



**DATE:** October 25, 2021

**TO:** Transportation Authority of Marin Citizens' Oversight Committee

**FROM:** David Chan, Director of Programming and Legislation

**SUBJECT:** Approve the Continuation of Virtual Meetings as Allowed by Assembly Bill 361 (Action), Agenda Item No. 1

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## **RECOMMENDATION**

The Citizens' Oversight Committee (COC) approves the continuation of virtual meetings as allowed by Assembly Bill (AB) 361.

## **BACKGROUND**

In response to the COVID-19 pandemic, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act (Brown Act) in order to allow local legislative bodies to conduct meetings virtually without a physical meeting place. Executive Order N-29-20 expired on September 30, 2021.

## **DISCUSSION**

On September 16, 2021, Governor Newsom signed AB 361, which became effective immediately upon approval. AB 361 provides local government bodies that are subject to the Brown Act the ability to continue to use video and/or teleconferencing through December 31, 2023 under certain conditions, including when state or local officials have recommended social distancing during a proclaimed state of emergency.

On September 22, 2021, Director Benita McLarin of the Marin Health & Human Services issued a letter (Attachment A) to the County Board of Supervisors recommending that the County continue to use social distancing to enhance safety at public meetings. Director McLarin noted that safety measures can include using video/teleconferencing for public meetings and spacing at in-person meetings so that individuals from different households are not sitting next to each other.

An approval from the COC would provide TAM with the option to conduct the October 25, 2021 meeting via video and/or teleconferencing.

Staff also will bring an item to the TAM Board to approve the option to use video and/or teleconferencing for the meeting on October 28, 2021 and all subsequent public meetings held by the TAM Board, TAM Executive Committees, and COC for 30 days from the date of approval.

AB 361 restricts public agencies from invoking AB 361 allowance for more than 30 days at a time. The TAM Board will need to approve the option again for continued remote meetings when the October 28<sup>th</sup> approval expires on November 27, 2021.

#### **FISCAL IMPACTS**

N/A

#### **NEXT STEPS**

Public meetings will be held remotely for the duration allowed by AB 361 and staff will consider the need to request the TAM Board to extend the authority after November 27, 2021.

#### **ATTACHMENTS**

Attachment A – Marin Health and Human Services Letter, dated September 22, 2021



DEPARTMENT OF  
**HEALTH AND HUMAN SERVICES**

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



Benita McLarin, FACHE  
DIRECTOR

September 22, 2021

Dennis Rodoni  
President, Board of Supervisors  
3501 Civic Center Drive, 3<sup>rd</sup> Floor  
San Rafael, CA 94903

Re: Public Meetings/Social Distancing

Dear President Rodoni:

20 North San Pedro Road  
Suite 2002  
San Rafael, CA 94903  
415 473 6924 T  
415 473 3344 TTY  
[www.marincounty.org/hhs](http://www.marincounty.org/hhs)

On September 20, 2021, Governor Newsom signed AB 361. The legislation provides that local agencies may continue to hold certain public meetings via video/tele-conference as they have done during the Covid-19 emergency. The legislation allows such meetings to continue during a proclaimed state of emergency if state or local officials have recommended measures to promote social distancing.

Local government meetings are indoor meetings that are sometimes crowded, involve many different and unfamiliar households, and can last many hours. Given those circumstances, I recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible. These measures can include using video/tele-conferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other. I will notify you if this recommendation changes while the Governor's state of emergency for COVID-19 remains in place.

Respectfully,

Benita McLarin  
Director, Health & Human Services

cc: Matthew H. Hymel, CAO  
Brian E. Washington, County Counsel

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