of the determination to continue to meet via teleconference. If the state of emergency is still active, or if “state or local officials have imposed or recommended measures to promote social distancing,” then no later than 30 days after meeting via teleconference for the first time pursuant to AB 361, the body must make a finding that the body “has reconsidered the circumstances of the state of emergency” and further find that “[a]ny of the following circumstances exist: (i) The state of emergency continues to directly impact the ability of the members to meet safely in person. (ii) State or local officials continue to impose or recommend measures to promote social distancing.” (Gov’t Code §54953(e)(3) [AB 361, p. 11].)

On October 19, 2021, the Board made the requisite findings and approved meeting remotely via teleconference at its meetings between October 19, 2021, through November 18, 2021, then reaffirmed those findings on November 3, 2021, December 1, 2021, December 14, 2021, January 5, 2022, February 2, 2022, March 2, 2022, March 16, 2022, April 6, 2022, May 4, 2022, August 3, 2022, and August 24, 2022. The Board is required to renew the requisite findings within 30 days to continue to meet remotely after the initial findings.

RECOMMENDED ACTION:

As of report writing, Monterey County’s COVID-19 community infection level is **High**. Considering the local community level and recent District experiences, it is recommended that the Board of Directors of the Monterey Peninsula Regional Park District adopt the draft resolution pursuant to AB 361 to make a renewed finding that as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, holding Board meetings in person would present imminent risks to the health or safety of attendees. The new period to conduct these meetings virtually would extend to October 7, 2022.

ATTACHMENTS:

1. [Copy of AB 361](#)
2. [Draft Resolution #2022-14](#)