

Continuation of Remote Meetings for Brown Act Boards and Commissions

State law requires local agency legislative bodies (which includes the HPG) to comply with the state's open meeting law referred to as the Ralph M. Brown Act (also called the "Brown Act"). Since March 2020, most legislative bodies have been operating under Executive Orders which suspended certain Brown Act provisions on teleconferencing allowing members to participate remotely. That Executive Order ended on September 30, 2021.

As of October 1, 2021, AB 361 allows for a continuation of teleconference meetings in certain circumstances. Following is a summary of AB 361 and its impact on public meetings and the steps required to utilize the teleconferencing option offered in AB 361.

At the next meeting, the HPG or Committee will need to take the actions detailed below if the members desire to continue meeting remotely.

I. Ordinary Brown Act Rules for Teleconferencing ("General Teleconferencing Rule")

Under the ordinary operation of the Brown Act (Gov. Code §54953(b)) a legislative body may use teleconferencing under the following circumstances:

- a. Post agendas at all teleconference locations;
- b. All teleconferenced locations are listed in the notice and agenda of the meeting;
- c. At least a quorum of members are located within the jurisdiction of the legislative body; and
- d. Members of the public are allowed to speak at each teleconferenced location.

II. Governor's Executive Orders Authorized Simplified Teleconferencing Rules, But These Ended on Sept. 30, 2021.

The County and other legislative bodies throughout the state have been using a simplified teleconferencing method, authorized by the Governor's Executive Orders related to the COVID-19 pandemic. This allowed members of legislative bodies attend meetings remotely without following the General Teleconferencing Rule set forth above.

III. New Teleconferencing Method Available Effective October 1, 2021, and Actions HPG and Committees Can Take ("Special Teleconferencing Rule")

Effective October 1, 2021, AB 361 amends Government Code section 54953 to add subsection (e) which allows suspension of the General Teleconferencing Rule listed above if any of the following circumstances exist (underlining added):

- a. There is a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing; or
- b. Legislative body, during a proclaimed state of emergency, holds a meeting for the purposes of determining by majority vote, that as a result of the emergency meeting in person would present imminent risks to the health or safety of attendees; or

- c. Legislative body, during a proclaimed state of emergency, has previously determined (by majority vote) that as a result of the emergency meeting in person would present imminent risks to the health or safety of attendees.

After the first meeting, to continue to suspend the General Teleconferencing Rule and use the Special Teleconferencing Rule, the legislative body must make findings, at least every 30 days after that first meeting. The specific findings required are: 1) that legislative body has reconsidered the circumstances of the state of emergency; and 2) i. the state of emergency continues to directly impact the ability of members to meet safely in person; or ii. state or local officials continue to impose or recommend measures to promote social distancing.

IV. Operation of the Special Teleconferencing Rule

If a Brown Act body suspends the General Teleconferencing Rule as allowed under subsection (e), then the legislative body must (underlining added):

- a. Notice the meeting as otherwise required by the Brown Act;
- b. Agenda must identify and include an opportunity for all persons to attend via a call-in option or an internet based service option;
- c. Allow members of the public to access meetings and an opportunity to address the legislative body directly as provided in the notice (call in or internet);
- d. Conduct teleconferenced meetings in a manner that protects the statutory and constitutional rights of the parties;
- e. In the event of a disruption that prevents broadcasting or call-in or internet based service; actions cannot be taken. Any action taken during a disruption may be challenged pursuant to 54960.1;
- f. If a legislative body provides a timed public comment period for each agenda item, it cannot close the public comment period for the agenda or the ability to register on that item until the timed public comment period has elapsed (not likely applicable);
- g. If a legislative body provides a general public comment period, public comment must remain open until public comment period closes; and
- h. If a legislative body provides public comment on each agenda item, it must allow a reasonable time to register and speak (so likely until the matter is voted on).

V. Dr. Wooten has Issued a Social Distancing Recommendation, So Findings Have Been Met In Order to Use the Special Teleconferencing Rule

As of October 1, 2021, the elements to meet under the Special Teleconferencing Rule have been met. There is currently a State of Emergency and Dr. Wooten, the County's Public Health Officer, released a health recommendation on September 23, 202, which stated that utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease.

