


County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

DATE: FEBRUARY 16, 2023

TO: DEPARTMENT HEADS

FROM: MONICA NINO, County Administrator 

SUBJECT: **PUBLIC MEETING REQUIREMENTS OF COUNTY LEGISLATIVE BODIES EFFECTIVE MARCH 1, 2023**

Effective March 1, 2023, all County legislative bodies, including advisory boards, commissions and committees, must return to in-person, public meetings consistent with the termination of the Statewide COVID-19 state of emergency. In addition, the Board of Supervisors has adopted a policy of continuing “hybrid” meetings of County legislative bodies going forward. This memorandum provides guidance for department heads to assist in complying with public meeting requirements and Board policy on “hybrid” meetings as of that date.

New Brown Act Teleconferencing Options for Legislative Body Members (AB 2449)

Effective March 1, 2023, legislative body members may attend public meetings remotely in limited circumstances, including for “just cause” and “emergency circumstances” pursuant to AB 2449. County staff providing support to legislative bodies must review and be prepared to assist legislative body members navigate the new statutory requirements. Similarly, County staff serving on legislative bodies must be prepared to comply with these requirements.

It is important to note that the AB 2449 teleconferencing rules complement the traditional Brown Act teleconferencing rules that existed prior to the pandemic. County Counsel has provided comprehensive guidance on complying with both the AB 2449 and traditional Brown Act teleconferencing rules. A chart outlining the rules for both is included as Attachment A.

Continuation of Hybrid Format

The Board of Supervisors has directed that public meetings of County legislative bodies shall continue to use a “hybrid” meeting format following conclusion of the COVID-19 state of emergency to maximize the opportunity for public participation and transparency. The requirement will continue to allow interested parties to have the opportunity to attend and participate in public meetings in-person or remotely.

County legislative bodies have done an excellent job in providing access to remote public meetings but will need to continue providing that same access along with officiating traditional, in person public meetings going forward. This requires access to physical meeting spaces that can accommodate public attendees and have sufficient technological means to facilitate a “hybrid” meeting platform, such as Zoom.

The Clerk of the Board has assembled a listing of physical meeting locations for legislative bodies and confirmed the availability of technology infrastructure at each location. To ensure compliance with Board policy, a few legislative bodies will be required to meet at a different physical location going forward. This primarily impacts those legislative bodies meeting in the Martinez area, which will now be required to meet at the County Administration Building at 1025 Escobar Street. A detailed list of legislative bodies, with physical meeting locations is provided in Attachment B.

Technology Support Available

Even though we have grown accustomed to remote meeting formats over the course of the pandemic, officiating both in-person and remote meetings concurrently brings an additional level of complexity. The Clerk of the Board has recently hired technology staff in anticipation of the expiration of the state of emergency to provide technical support. Departments providing staff support to legislative bodies who may require consultation on technology issues or need remote meeting credentials (such as a Zoom account or VPN access) may contact the Clerk of the Board for assistance at (925) 655-2000. Staff can also assist with meeting best practices such as limiting the chat feature to keep staff focused on telephonic and in-person public participation during the meeting and scripts to use while calling for public comment to assist participants with navigating the “mute” features of Zoom, etc. All inquiries are welcome.

Scheduling Hybrid Ready Spaces

The Clerk of the Board has identified meeting spaces throughout the County for use to conduct “hybrid” public meetings. Note that this is not an exhaustive list, but a tool to assist you and your staff to identify immediately available locations. If you require space to hold a public meeting outside of the regular business of a County legislative body or need to temporarily relocate a legislative body meeting, please reach out to the contact identified at the desired meeting location on Attachment C. The contact can assist with scheduling and discussion about the “hybrid” meeting technology unique to that location.

