



**To:** Members of the RCRC Executive Committee  
**From:** Patrick Blacklock, President & CEO  
Arthur J. Wylene, General Counsel  
**Date:** October 5, 2021  
**Re:** RCRC Resolution 21-07-EC: Authorizing Remote and Hybrid Teleconference Meetings of the RCRC Executive Committee Pursuant to Assembly Bill 361 – **ACTION**

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### **Summary**

The proposed resolution will allow the Executive Committee to transition back to holding meetings primarily in-person at the RCRC offices, while still permitting full remote participation for those members who are unable to attend in person, or prefer to participate virtually.

### **Background**

In accordance with Section 6.11.1.1 of the RCRC Bylaws, meetings of the Executive Committee are conducted pursuant to the provisions of the Ralph M. Brown Act. The Brown Act has traditionally placed significant restrictions on teleconferenced meetings, including requiring that each teleconference location be accessible to the public (i.e., participation of Board members from homes or private offices has not been permitted).

In the early days of the COVID-19 pandemic, the Governor issued a series of Executive Orders temporarily suspending the restrictions on teleconferenced meetings, under which most RCRC Board and EC meetings have been conducted during the last year-and-a-half. These Executive Orders terminated on September 30, 2021. In their place, the Legislature has enacted Assembly Bill 361 (R. Rivas), which permits legislative bodies to continue holding teleconferenced meetings without the traditional Brown Act restrictions (through December 2023) under any of the following circumstances:

- (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.*
- (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.*

At present, neither the California Department of Public Health nor the Sacramento County Health Officer have imposed or recommended social distancing measures. Therefore, to continue to continue holding teleconferenced meetings in the manner to which Board members have become accustomed, each of RCRC's legislative bodies will need to make the alternative determinations required by Assembly Bill 361. These determinations are factually supportable, as the continued rates of transmission of the COVID-19 virus, including the Delta variant, can indeed present imminent risks to the health and safety of some in-person attendees, particularly those with pre-existing health conditions.

If the proposed resolution making these determinations is approved, the EC may continue holding remote and hybrid in-person/remote meetings in substantially the same manner as it has during the past 18 months. (Assembly Bill 361 includes several additional requirements for teleconferenced meetings, including providing an opportunity for “real time” public comment, and suspending the meeting in the event that remote connectivity is lost; however, these are all consistent with RCRC's existing practices.)

Assembly Bill 361 generally requires that the requisite determinations must be reconsidered every thirty days. Since RCRC's legislative bodies typically do not meet that frequently, a new resolution making these determinations will be required at the start of each meeting. Staff may combine this resolution and approval of the minutes into a consent calendar for convenience at future meetings, subject to the EC's guidance.

### **Staff Recommendation**

Staff recommends that the Executive Committee approve the proposed Resolution Authorizing Remote and Hybrid Teleconference Meetings of the RCRC Executive Committee Pursuant to Assembly Bill 361.

### **Attachment**

- Proposed Resolution 21-07-EC