VI. Next Steps

Under AB 361, on or after October 1, 2021, the first meeting of a legislative body under AB 361 can occur under the Special Teleconferencing Rule without anything

in particular on the agenda. In this case, Staff should note to the board that it is meeting pursuant to the Special Teleconferencing Rule and staff will bring back any future findings the board may need to take to continue to operate under the Special Teleconferencing Rule (i.e. within 30 days).

Alternatively, if time allows and the Chair approves, when the HPG or Committee first meets, an item will be placed on the agenda to determine whether the board wants to utilize the Special Teleconference Rule and if so, to adopt the initial Resolution.



County of San Diego

NICK MACCHIONE, FACHE
AGENCY DIRECTOR

HEALTH AND HUMAN SERVICES AGENCY
PUBLIC HEALTH SERVICES

WILMA J. WOOTEN, M.D.
PUBLIC HEALTH OFFICER

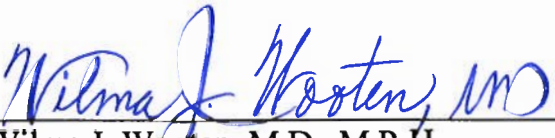
HEALTH OFFICER TELECONFERENCING RECOMMENDATION

COVID-19 disease prevention measures, endorsed by the Centers for Disease Control and Prevention, include vaccinations, facial coverings, increased indoor ventilation, handwashing, and physical distancing (particularly indoors).

Since March 2020, local legislative bodies—such as commissions, committees, boards, and councils—have successfully held public meetings with teleconferencing as authorized by Executive Orders issued by the Governor. Using technology to allow for virtual participation in public meetings is a social distancing measure that may help control transmission of the SARS-CoV-2 virus. Public meetings bring together many individuals (both vaccinated and potentially unvaccinated), from multiple households, in a single indoor space for an extended time. For those at increased risk for infection, or subject to an isolation or quarantine order, teleconferencing allows for full participation in public meetings, while protecting themselves and others from the COVID-19 virus.

Utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease. This recommendation is further intended to satisfy the requirement of the Brown Act (specifically Gov't Code Section 54953(e)(1)(A)), which allows local legislative bodies in the County of San Diego to use certain available teleconferencing options set forth in the Brown Act.

September 23, 2021



Wilma J. Wooten, M.D., M.P.H.
Public Health Officer
County of San Diego



County of San Diego

NICK MACCHIONE, FACHE
AGENCY DIRECTOR

HEALTH AND HUMAN SERVICES AGENCY
PUBLIC HEALTH SERVICES
3851 ROSECRAINS STREET, MAIL STOP P-
578 SAN DIEGO, CA 92110-3134
(619) 531-5800 • FAX (619) 542-4186

WILMA J. WOOTEN, M.D.,
M.P.H.
PUBLIC HEALTH OFFICER

SAN DIEGO HIV PLANNING GROUP COMMUNITY ENGAGEMENT GROUP

Wednesday, February 15, 2023 3:00 PM

Note: This meeting is being video and audio recorded.

Join Zoom Meeting:

<https://us06web.zoom.us/j/95469032405?pwd=cnJuUUVrVjRhdlByS21LWkQ1bllzd09>

Meeting ID: 954 6903 2405

Passcode: 633258

Committee Members (4): Allan Acevedo (Chair), Alfredo De Jesus, Michael Donovan, Michael Lochner (HPG Chair)

A quorum for this committee is Three (3)

AGENDA

1. Call to order, comments from the Chair, Moment of Silence
2. **ACTION:** Continuance of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e):
 - a. Find that the Council has reconsidered the circumstances of the State of Emergency
 - b. Find that State and local officials continue to recommend measures to promote social distancing
3. Zoom Housekeeping
4. Review:
 - a. Background, Mission Statement, Goals, and Agreement of Meeting Decorum
5. Introductions (Name, Role with HPG/Consumer, Pronouns), Icebreaker
6. Public Comment: Non-HPG Member Participants
7. Sharing our Concerns: All Meeting Participants
8. Routine Business:
 - a. Review/approval of meeting agenda for February 15, 2023
 - b. Review/approval of meeting minutes for January 18, 2023 (Review follow-up items)
 - c. **Review:** Community Engagement Group Working/Training Plan
 - d. Co-Chair Opening/Nominations

Board of Supervisors meetings to protect the public's health and prevent the disease from spreading locally. California Governor Gavin Newsom issued Executive Order N-29-20 on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Pursuant to the Executive Order, and to maintain the orderly conduct of the meeting, the County of San Diego will allow the HIV Planning Group members to attend the meeting via teleconference or phone conference and to participate in the meeting to the same extent as if they were present.

