

**ROSS VALLEY FIRE DEPARTMENT
STAFF REPORT**

For the meeting on April 13, 2022

To: Board of Directors

From: Jason Weber, Fire Chief

Subject: Determine Whether to Continue with Teleconferencing Meetings for Public Meetings in Compliance with AB 361

RECOMMENDATION:

Staff recommends that the Board determines whether to continue with Teleconferencing Meetings for Public Meetings in Compliance with AB 361 during the continuing state of emergency proclaimed by Governor Newsom on March 4, 2020.

The Board to discuss the meeting format for upcoming Fire Board and Sub-committee meetings and provide direction to staff. Precisely, the Board should determine which of the following formats to use for at least the month of May:

1. Continue with fully virtual zoom meetings.
2. Utilize a hybrid meeting format with parameters allowing for participation by Council, staff, and the public (see table below).
3. Return to in-person only without a virtual/hybrid component to the meeting.

BACKGROUND:

On March 17, 2020, the County of Marin issued a Shelter in Place Order due to COVID-19. Recognizing the need to promote social distancing while allowing local legislative bodies to continue operating during the emergency, Governor Newsom signed Executive Orders [N-25-20](#) and [N-29-20](#), which suspended provisions of the Brown Act and similar rules regarding teleconferencing and electronic meetings. Under these orders, all members of a legislative body were permitted to participate in a meeting electronically or by phone from any location without posting agendas or opening those locations to the public.

On May 13, 2020, RVFD started holding virtual public meetings using the Zoom meeting format to allow for transparency and public participation during the COVID-19 pandemic. On September 16, 2021, Governor Newsom signed [AB361](#), extending the authority of public agencies to conduct meetings by teleconference, including video conference, during the COVID-19 pandemic. AB 361 is effective through January 1, 2024.

On October 13, 2021, November 10, 2021, December 8, 2021, January 12, 2022, February 9, 2022, and March 9, 2022, the Board voted to continue holding a Virtual Format for Fire

Board and Sub-committee meetings and to return at a later date to discuss implementing a Hybrid Meeting option.

The Ross Valley Fire Department is committed to preserving and nurturing public access and participation in the RVFD Board of Directors meetings while ensuring a safe and healthy environment.

DISCUSSION:

Staff is looking for input regarding the meeting format for May and beyond. Specifically, the Board may decide to continue the current virtual-only format or return to meeting in person or utilize a hybrid format. If a hybrid format is preferred, staff would like to know if it is preferred that the public return to the in-person meetings as well. Finally, staff is seeking Board’s direction on determining the format for Fire Board and Sub-committee meetings.

A. Meeting Options

The options available to the Board are as follows:

Option #	Board	Public
1	Virtual	Virtual
2	In-person	Virtual
3	In-person & Virtual	Virtual
4	In-person & Virtual	In-person & Virtual
5	In-person	In-person & Virtual
6	In-person	In-person

Suppose the Board chooses any of the first four options. In that case, it must determine by a majority vote that, as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees.

In the case of Option 3, the Board would need to determine that there would be an imminent risk for some Board members to attend in person and not for others for AB 361 to apply.

Normal Brown Act teleconferencing rules would apply if the Board wants to utilize Option 4 but not cite imminent risk. This means that a Board Member would need to post the agenda outside of the location where they would be attending the meeting and allow the public to join them during the meeting time. This location includes but is not limited to a residence, a hospital room, a hotel room, or a family home, even if the location is outside of RVFD limits. This location would have to be printed on the agenda that is posted 72 hours before the meeting begins. Also, a majority of the Board will need to be present in the San Anselmo Town Hall Chambers to conduct the meeting.

AB 361 applies to all local legislative bodies, which include Fire Board and Subcommittee. The Board may allow each legislative body to determine under the bill regarding virtual meetings, or the Board may determine those bodies.

B. Neighboring Jurisdictions

Staff requested information from the surrounding jurisdictions, and as of the date this report was written:

Mill Valley returned to in-person-only meetings in July 2021. Sausalito and Tiburon have not set dates for returning in person. Corte Madera, Fairfax, Larkspur, Novato, and San Rafael plan to return to their Council Chambers in April.

Corte Madera, Larkspur, Novato, and San Rafael will allow the public into their Council Chambers and utilize whatever state guidelines are in place regarding indoor settings during that time. Fairfax will be returning to their Council Chambers but will continue with the public virtually.

FISCAL IMPACT:

There is no fiscal impact associated with this item.