

SILICON VALLEY
ANIMAL CONTROL AUTHORITY

AGENDA ITEM

Resolution of the Board of Directors of the Silicon Valley Animal Control Authority to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361

RECOMMENDED MOTION

That the Board of Directors adopt Resolution 2021-4 allowing the Board to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361.

OR

That the Board of Directors return to in person meetings beginning January 26, 2022.

DISCUSSION:

AB 361 is an urgency measure that amends Government Code Section 54943 to allow a local agency to use teleconferencing for public meetings without requiring the teleconference location to be accessible to the public or a quorum of the members of the legislative body of the agency to participate from locations within the boundaries of the agency's jurisdiction during a Governor-proclaimed state of emergency in certain circumstances.

Staff has prepared two options:

Option 1: Allows the Board to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361. This option will be in effect for thirty days and will expire on December 17, 2021 unless staff returns to the SVACA Board of Directors on or before December 15, 2021 to request to continue the need for teleconferencing. This option requires renewal every thirty days.

Option 2: Beginning January 26, 2022 SVACA Board of Directors return to in person meetings.

DOCUMENTS ATTACHED

Resolution 2021-4

County of Santa Clara Recommendation Regarding Continued Remote Public Meetings

FISCAL IMPACT- None

RESOLUTION NO. 2021-4

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SILICON VALLEY ANIMAL CONTROL AUTHORITY TO HOLD PUBLIC MEETINGS SOLELY BY TELECONFERENCE OR OTHERWISE ELECTRONICALLY PURSUANT TO AB 361

BE IT RESOLVED BY THE SILICON VALLEY ANIMAL AUTHORITY AS FOLLOWS:

WHEREAS, the Silicon Valley Animal Authority (SVACA) is a joint powers agency comprised of 4 member cities;

WHEREAS, SVACA is committed to preserving and nurturing public access and participation in meetings of the SVACA Board of Directors;

WHEREAS, all meetings of the SVACA Board of Directors are open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950, et seq., hereinafter referred to as the "Brown Act"), so that any member of the public may attend, participate, and watch the SVACA Board of Directors conduct their business;

WHEREAS, the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met: (1) each teleconference location from which a member is participating is noticed on the agenda; (2) each teleconference location is accessible to the public; (3) members of the public must be able to address the body at each teleconference location; (4) at least one member of the legislative body must be physically present at the location specified in the meeting agenda; and (5) during teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body's territorial jurisdiction;

WHEREAS, on March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 which suspended the Brown Act teleconferencing requirements so that legislative bodies can hold public meetings solely by teleconference, or otherwise electronically, without listing the

teleconference locations and without any physical location, as long as the agenda that is posted 72 hours in advance indicates that the members of the legislative body will be participating by teleconference, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations;

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which sunsets the Brown Act provisions of Executive Order N-29-20 on September 30, 2021;

WHEREAS, on September 16, 2021, Governor Newsom signed urgency ordinance AB 361 which allows a local agency to use teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during a Governor-proclaimed state of emergency pursuant to California Government Code Section 8625 et seq, if the state of emergency continues to directly impact the ability of the members of its legislative bodies to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing;

WHEREAS, in light of the continued state of emergency related to COVID-19, the Santa Clara County Public Health Officer continues to recommend that public bodies meet remotely to the extent possible, specifically including use of newly enacted AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws, as outlined in their "Recommendation Regarding Continued Remote Public Meetings of Governmental Entities" issued on September 21, 2021;

WHEREAS, Government Code Section 54953(e)(3) requires that the SVACA Board of Directors review the need and make findings for continuing the teleconferencing without complying with the agenda posting and public comment requirements at least once every thirty (30) days until Governor terminates the state of emergency; and,

WHEREAS, the associated emergency conditions are on-going and there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the

agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency and if approved, will be in effect for 30 days and will expire on December 17, 2021 unless staff returns to the SVACA Board of Directors on or before December 15, 2021 to request to continue the need for teleconferencing.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE SILICON VALLEY ANIMAL
AUTHORITY AS FOLLOWS:**

1. That the SVACA Board of Directors hereby finds that the state of emergency conditions related to COVID-19 are on-going.
2. That the SVACA Board of Directors finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency.
3. That the SVACA Board of Directors finds that the state of emergency continues to directly impact the ability of members of the SVACA Board of Directors to meet safely in person.
4. That state and local officials continue to impose or recommend measures to promote social distancing in government facilities.
5. That members of the SVACA Board of Directors are authorized to use teleconferencing, or other electronic means, to hold its public meetings without noticing the teleconferenced locations on the agenda, without making teleconferenced or physical locations accessible to the public, without posting agendas at teleconferenced locations, without requiring members of the legislative bodies to be physically present at the meeting, and without requiring a quorum of the members of the legislative body to participate from locations with the Board's jurisdiction, as long as the agenda that is posted in advance indicates that members of the Board may be participating electronically, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations, in compliance with AB 361, Government Code Section

54953(e).

6. That the Executive Director is hereby directed to report to the SVACA Board of Directors within thirty (30) days on the need to further continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency.

7. Effective Date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SILICON VALLEY ANIMAL CONTROL AUTHORITY AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2021, BY THE FOLLOWING

AYES:

NOES:

ABSENT:

Liz Lawler, Chairperson, Board of Directors
Silicon Valley Animal Control Authority

ATTEST:

Dan Soszynski
Executive Director/Board Secretary

Attachments incorporated by reference: None

County of Santa Clara

Public Health Department

Health Officer
976 Lenzen Avenue, 2nd Floor
San José, CA 95126
408.792.3798



Recommendation Regarding Continued Remote Public Meetings of Governmental Entities

Issued: September 21, 2021

In light of the continued state of emergency related to COVID-19, the County Public Health Officer continues to recommend that public bodies meet remotely to the extent possible, specifically including use of newly enacted AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws.

Among other reasons, this recommendation is made due to the continued threat of COVID-19 to the community, the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission. This recommendation does not apply to those meetings of a quasi-judicial nature that have been already meeting in person prior to September 21, 2021, for example to allow for credibility determinations of witnesses.

The Health Officer will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.