For more information on the HPG, contact HPG staff at HPG.HHSA@sdcounty.ca.gov
Planning Group Website www.sdplanning.org

9. Old Business
 - a. None
 10. New Business
 - a. **Review:** Service Categories: Housing – Maritza Herrera
 - b. **Discussion:** Community Engagement Group In-person Meetings
 11. Updates
 - a. CARE Partnership
 - b. Membership Committee
 - c. Strategies and Standards
 - d. Medical Standards and Evaluation (MSEC)
 - e. Priority Settings and Resource Allocation (PSRAC)
 - f. Steering Committee
 - g. HPG
 12. Announcements
 13. Confirm next meeting date: March 15, 2023 3:00 – 5:00 p.m. Location: Hybrid meeting via WebEx AND at South Live Well Center (Room 194), 690 Oxford St. Chula Vista
 14. Adjournment
-

Community Engagement Group Charge:

- 1) Educate Community Members
 - Educate/train community members about the HIV Planning Group's local HIV services planning process and prepare them for and support them in increased involvement throughout the HIV Planning Group Process: committees, task forces, working groups, and other opportunities, as well as HIV Planning Group membership.
- 2) Increase Community Members' Participation
 - Increase the level and diversity of community involvement, including from under-served and under-represented populations.
 - Represent the needs of all community members, including those unable to participate in meetings.
 - Provide linkages to regional and population-specific community groups and ensure communication between those groups and the Community Engagement Group.
 - Identify and seek to overcome barriers to community participation.
- 3) Represent Community Member Needs Throughout the HIV Planning Group Process
 - Provide community representation on HIV Planning Group committees, task forces, etc., and ensure the flow of information from those groups to the Community Engagement Group.
 - Encourage maximum community involvement in the Priority Setting Committee and other established venues for the annual priority setting and budget allocations process; the Community Engagement Group will not develop a separate set of budget recommendations.
 - Serve as a venue for providing community feedback regarding HIV Planning Group issues (e.g., task forces).

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PUBLIC HEALTH OFFICER

SAN DIEGO HIV PLANNING GROUP (HPG) COMMUNITY ENGAGEMENT GROUP

Join Zoom Meeting

<https://zoom.us/j/95469032405?pwd=cnJuUUVrVjRhdlByS21LWkQ1blIzd09>

Wednesday, January 18, 2023

3:00 PM – 5:00 PM

DRAFT MINUTES

Quorum = Three (3)

Members Present: Allan Acevedo (Chair) / Alfredo De Jesus / Michael Donovan / Mikie Lochner (HPG Chair)

Members Absent:

Agenda Item	Action	Follow-up
1. Call to order/ Moment of Silence	Allan Acevedo called the meeting to order at 3:02 PM and noted a quorum was established. Moment of silence observed.	
2. Action: Continuance of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e)	Action: Recognize that there is a continued proclaimed state of emergency and State and local officials have imposed or recommended measures to promote social distancing authorizing teleconferenced meetings pursuant to Government Code section 54953(e). Motion/Second/Count (M/S/C): Lochner/De Jesus 1/0 Abstentions: Donovan Motion: Carries	
3. Zoom Housekeeping	Reviewed by Allan Acevedo.	
4. Review		
a. Background, mission statement, goals, and ground rules	Reviewed by participants.	
5. Introductions, icebreaker	Participants introduced themselves. Icebreaker: Do you have a resolution for the new year?	