Thank you.

cc: *Board of Supervisors*
County Administration
Clerk of the Board

Attachment A – AB 2449 Compliance Chart

Attachment B – Legislative Body Meeting Locations, effective March 1, 2023

Attachment C – Hybrid Ready Meeting Locations with Scheduling Contacts, effective March 1, 2023

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	AB 2449 Teleconferencing (Gov. Code, § 54953(f); becomes (e) on 1/1/24.)
Applicable Timeframe	<ul style="list-style-type: none"> ▪ Available anytime. 	<ul style="list-style-type: none"> ▪ Available between <u>January 1, 2023</u> and <u>January 1, 2026</u>.
Who May Appear Remotely and Quorum Requirements	<ul style="list-style-type: none"> ▪ Individual board members, if at least a quorum of the members of the body participate from locations within the jurisdictional boundaries of the body. 	<ul style="list-style-type: none"> ▪ Individual board members if: <ol style="list-style-type: none"> (1) a quorum of the members of the body participates in person; and (2) the quorum meets in a single, physical location clearly identified on the agenda that is open to the public and situated within the agency’s jurisdiction.
Bases for Remote Appearance	<ul style="list-style-type: none"> ▪ Applies when a board member is unable to attend in person. 	<ul style="list-style-type: none"> ▪ A member may appear remotely for “Just Cause” or “Emergency Circumstances”: <ul style="list-style-type: none"> ▶ “Just cause” is any of the following: <ol style="list-style-type: none"> (1) A need to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (2) A contagious illness that prevents a member from attending in person; (3) A need related to a physical or mental disability that is not otherwise accommodated for; or (4) Travel while on official business of the body or another state or local agency. ▶ “Emergency circumstances” is a physical or family medical emergency that prevents a member from attending in person.
Notification and Approval Requirements	<ul style="list-style-type: none"> ▪ No additional requirements. 	<ul style="list-style-type: none"> ▪ To attend remotely for: <ul style="list-style-type: none"> ▶ “Just Cause” <ul style="list-style-type: none"> ▪ The member must notify the body at the earliest possible opportunity, including at the start of a regular meeting, of the need to participate remotely. ▪ The member must provide a general description of the circumstances necessitating the remote appearance.

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	AB 2449 Teleconferencing (Gov. Code, § 54953(f); becomes (e) on 1/1/24.)
		<ul style="list-style-type: none"> ▪ The body need not take action in response. <li style="padding-left: 20px;">▶ “Emergency Circumstances” ▪ The member’s request to appear remotely must include a general description of the need to appear remotely, which need not exceed 20 words, and need not include any personal medical information. ▪ The member must make the request to participate remotely as soon as possible and must make a separate request for each meeting. ▪ The body must take action on the request at a public meeting. ▪ If there is insufficient time to include the item on a posted agenda, the body may take action at the beginning of the meeting. ▪ Approval must be by majority vote.
Agenda and Public Access and Comment Requirements	<ul style="list-style-type: none"> ▪ The teleconference location must be open to the public. ▪ The agenda must be posted at all meeting locations, including the teleconference location. ▪ The agenda must identify all meeting locations, including the teleconference location. ▪ The agenda must provide for public comment at all meeting locations, including the teleconference location. 	<ul style="list-style-type: none"> ▪ Must provide notice and post agendas as otherwise required under the Brown Act and must indicate on the notice how the public may access the meeting and offer comment. ▪ The agenda must include an opportunity for all persons to attend and address the body via a call-in option, an internet-based service option, and at the in-person location. ▪ The law does not require that the agency post an agenda at the remote location, include the address of the remote location, or provide for public access to the remote location. ▪ The body may not require public comments to be submitted in advance and must allow the public to address the body and comment in real time.

