

August 08, 2023

MOTION BY SUPERVISORS JANICE HAHN

AND HOLLY J. MITCHELL

Suspension of Board Policy 3.055 to Allow the Continuation of Virtual Agenda and Policy Committees (Also Known as Cluster Meetings) and Perform Review of the Policy

In response to the Governor’s announcement to end the State’s COVID-19 emergency declaration effective February 28, 2023, the Board of Supervisors (Board) passed a motion on February 7, 2023, to suspend the application of the Board Policy 3.055 (Policy) until June 30, 2023, to continue to maintain public participation and staff efficiency realized through the virtual meeting environment, while ensuring the same or greater level of public access and transparency. The motion directed the Chief Executive Office (CEO) to work with County Counsel and the Executive Officer to evaluate amendments to the Policy to maintain public participation and staff efficiency realized through the virtual meeting environment, while ensuring the same or greater level of public access and transparency.

The existing Policy requires that meetings, where deputies from three or more Board Offices attend to discuss matters that have been calendared or which a County of Los Angeles (County) department expects to be calendared on an agenda for Board action within 30 days, be conducted in accordance with the provisions of the Ralph M. Brown Act (Brown Act). The Policy applies to the CEO Operations Cluster, Community Services Cluster, Family and Social

MOTION

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MITCHELL _____

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Services Cluster, Health and Mental Health Services Cluster, and the Public Safety Cluster.

A report back to the February 7, 2023 motion was submitted and included proposed amendments to the Policy which provided the Board with two new options for all future meetings subject to the Policy (Attached). The two new options are as follows: 1) 100% virtual meetings and 2) hybrid meetings (both in-person and virtual access). The report back recommended the adoption of the proposed amendments and further described the technological improvements of room 140 at the Hall of Administration to accommodate a hybrid meeting venue that will be completed in March of 2024.

On June 27, 2023, the Board passed a motion to further extend the suspension of the application of the Policy to August 31, 2023, to have more time to review the recommended amendments and the Policy's original intent. After reviewing the Policy and recommended amendments, the Board agrees the options to host virtual and hybrid meetings are necessary tools to allow the public access to public meetings.

The Board also recognizes that the Policy was introduced and approved over twenty-one years ago in April 2002. Since then, the County has changed its administrative organization in 2007 and 2015. The 2007 organizational change resulted in the creation of the five CEO clusters as mentioned before. The responsibilities of facilitating meetings to discuss Board and Department policy shifted from the Board Chair to each respective CEO Clusters. Due to these changes, an evaluation and review of the Policy's applicability to the current meeting environment is warranted. This review and the incorporation of the proposed amendments will

ensure the policy continues to be effective and support public access.

I, THEREFORE, MOVE that the Board of Supervisors

- 1) Suspend the application of the Policy until March 31, 2024 to continue the ability to host meetings virtually with open access to the public while maintaining all other notice provisions required by Brown Act;
- 2) Direct the CEO, in collaboration with the County Counsel and Executive Officer, to report back in 180 days with a review of the Policy and its applicability and provide recommendations for revisions to the existing Policy to properly reflect the current CEO Cluster structure or other meeting that may discuss Board and Department policy.

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Los Angeles County
BOARD OF SUPERVISORS POLICY MANUAL

Policy #:	Title:	Effective Date:
3.055	Policy of the Board of Supervisors Concerning Meetings of Board Deputies on Matters to Be Calendared for Board Action	04/02/02

PURPOSE

Establishes policy for meetings of Board deputies, called to discuss matters that have been calendared for Board of Supervisors (Board) action, be conducted in accordance with the provisions of the Ralph M. Brown Act, regardless of whether or not such meetings are covered by the Ralph M. Brown Act.

REFERENCE

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- April 2, 2002, Synopsis No. 94, Recommendation No. 10
 - July 16, 2002, Synopsis No. 49

POLICY

Deputies in the office of each member of the Board of Supervisors serve as staff to each individual ~~s~~Supervisor, respectively, for the purpose of receiving and transmitting information pertaining to County business. No deputy of any Supervisor or other employee of the County of Los Angeles is, or shall be, authorized to function as a personal intermediary of a member of the Board to participate, individually or collectively, in the development of a collective concurrence among the members of the Board of Supervisors as to action to be taken on any item or matter by the Board.

The Board recognizes that Board deputies may meet from time to time with representatives of County departments, other public agencies and private agencies for the purposes of obtaining information and hearing points of view. It shall be the policy of the Board of Supervisors that in the event Board deputies from the offices of three or more Supervisors attend the same meeting for purposes of efficiency to discuss matters that have been calendared, or which a County department expects to be calendared, on an agenda for action by the Board of Supervisors within the next 30 days, such a meeting shall be conducted in accordance with the procedures and provisions of the Ralph M. Brown Act. (Government Code section 54950, et seq.)

This policy and practice shall be followed even though any such groups of Board deputies and information meetings have not been created by and do not function pursuant to formal action of the Board of Supervisors, and are thus not legally subject to the open meetings requirements of the Ralph M. Brown Act (~~Government Code Section 54950, et. seq.~~). No such informational meeting of Board deputies shall be employed to develop a collective concurrence as to action to be taken on any item or matter by the members of the Board of Supervisors.

Notwithstanding the general rule of this policy above, and, in addition to the teleconferencing options expressly available under the Ralph M. Brown Act, a meeting that is otherwise subject to this policy may be conducted either as a hybrid meeting, where the meeting is conducted both in person and remotely, or remote-only. In person means a meeting that is conducted at a singular physical location. Remotely means a meeting that is conducted remotely by using a two-way audiovisual platform or a two-way telephonic service or both. If a meeting that is otherwise subject to this policy is conducted either as a hybrid meeting or as a remote-only meeting, such a meeting, at a minimum, shall comply with the following requirements:

- (1) notice of the meeting shall be given and agenda shall be posted as required by the Ralph M. Brown Act;
- (2) members of the public shall have access to the meeting, and the agenda shall provide an opportunity for members of the public to address the body directly pursuant to the Ralph M. Brown Act;
- (3) notice shall be given of the means by which members of the public may access the meeting and offer public comment in real time; and
- (4) the agenda shall identify and include an opportunity for members of the public to attend via a call-in option or an internet-based service option.

If a meeting that is otherwise subject to this policy is conducted as a hybrid meeting, members of the public shall have the right to appear and provide public comment from the in-person location in addition to a call-in or an internet-based service option. If a meeting that is otherwise subject to this policy is conducted as a remote-only meeting, there shall be no requirement for having a physical location from which members of the public may attend or comment. If a meeting that is otherwise subject to this policy is held as a hybrid meeting or as a remote-only meeting and it complies with the requirements of this paragraph, as noted above, that meeting does not otherwise have to comply with the teleconferencing requirements of the Ralph M. Brown Act. However, such a meeting shall comply with all otherwise applicable provisions of the Ralph M. Brown Act relating to a specific type of meeting or proceeding.

RESPONSIBLE DEPARTMENT

County Counsel and Chief Executive Office

DATE ISSUED/SUNSET DATE

Issue Date: July 16, 2002

Sunset Review Date: July 16, 2006~~27~~

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RESPONSIBLE DEPARTMENT

County Counsel

DATE ISSUED/SUNSET DATE

Issue Date: July 16, 2002

Sunset Date: July 16, 2006