Agenda Item	Action	Follow-up
6. Public Comment – For Non-HPG Member Participants	Participant wanted to thank HPG for adding dental services to Ryan White and creating a welcoming environment.	
7. Sharing our Concerns For all Participants	None were voiced.	
8. Routine Business		
a. Review/approval of meeting agenda for January 18, 2023	Motion: Approve the meeting agenda for January 18, 2023 as presented. M/S/C: Lochner/Donovan 2/0 Abstentions: None Motion: Carries	
b. Review/approval of meeting minutes for December 7, 2022 (Review follow-up items)	Motion: Approve the meeting minutes for December 7, 2022 as presented. M/S/C: Lochner/Donovan 2/0 Abstentions: None Motion: Carries	
9. Old Business		
a. Review: Working/Training Plan	The Committee Chair and staff will coordinate a presenter for the Housing Service Categories for the month of February and other members would like to review other Service Categories on a regular basis. A member would like to see a presentation on AB 2449 in March.	
b. Discussion: Co-Chair Vacancy	Committee Co-Chair nominations are still open. There were no nominations at the meeting. If someone would like to nominate themselves or someone, contact Allan Acevedo, Mikie Lochner, or the HPG support staff.	
10. New Business		
a. Review: HPG Bylaws	Reviewed the changes of the HPG Bylaws, most importantly changing Unaffiliated Consumer seats to General Member seats, definition of a membership term, and attendance requirements. HPG Support staff informed participants that the quorum was discussed at the Steering Committee on January 17, 2023, and there was a recommendation to change the HPG and committee quorums to 33%.	
11. Updates		
a. CARE Partnership	The Project PEARL Spanish cohort will be starting soon; they still have 2 spots open. They are planning for a second Project	

Agenda Item	Action	Follow-up
	PEARL cohort in English later this year. The Women's Conference will be on March 11, 2023 and will be hybrid format, in-person and virtual. .	
b. Membership Committee	Esteban Duarte will be interviewing next month, along with two term renewal applications. The Hospital and Medi-Cal seats are still open, and the chair is working on getting those filled. Recruitment is an on-going discussion.	
c. Strategies & Standards	January meeting was cancelled. They continue working on JEDI Principles implementation. Workforce community representation is also a continuing discussion.	
d. Medical Standards and Evaluation (MSEC)	They did not meet in November 2022 and is scheduled to meet on February 14, 2023.	
e. Priority Settings and Resource Allocation Committee (PSRAC)	They reviewed Recipient recommendations for FY23-24 fiscal year reallocations (next fiscal year; March 1, 2023 – February 28, 2024). They are also working on a presentation on Fentanyl and the Getting to Zero (GTZ) community plan.	
f. Steering	They are actively working on getting for in-person meetings and is looking for locations. A working group was formed which will meet next Friday to discuss the issue.	
g. HPG	There will not be a regular HPG meeting in March as the HPG will have its retreat, which is only for HPG members and support staff and not open to the public. There is active discussion about having HPG meetings at different regions at least twice a year. Nominations for HPG Vice Chairs are open.	
h. MPOX Task Force	They will be a meeting tomorrow, January 19, 2023 where they will discuss equitable access to the vaccine as Latinx and Black community members are demonstrating decrease vaccination rate.	
i. Joint Housing Committee	They did not meet quorum at their meeting earlier today. Cinamen Kubricky, an	

Agenda Item	Action	Follow-up
	HPG member and consumer of services, was there for an interview to join the Committee but was unable due to the quorum issue. Allan Acevedo is now an active member and will report on any updates coming from the meeting.	
12. Announcements	Rodney von Jaeger is retiring at the end of the month, and this is his last Community Engagement Group. Rodney will be missed!	
13. Confirm next meeting date Wednesday, January 18, 2023 via Zoom	Next Meeting: Wednesday, February 15, 2023 via Zoom	
14. Adjournment	Meeting was adjourned at 4:08PM	

AB 2449 Checklist

(Applicable January 1, 2023 to December 31, 2025)

Procedures for Public Participation

- ☐ Public must be able to remotely hear, visually observe, and address the legislative body either remotely or in person in real time
- ☐ Public must have the opportunity to participate via: 1) two-way audio or 2) a telephonic service with a webcasting service
- ☐ Public cannot be required to submit comments prior to the meeting