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	AB 2449 Teleconferencing (Gov. Code, § 54953(f); becomes (e) on 1/1/24.)
		<ul style="list-style-type: none"> ▪ An individual may be required to register for public comment before being allowed to comment, where the body uses a third-party platform (like Zoom) for the meeting.
Voting Requirements	<ul style="list-style-type: none"> ▪ Members must vote by rollcall. 	<ul style="list-style-type: none"> ▪ Members must vote by rollcall.
Technological Requirements		<ul style="list-style-type: none"> ▪ The public must be able to remotely hear and visually observe the meeting, and remotely address the body. Thus, the body must provide either: <ol style="list-style-type: none"> (1) a two-way audiovisual platform; or (2) a two-way telephonic service and a live webcasting of the meeting.
Other Requirements		<ul style="list-style-type: none"> ▪ If a member participates remotely, the member must also: <ol style="list-style-type: none"> (1) Publicly disclose at the meeting before any action is taken, whether any other individuals 18 years or older are in the room at the remote location with the member and the general nature of the member's relationship with such individuals; and (2) Participate through both audio and visual technology. ▪ If the broadcasting of the meeting to the public by phone or internet service is disrupted, or a disruption within the local agency's control prevents members of the public from commenting using the phone or internet service, the body shall not take any action at the meeting, until public access to the meeting via the phone option or the internet service option is restored. Actions taken on agenda items during a disruption that prevents the body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	AB 2449 Teleconferencing (Gov. Code, § 54953(f); becomes (e) on 1/1/24.)
		<ul style="list-style-type: none"> ▪ The body must have and implement a procedure for receiving and quickly resolving reasonable accommodation requests for individuals with disabilities. Any doubt should be resolved in favor of accessibility.
Limitations on Frequency of Remote Appearances	<ul style="list-style-type: none"> ▪ None. 	<ul style="list-style-type: none"> ▪ A member may participate remotely for “just cause” no more than two times per calendar year. ▪ A member may not participate remotely for more than three consecutive months or 20 percent of the regular meetings for the local agency within the calendar year, or more than two meetings if the body regularly meets less than 10 times per year.

ATTACHMENT B

Legislative Body Meeting Locations, effective March 1, 2023

Meeting Locations of Countywide Advisory Bodies Requiring Hybrid Capability	
Ad Hoc Arts Council Steering Committee	1025 Escobar Street, Martinez
Advisory Council on Aging	500 Ellinwood Way, Pleasant Hill
Alcohol and Other Drugs Advisory Board	1220 Morello Avenue, Martinez
Aviation Advisory Committee	1025 Escobar Street, Martinez
Commission for Women and Girls	3338 Mt. Diablo Boulevard, Lafayette
Community Advisory Board on Public Safety	1025 Escobar Street, Martinez
Community Corrections Partnership Executive Committee	1025 Escobar Street, Martinez
Community Corrections Partnership - All	1025 Escobar Street, Martinez
Contra Costa Council on Homelessness	1025 Escobar Street, Martinez
Contra Costa County Fire Protection District	4005 Port Chicago Hwy Suite 250, Concord
Countywide Bicycle Advisory Committee	255 Glacier Drive, Martinez
Crockett-Carquinez Fire Advisory Commission	746 Loring Street, Crockett
Economic Opportunity Council	1470 Civic Court, Concord
Emergency Medical Care Committee	777 Arnold Drive #110, Martinez
Equal Employment Opportunity Advisory Council	2530 Arnold Drive, Martinez
Family & Children's Trust Committee	40 Douglas Drive, Martinez
Fish & Wildlife Committee	30 Muir Road or 40 Muir Road, Martinez
Hazardous Materials Commission	1025 Escobar Street, Martinez
Historical Landmarks Advisory Committee	30 Muir Road or 40 Muir Road, Martinez
Integrated Pest Management Advisory Committee	2380 Bisso Lane, Concord
Iron Horse Corridor Management Program Advisory Committee	255 Glacier Road, Martinez
Joint Conference Committee	1220 Morello Avenue, Martinez
Juvenile Justice Coordinating Council	1025 Escobar Street, Martinez
Library Commission	1025 Escobar Street, Martinez
Local Planning and Advisory Council for Early Care & Education	77 Santa Barbara Road, Pleasant Hill
Managed Care Commission	1220 Morello Avenue, Martinez
Measure X Community Advisory Board	1025 Escobar Street, Martinez
Mental Health Commission	1340 Arnold Drive, Suite 126, Martinez
Planning Commission	30 Muir Road, Martinez
Public Law Library Board of Trustees	1020 Ward Street, Martinez
Racial Justice Oversight Body	1025 Escobar Street, Martinez
Sustainability Commission	1025 Escobar Street, Martinez
Treasury Oversight Committee	625 Court Street, Martinez

