



Remote Working Group Meeting

1. Issue:

Holding the Race, Equity, & Inclusion Working Group meeting remotely.

2. Recommendation:

Staff recommends approval of the attached resolution that allows for this meeting to be held remotely.

3. Background/Analysis:

The Brown Act is a state law that establishes the procedural framework for members of local government decision-making bodies to meet, debate, and act. The Act is designed to ensure that the public is informed about the views, discussions, and actions of governing officials. SACOG is subject to the Brown Act.

On March 12, 2020, the Governor issued Executive Order No. N-25-20 that waived certain requirements of the Brown Act including:

- the requirement that the notice of each meeting location be provided for those members of the legislative body (board or committee) participating in the meeting;
- the requirement that each meeting location be accessible to members of the public;
- the requirement that members of the public be able to address the legislative body (board and committee) at each meeting location;
- the requirement that agencies post agendas at all meeting locations; and
- the requirement that at least a quorum of the legislative body (board and committee) participate from locations within the boundaries of the territory over which they exercise jurisdiction.

With the Executive Order in place, SACOG has been holding its meetings remotely over Zoom since the beginning of the pandemic. The Governor's Executive Order expired on September 30, 2021.

4. Discussion/Analysis:

In September, the Governor signed Assembly Bill (AB) 361, which amends the Brown Act to allow continued flexibility for public meetings following the expiration of the Governor's Executive Order. The provisions of AB 361 regarding remote meetings can only be used in the event there is a Governor issued state of emergency that is active under the California Emergency Services Act and a legislative body makes a determination by resolution that there is a need to meet remotely. The Governor's state of emergency presently remains in effect. Staff recommends that the committee adopt a resolution that the committee is holding a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

An additional stipulation of the legislation is that legislative bodies must approve by resolution the decision to meet remotely every 30 days. As such, will bring this item to each committee, working group, and the board every month while a state of emergency exists. Attached is the authorizing resolution.

Assembly Bill 361 permits remote meetings but requires that:

- agencies may not close public comment periods for written comments in advance of a meeting, but instead only close the comment period at the same time it is closed during a meeting;
- that agencies must clearly advertise the means by which the public can observe the meeting and offer comment during the meeting via either a call or internet based option, the public must be given an opportunity to comment directly; and
- that in the event of a disruption in the broadcasting of the meeting the legislative body (board or committee) would take no further action until meeting access would be restored to the public.



SACRAMENTO AREA COUNCIL OF GOVERNMENTS

RACE, EQUITY & INCLUSION WORKING GROUP

RESOLUTION NO. 31 – 2022

DECLARING ITS INTENT TO CONTINUE REMOTE TELECONFERENCE ONLY MEETINGS DUE TO THE GOVERNOR’S PROCLAMATION OF STATE EMERGENCY AND STATE REGULATIONS RELATED TO PHYSICAL DISTANCING DUE TO THE THREAT OF COVID-19

WHEREAS, the Race, Equity & Inclusion Working Group of the Sacramento Area Council of Governments (“SACOG”) is committed to preserving public access and participation in meetings of SACOG; and

WHEREAS, all meetings of SACOG are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963, the “Brown Act”), so that any member of the public may attend, participate, and observe SACOG conduct its business; and

WHEREAS, the Brown Act, Government Code section 54953(e), provides for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, such conditions now exist in the State, specifically, the Governor of the State of California proclaimed a state of emergency on March 4, 2020, related to the threat of COVID-19, which threat remains; and

WHEREAS, California Department of Public Health and the Federal Centers for Disease Control and Prevention caution that the Delta variant of COVID- 19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations; and

WHEREAS, on September 28, 2021, the County of Sacramento Public Health Officer recommended social distancing measures and that local legislative bodies in the County of Sacramento use certain available teleconferencing options in order to help minimize the spread and transmission of COVID-19; and

WHEREAS, the California Division of Occupational Safety and Health (“Cal/OSHA”) regulations at Title 8 Section 3205 recommends physical distancing in the workplace as precautions against the spread of COVID-19 and imposes certain restrictions and requirements due to a “close contact” which occurs when individuals are within six feet of another in certain circumstances; and

WHEREAS, to allow for physical distancing and remote meeting attendance in accordance with recommended measures from Cal/OSHA and the County of Sacramento Public Health Officer, SACOG does hereby find that SACOG shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that SACOG shall comply with the requirements to provide the public with access to the meetings electronically as prescribed in paragraph (2) of subdivision (e) of section 54953.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED by the Sacramento Area Council of Governments:

1. The foregoing recitals are true and correct.
2. SACOG hereby recognizes the Governor’s proclaimed state of emergency remains in effect and continues to impact the ability of SACOG and the public to meet safely in person. SACOG further recognizes the recommendation of State and local officials promoting social distancing.
3. SACOG shall conduct public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for remote only teleconference meetings.

PASSED AND ADOPTED this 25th day of February, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rick Jennings II
Chair

James Corless
Executive Director