







the AB 361 exceptions. Without the AB 361 exceptions, the Board or committee will be required to return to normal in-person meetings or provide public access at each remote location under the traditional teleconference rules, as of October 1, 2021. Therefore, if the AB 361 authorization lapses and the Board or a committee wishes to hold a teleconference meeting, it will be required to post agendas and provide public access at each remote location, identify those locations in the agenda, and maintain a quorum of the board within agency boundaries. If a meeting is not held in conformity with AB 361, board members may not teleconference from their residences or other locations which are not open and accessible to the public.

The attached Resolution acknowledges that the March 4, 2020, State of Emergency is currently in effect, and that the ongoing conditions of the State of Emergency directly impact the ability of SJCOG's Board (or its committees) to meet safely in person.

If necessary, additional Resolutions making the requisite findings may be presented at future meetings for consideration. These Resolutions can be included and considered through the Board's/committees consent calendar.

**FISCAL IMPACT:**

None.

**ATTACHMENT:**

Resolution 23-8

*Prepared by: Rod A. Attebery, General Counsel*



**RESOLUTION**  
**SAN JOAQUIN COUNCIL OF GOVERNMENTS**

R-23-82

**A RESOLUTION OF THE MANAGEMENT AND FINANCE COMMITTEE OF THE  
 SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG) DETERMINING TO  
 CONTINUE CONDUCTING MEETINGS OF THE MANAGEMENT AND FINANCE  
 COMMITTEE USING TELECONFERENCING PURSUANT TO GOVERNMENT  
 CODE 54953 AS AMENDED BY AB 361.**

WHEREAS, the San Joaquin Council of Governments (“SJCOG”) is committed to preserving and nurturing public access and participation in meetings of the Management and Finance Committee; and

WHEREAS, all meetings of SJCOG’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), as amended by AB 361 (2021), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, the Management and Finance Committee previously adopted a Resolution, Number R-22-15 on October 20, 2021, finding that the requisite conditions exist for the legislative bodies of SJCOG to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Management and Finance Committee must make findings that the Management and Finance Committee has reconsidered the circumstances of the state of emergency, and that either the state of emergency continues to directly impact the ability of the members to meet safely in person, or State or local officials continue to impose or recommend measures to promote social distancing.

NOW, THEREFORE, BE IT RESOLVED, that the Management and Finance Committee approves:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. AB 361 Compliance. Management and Finance Committee began using teleconferencing in accordance with subdivision (e) of Section 54953 of the Government Code,

as amended by AB 361, on October 20, 2021, and have made the requisite findings by majority vote not later than 30 days after October 20, 2021, and every 30 days thereafter.

Section 3. State of Emergency. Management and Finance Committee hereby reconsiders the circumstances of the current State of Emergency proclaimed by the Governor on March 4, 2020, and find that the ongoing conditions of the State of Emergency, specifically that the dominant strain of COVID-19 in the country is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations, and therefore, meeting in person would present imminent risks to the health or safety of attendees and directly impact the ability of SJCOG members to meet safely in person.

Section 4. Measures to Promote Social Distancing. The Management and Finance Committee hereby finds that Cal-OSHA and the County Health Official continue to recommend measures to promote physical distancing.

Section 5. Remote Teleconference Meetings. The Executive Director of San Joaquin Council of Governments is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption

PASSED AND APPROVED this 11th day of January, 2023, by the following votes of the San Joaquin Council of Governments, to wit;

AYES:

NOES:

ABSENT:

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JAY WILVERDING, Chair