Meeting Locations of Independent/Quasi-Independent Advisory Bodies Requiring Hybrid Capability	
Airport Land Use Commission	30 Muir Road, Martinez
Affordable Housing Finance Committee	30 Muir Road, Martinez
Countywide Redevelopment Successor Agency Oversight Board	30 Muir Road, Martinez
First 5 Contra Costa Children and Families Commission	4005 Port Chicago Hwy, Suite 120, Concord
Housing Authority	1025 Escobar Street, Martinez
In-Home Supportive Services Public Authority Advisory Committee	500 Ellinwood Way, Pleasant Hill
Local Enforcement Agency Independent Hearing Panel	2120 Diamond Blvd, Suite 100, Concord
Merit Board	1025 Escobar Street, Martinez
North Richmond Waste and Recovery Mitigation Fee Committee	450 Civic Center Plaza, Richmond
Workforce Development Board	4071 Port Chicago Hwy, Suite 250, Concord

ATTACHMENT C

Hybrid Ready Meeting Locations with Scheduling Contacts, effective March 1, 2023

Managing Department	Meeting Room Location	Staff Contact	Email	Phone
Agriculture	2380 Bisso Lane, Concord	Agricultural Commissioner	AGCommissioner@ag.cccounty.us	(925) 608-6600
County Administration/Clerk of the Board	1025 Escobar Street, Martinez	Stacey Boyd	clerkoftheboard@cob.cccounty.us	(925) 655-2000
Conservation & Development	30 Muir Road, Martinez	Danielle Kelly Joyce Ring-Reaves	danielle.kelly@dcd.cccounty.us joyce.ring-reaves@dcd.cccounty.us	(925) 655-2858 (925) 655-2781
Conservation & Development	40 Muir Road, Martinez	Danielle Kelly Joyce Ring-Reaves	danielle.kelly@dcd.cccounty.us joyce.ring-reaves@dcd.cccounty.us	(925) 655-2858 (925) 655-2781
Employment & Human Services	40 Douglas Drive, Martinez	Kathy Ames Abigail Stevenson	kames@ehsd.cccounty.us stevenson@ehsd.cccounty.us	(925) 608-5001 (925) 608-5006
Employment & Human Services/ Community Services Bureau	1470 Civic Court, Concord	Alicia Prieto Monique Young-Edwards	aprieto@ehsd.cccounty.us medwards@ehsd.cccounty.us	(925) 681-6310 (925) 681-6302
Employment & Human Services/IHSS	500 Ellinwood Way, Pleasant Hill	Debbi Penovich Jacquie Parrish	penovd@ehsd.cccounty.us parrija@ehsd.cccounty.us	(925) 655-4108 (925) 655-4112
Employment & Human Services/ Workforce Development Board	4071 Port Chicago Highway, Suite 250, Concord	Marissa Sison Maureen Nelson	msison@ehsd.cccounty.us mnelson@ehsd.cccounty.us	(925) 671-4525 (925) 671-4542
Health Services	1220 Morello Avenue, Martinez	Jose Reyes Adrienne Sofranko	jose.reyes@cchealth.org adrienne.sofranko@cchealth.org	(925) 957-2670
Health Services/Behavioral Health	1340 Arnold Drive, Suite 126, Martinez	Juli Mijares	juliana.mijares@cchealth.org	(925) 957-5156
Health Services/EMS	777 Arnold Drive, #110, Martinez	Rachel Morris Shamim Mohamed	rachel.morris@cchealth.org shamim.mohamed@cchealth.org	(925) 608-5445 (925) 608-5454
Health Services/Environmental Health	2120 Diamond Boulevard, Suite 100, Concord	Christina Mickelson Sandra Sosa-Morales	christina.mickalson@cchealth.org sandra.sosa-morales@cchealth.org	(925) 608-5500
Library (El Sobrante Branch)	4191 Appian Way, El Sobrante	Tom Schween	tom.schween@library.cccounty.us	(510) 374-3991
Public Works	255 Glacier Drive, Martinez	Michele Wara Ximena Castro Cicelia McGee	michele.wara@pw.cccounty.us ximena.castro@pw.cccounty.us cicelia.mcgee@pw.cccounty.us	(925) 313-2202 (925) 313-2204 (925) 313-2280
Risk Management	2530 Arnold Drive, Martinez	Mimi Neal	mimi.neal@riskm.cccounty.us	(925) 335-1463
Treasurer-Tax Collector	625 Court Street, Martinez	Ronda Boler	ronda.boler@tax.cccounty.us	(925) 608-9506