

**MONTEREY PENINSULA REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING**

**DATE:** October 5, 2022  
**TO:** Board of Directors  
**FROM:** Shuran Parker, Administrative Services Manager  
**REVIEWED BY:** Rafael Payan, General Manager  
**SUBJECT:** Consider Adoption of Resolution #2022-15, Authorizing Virtual Board of Directors Meetings Pursuant to AB 361

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**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 October 5, 2022, meeting, it may meet remotely pursuant to AB 361 procedures until November 4, 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, August 24, 2022, and September 7, 2022. The Board is required to renew the requisite findings within 30 days to continue to meet remotely after the initial findings.

**RECOMMENDED ACTION:**

The Board has asked staff to develop criteria upon which to base the recommendation to conduct virtual meetings. Staff has determined that three other elements should be taken into consideration: 1) COVID-19 Community Level; 2) How other local, similar boards/commissions are conducting meetings; and 3) District infrastructure/facility setup and capacity.

As of report writing, Monterey County’s COVID-19 community infection level is Low, 55.06 per 100,000 population. In terms of what other agencies are doing, the table below outlines how several other local and similar agencies are meeting and their community levels.

Organization	Meeting Type	Community Level
City of Carmel	Hybrid	Low
City of Marina	Virtual	Low
City of Monterey	Hybrid	Low
City of Pacific Grove	Hybrid	Low
City of Seaside	Hybrid	Low
East Bay Regional Park District	Hybrid	Low
Marina Coast Water District	Virtual	Low
Midpeninsula Regional Open Space Authority	Virtual	Low
Monterey County	Hybrid	Low
Santa Clara Valley Open Space Authority	Virtual	Low

Finally, staff is still contemplating improvements to the Discovery Center where Board meetings will take place. While issuing a Request for Proposals (RFPs) for infrastructure improvements is still being considered, we continue to explore lower cost alternatives that would make meeting in a hybrid, in-person and virtual environment successful. To that end, we hope to try a new virtual meeting tool at the October or November meeting to test its results.

Taking all of the above elements into consideration, staff respectfully requests that the Board make the necessary findings and approve the resolution to allow remote meetings through November 4, 2022 (**ATTACHMENT 2**). It's staff's goal to move to hybrid meetings in earnest by January 2023. We're confident that we will be able to find a solution by then, even if it's a temporary, low cost alternative while we make infrastructure improvements/changes.

**ATTACHMENTS:**

1. [Copy of AB 361](#)
2. [Draft Resolution #2022-15](#)