

Policy: Teleconferenced Meetings and Technology Failure

California Government Code §§ 54950 – 54963 (The Ralph M. Brown Act)

801. Purpose and Authority

First 5 Mendocino is committed to conducting the people's business openly and in compliance with the Ralph M. Brown Act. This policy is established by the First 5 Mendocino Commission to govern the use of teleconferencing for public meetings and to establish procedures in the event of technology failures. This policy ensures the public's right to remain informed and participate in the decision-making process is preserved.

The Commission may change this policy at any time.

802. Definitions

For the purposes of this policy, the following definitions shall apply:

- **Legislative Body:** Means the First 5 Mendocino Commission.
 - **Meeting:** Any congregation of a majority of the members of the Commission at the same time and location (including teleconference locations) to hear, discuss, deliberate, or take action on any item within the subject matter jurisdiction of the Commission.
 - **Teleconference:** A meeting of the legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.
 - **State of Emergency:** A state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act.
 - **Disruption:** An event that prevents the legislative body from broadcasting the meeting to members of the public using the designated call-in or internet-based service option, or a disruption within the agency's control that prevents members of the public from offering public comments using those options.
 - **Call-in Option:** A two-way telephonic service that allows participants to listen and verbally participate.
 - **Internet-Based Service Option:** A two-way audiovisual platform or other online service that allows the public to observe and participate in the meeting.
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803. General Teleconferencing Rules

Pursuant to Government Code Section 54953(b), when the Commission elects to use teleconferencing for a meeting, the following requirements shall apply:

- **Notice and Agenda:** Notice of the meeting shall be given, and agendas posted, as otherwise required by the Brown Act. All teleconference locations shall be identified in the notice and agenda.
 - **Agenda Posting:** Agendas shall be posted at all teleconference locations, and each location shall be accessible to the public.
 - **Voting:** All votes taken during a teleconferenced meeting shall be by rollcall.
 - **Public Access:** Members of the public shall be allowed to access the meeting and address the Commission directly pursuant to Section 54954.3.
 - **Quorum Location:** During the teleconference, at least a quorum of the members of the Commission shall participate from locations within the boundaries of Mendocino County, except as provided during a proclaimed State of Emergency.
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804. Meetings During a Proclaimed State of Emergency

Pursuant to Government Code Section 54953(e), the Commission may use teleconferencing without complying with the requirement to post agendas at each teleconference location if the following conditions are met:

A. Determination

The Commission may hold a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. If such a determination is made, subsequent meetings may be held under these provisions.

B. Public Access Requirements

During any meeting conducted under a state of emergency, the Commission shall:

- Give notice of the means by which members of the public may access the meeting and offer public comment.
- Include on the agenda a call-in option or an internet-based service option for all persons to attend.

- Not require public comments to be submitted in advance of the meeting. An opportunity for the public to address the Commission and offer comment in real time must be provided.
- An individual using a third-party platform that requires registration to log in may be required to register as required by that platform.

C. Ongoing Findings

If a state of emergency remains active, the Commission shall, not later than 45 days after teleconferencing for the first time under these provisions, and every 45 days thereafter, make the following findings by majority vote:

1. The Commission has reconsidered the circumstances of the state of emergency.
2. The state of emergency continues to directly impact the ability of the members to meet safely in person.

D. Physical Location Not Required

Nothing in this section shall be construed to require the Commission to provide a physical location from which the public may attend or comment.

805. Technology Failure During Teleconferenced Meetings

Pursuant to Government Code Sections 54953(e)(2)(B) and 54953(f)(1)(D), the following procedures shall apply in the event of a technology failure.

A. Cessation of Further Action

In the event of a disruption that prevents the Commission from broadcasting the meeting to members of the public using the call-in or internet-based service option, **OR** in the event of a disruption within the Commission's control that prevents members of the public from offering public comments, the Commission shall adjourn for up to an hour to restore service. **No further action** on items appearing on the meeting agenda can be taken until service is restored, or the hour has expired, whichever is earlier.

B. Restoration of Service

The Commission shall only resume acting on agenda items after public access to the meeting via the call-in option or internet-based service option is restored at the hour, or an emergency is declared, see section 806.

C. Challenge of Actions

Actions taken on agenda items during a disruption that prevented the Commission from broadcasting the meeting may be challenged pursuant to Government Code Section 54960.1.

806. Emergency Meetings (Immediate Threat)

Pursuant to Government Code Section 54956.5, in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Commission may hold an emergency meeting without complying with the 24-hour notice and posting requirements.

- **Notice to Media:** Local media that have requested notice shall be notified one hour prior to the meeting, or in the case of a dire emergency, at or near the time members are notified.
 - **Minutes:** The minutes of the meeting, a list of persons notified (or attempted to be notified), a copy of the rollcall vote, and any actions taken shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.
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807. Confidentiality of Closed Sessions

Any member of the Commission, staff, or other person present at a closed session authorized by law shall not disclose confidential information acquired during the closed session to persons not entitled to receive it, unless the Commission authorizes disclosure. Violation of this section may result in disciplinary action and/or referral to the grand jury.

808. Responsibility

The Executive Director or designee is responsible for:

- Ensuring teleconference notices include required access information.
- Monitoring the stability of the teleconference connection.
- Informing the Commission immediately upon the occurrence of a disruption.
- Tracking the 45-day findings required during a state of emergency.
- Making all reasonable efforts to restore services promptly in the event of a disruption.