Procedures for Member to Teleconference from a Remote Location

- ☐ Member must participate through both audio and visual technology
- ☐ Member must disclose adults who are present in the room at the remote location with the member and the general nature of the relationship with those individuals
- ☐ Member must submit a general description of the need to teleconference to the legislative body at the earliest opportunity (do not disclose any medical diagnosis or disability)
- ☐ Member may teleconference for just cause. Just cause is limited to 2 meetings per calendar year (see "Limits per Member" below). Just cause is defined as:
 - Child care or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse or domestic partner
 - Contagious illness that prevents member from attending in person
 - A need related to a physical or mental disability
 - Travel on official business of the legislative body or another state or local agency
- ☐ Member may teleconference due to emergency circumstances, which requires approval of the legislative body and which is defined as a physical or family medical emergency that prevents a member from participating in person
- ☐ Limits per Member: Just cause and emergency circumstances cannot be invoked collectively for more than: 1) two meetings if the legislative body has fewer than 10 meetings per calendar year, or 2) three consecutive months or 20 percent of regular meetings per calendar year if the legislative body has 10 or more meetings per year. Just cause cannot be invoked more than twice per calendar year.

Procedures for the Board/Commission/Committee/Group

- ☐ Include instructions on the agenda how the public can participate remotely
- ☐ A quorum of the members of the legislative body must participate in person at the noticed location that is open to the public
- ☐ A majority of the membership must approve a request by a member to teleconference due to emergency circumstances; include the request on the agenda if received in time
- ☐ All votes must be taken by roll call
- ☐ Meeting must be stopped and no action taken if the broadcast of the meeting or ability of the public to comment is disrupted

TELECONFERENCING RULES UNDER THE BROWN ACT

	Default Rule	Declared Emergency (AB 361)	Just Cause (AB 2449)	Emergency Circumstances (AB 2449)
In person participation of quorum	Required	Not Required	Required	Required
Member participation via teleconferencing	Audio or Audio-visual	Audio or Audio-visual	Audio-Visual	Audio-Visual
Required (minimum) opportunities for public participation	In-person	Call-in or internet-based	Call-in or internet-based <u>and</u> in person	Call-in or internet-based <u>and</u> in person
Disruption of broadcast or public's ability to comment	Meeting can proceed	No further action taken	No further action taken	No further action taken
Reason must be approved by legislative body	No	Yes (initial findings and renewed findings every 30 days)	No, but general description to be provided to legislative body	Yes and general description to be provided to legislative body
Votes must be taken by roll call	Yes	Yes	Yes	Yes
Member's remote location included on agenda	Yes	No	No	No
Declared emergency and health official's recommendation for social distancing	No	Yes	No	No
Annual limits	None	None	Twice per calendar year (limits for emergency circumstances also apply for collective number of times AB 2449 can be used per year)	3 consecutive months/ 20% of regular meetings per calendar year; or 2 meetings per calendar year if body meets less than 10 times per year (collectively with just cause)
Effective Dates	Ongoing	Expires 12/31/2023	Expires 12/31/2025	Expires 12/31/2025

March 2023 HIV Planning Group Committee Meetings

Location: 690 Oxford St. Chula Vista, CA 91911 (Room 194)

Meeting	Date	Time	Location
Strategies & Standards Committee	Tuesday, March 7, 2023	11:30 AM – 1:00 PM	Room 194
Membership Committee	Wednesday, March 8, 2023	11:00 AM – 1:00 PM	Room 194
Priority Setting & Resource Allocation Committee	Thursday, March 9, 2023	3:00 PM – 5:00 PM	Room 194
Steering Committee	Tuesday, March 14, 2023	11:00 AM – 1:00 PM	Room 194
Community Engagement Group	Wednesday, March 15, 2023	3:00 PM – 5:00 PM	Room 194



March 2023 HIV Planning Group Retreat*

Location: Valencia/Malcolm X Library
5148 Market St, San Diego, CA 92114 (Multi-purpose Room)

Meeting	Date	Time	Location
HPG Retreat	Wednesday, March 22, 2023	10:00 AM – 2:00 PM	Multi-purpose Room

*For HPG Committee members only. Not open to the public.