



Agenda Item No. (4)

To: Governmental Affairs and Public Information Committee/Committee of the Whole Meeting of April 22, 2022

From: Amorette M. Ko-Wong, Secretary of the District
Denis J. Mulligan, General Manager

Subject: **DISCUSSION AND POSSIBLE ACTION RELATIVE TO DISTRICT COMMITTEE AND BOARD MEETINGS**

Recommendation

The purpose of this item is to discuss potential meeting options and to provide guidance to staff regarding remote, hybrid, or in person options for future Committee and Board meetings. The Committee may elect to refer this matter to the full Board Meeting to allow for broader participation and discussion.

Summary

In March 2020, the Governor of California issued several executive orders in response to the COVID-19 pandemic to suspend portions of the Ralph M. Brown Act and allow local legislative bodies to meet remotely via teleconferencing, without complying with the Brown Act's restrictions on such remote attendance. Pursuant to these orders, District staff transitioned all Committee and Board of Directors' (Board) meetings to remote audio conferencing to ensure the continuity of the Board's business.

On September 16, 2021, the Governor signed Assembly Bill (AB) 361 into law, effective October 1, 2021. AB 361 amends the Brown Act to allow legislative bodies to meet remotely without complying with traditional teleconference meeting rules, provided there is a declared state of emergency, and either: (1) state or local officials have imposed or recommended measures to promote social distancing; or, (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees. The Governor's state of emergency order and AB 361 remain in effect, and as a result, the Board continues to adopt a resolution every 30 days to permit the continuation of remote audio conferences.

Staff is closely monitoring the status of AB 1944, co-authored by Assemblymembers Alex Lee (San José) and Cristina Garcia (Bell Gardens) which would provide long-term flexibility for local agency board members to participate in meetings remotely in the absence of a declared state of emergency or recommended social distancing. Specifically, the bill removes the requirement that board members who elect to participate in a meeting via teleconference do so from a location that is accessible to the public and is listed on the meeting agenda. In addition, the bill requires that

any time a legislative body utilizes teleconferencing for a meeting, it also must provide a video stream that is accessible to the public, and allows the public to address the body remotely during public comment via a call-in or teleconferencing option. The bill is before the Assembly's Local Government Committee with no hearing date set.

Given that there currently is not sufficient access to the District's board room due to elevator issues, the Committee might discuss and consider the following options:

- Audio Remote: Continue audio conferenced meetings as permitted under current law.
- Video Remote: Convert to video conferenced meetings and utilize platforms such as WebEx, Microsoft Teams or Zoom to conduct meetings. The District currently has licenses for WebEx and Microsoft Teams. If Zoom is the desired platform, the District could purchase the appropriate Zoom product to accommodate Committee and Board meetings. Zoom pricing to meet District needs starts at \$10,000 annually and increases as options are added.
- Hybrid: Move back to in-person meetings at an off-site location where board members attend in person, or may participate remotely, provided the facility is already equipped with A/V equipment. Costs associated with this option would include facility rental and any related staff costs for operation of equipment. Members of the public would be permitted to attend in person or remotely.
- In Person: Conduct in-person meetings at an off-site location that is NOT already equipped with proper A/V equipment. Board members would attend the meeting in person, as would members of the public. Without the proper A/V equipment, teleconference participation by Board members and the public would not be available. Costs associated with this option would include facility rental. If the District rents AV equipment, the estimate ranges from \$5,000-\$15,000 per meeting and includes a technician.

Staff has identified any number of possible meeting room locations in the Presidio and at Fort Mason, hotel meeting rooms, city council chambers and community centers in Marin and Sonoma counties, and the Irish Cultural Center in San Francisco. Some of these locations do not have the appropriate equipment to ensure that those who wish to participate at a District meeting can do so easily and in compliance with whatever new legal requirements are enacted. Staff of course will work with the selected meeting site to address any technical issues that might compromise participation.

These are just some options for the Committee to consider. More options may arise during the Committee discussions. While the Committee considers these options, staff will continue with efforts to improve access to the District's Board Room, and enhance the equipment in meeting rooms to accommodate video conference technology. As technology improves, staff will explore other options to facilitate the Board's ability to conduct its business and provide improved meeting access to members of the public.

Fiscal Impact

The fiscal impact will vary and is dependent upon the option(s) considered. Any costs would be funded by savings in the current fiscal year Budget.