

## **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

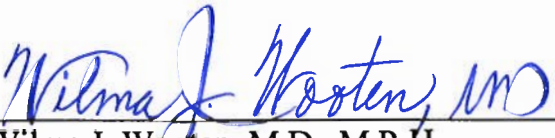
## HEALTH OFFICER TELECONFERENCING RECOMMENDATION

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

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



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

## SAN DIEGO HIV PLANNING GROUP CONSUMER GROUP

**Wednesday, October 19, 2022 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

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 October 19, 2022
  - b. Review/approval of meeting minutes for September 21, 2022 (Review follow-up items)
9. Old Business
  - a. **Review:** Consumer Group Working/Training Plan

*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](mailto:HPG.HHSA@sdcounty.ca.gov)  
Planning Group Website [www.sdplanning.org](http://www.sdplanning.org)

- b. Discussion:** Consumer Committee Co-Chair Vacancy
  - 10. New Business**
    - a. Discussion:** Changes to wording in Consumer Group Charge.
  - 11. Updates**
    - a. Membership
    - b. Strategies
    - c. Medical Standards
    - d. Priority Settings and Resource Allocation
    - e. Steering
    - f. HPG
  - 12. Announcements**
  - 13. Confirm next meeting date:** Wednesday, November 9, 2022 held virtually via Zoom
  - 14. Adjournment**
- 

### **Consumer Group Charge:**

#### **1) Educate Consumers**

- Educate/train consumers 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.
- Serve as mentors to newly involved consumers.

#### **2) Increase Consumer Participation**

- Increase the level and diversity of consumer involvement, including from under-served and under-represented populations.
- Represent the needs of all consumers, including those unable to participate in meetings.
- Provide linkages to regional and population-specific consumer groups and ensure communication between those groups and the Consumer Committee.
- Identify and seek to overcome barriers to consumer participation.

#### **3) Represent Consumer Needs Throughout the HIV Planning Group Process**

- Provide consumer representation on HIV Planning Group committees, task forces, etc., and ensure flow of information from those groups to the Consumer Committee.
- Encourage maximum consumer involvement in the Priority Setting Committee and in other established venues for the annual priority setting and budget allocations process; the Consumer Committee will not develop a separate set of budget recommendations.
- Serve as a venue for providing consumer feedback re: HIV Planning Group issues (e.g., to task forces).

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

## **SAN DIEGO HIV PLANNING GROUP (HPG) CONSUMER GROUP**

**Join Zoom Meeting**

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

**Wednesday, September 21, 2022**

**3:00 PM – 5:00 PM**

### **DRAFT MINUTES**

Quorum = Three (3)

**Members Present:** Allan Acevedo (Chair) / Michael Donovan / Mikie Lochner (HPG Chair)

**Members Absent:** Alfredo De Jesus

| <b>Agenda Item</b>  | <b>Action</b>   | <b>Follow-up</b> |
|---|---|------------------|
| <b>1. Call to order/ Moment of Silence</b>  | Mikie Lochner called the meeting to order at 3:00PM and noted a quorum was established. Mikie would like to let people know that Allan Acevedo was not feeling well and asked him to take over the meeting. He will be present in case his vote is needed.  |                  |
| <b>2. Action:</b> Continuance of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e) | <b>Action:</b> 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).<br><b>Motion/Second/Count (M/S/C):</b> Donovan/Acevedo 2/0<br><b>Abstentions:</b> Lochner<br><b>Motion: Carries</b> |                  |
| <b>3. Zoom Housekeeping</b>   | Reviewed by Lochner.  |                  |
| <b>4. Review</b>  |   |                  |
| a. Background, mission statement, goals, and ground rules   | Was read and reviewed.  |                  |
| <b>5. Introductions, icebreaker</b>   | Introductions were made by participants that wished to do so. Icebreaker was Favorite Halloween Costume.  |                  |

| Agenda Item   | Action   | Follow-up |
|---|--|-----------|
| <b>6. Public Comment</b> – For Non-HPG Member Participants                          | There was no public comment.   |           |
| <b>7. Sharing our Concerns</b><br>For all Participants                              | There were no concerns voiced.   |           |
| <b>8. Routine Business</b>  |  |           |
| a. Review/approval of meeting agenda for September 21, 2022                         | <b>Motion:</b> Approve the meeting agenda for September 21, 2022 as presented.<br><b>M/S/C:</b> Donovan/Acevedo 2/0<br><b>Abstentions:</b> Lochner<br><b>Motion: Carries</b>   |           |
| b. Review/approval of meeting minutes for July 20, 2022<br>(Review follow-up items) | <b>Motion:</b> Approve the meeting minutes for July 20, 2022 as presented.<br><b>M/S/C:</b> Donovan/Acevedo 2/0<br><b>Abstentions:</b> Lochner<br><b>Motion: Carries</b>   |           |
| c. Review/approval of meeting minutes for June 15, 2022<br>(Review follow-up items) | <b>Motion:</b> Approve the meeting minutes for June 15, 2022 as presented.<br><b>M/S/C:</b> Donovan/Acevedo 2/0<br><b>Abstentions: Lochner</b><br><b>Motion: Carries</b>   |           |
| <b>9. Old Business</b>  |  |           |
| a. <b>Review:</b> Consumer Group Working Plan/Training Plan                         | Harm Reduction will be rescheduled for October. Rest of the schedule for the year is being discussed.  |           |
| b. <b>Discussion:</b><br>Consumer Committee Co-Chair Vacancy                        | Will be left as a discussion item for promoting leadership opportunity at Consumer Group.  |           |
| <b>10. New Business</b>   |  |           |
| a. <b>Discussion:</b><br>Consumer Group name change.                                | To remove stigma, a name change is being sought. Community advisory group was one suggestion. Another suggestion is Community Engagement Group.<br><br><b>Motion:</b> Change the name and will be sent to Steering to be approved and will be changed in the bylaws.<br><b>M/S/C:</b> Donovan/Acevedo 2/0<br><b>Abstentions:</b> Lochner<br><b>Motion: Carries</b> |           |
| b. <b>Discussion:</b><br>Consumer seat at the                                       | It was decided that the Chair of the Consumer Group shall take over this seat. Application for Allan Acevedo will be submitted to the Joint Housing Committee.   |           |



| Agenda Item   | Action   | Follow-up |
|---|--|-----------|
| Joint Housing Committee.                            |  |           |
| <b>11. Updates</b>                                  |  |           |
| a. <b>CARE Partnership</b>                          | <p>North Safe Space- previous name Family Justice Center presented on their services.</p> <p>Christie's Place is working on the Women's Retreat for March 2023 It will be in the Handlery Hotel in Mission Valley - please contact Rea Van Brocklin for more information. They are also finalizing the pilot for Project PERL (HIV Leadership series). A second session is being planned and will be in spanish.</p>                       |           |
| b. <b>Membership</b>                                | <p>Waiver being requested for the new District #1 seat as the person selected works for UCSD. HPG will be voting on this. Because it is an appointment from a supervisor the waiver will be required. Another member will be moved from an unaffiliated seat to HIV testing advocate and will also require a waiver as they now work for Family Health Centers of San Diego. There are still 9 opens seats for unaffiliated consumers.</p> |           |
| c. <b>Strategies</b>                                | <p>Revisions to the universal standards were discussed including those regarding transportation. Revisions will be made.</p>   |           |
| d. <b>Medical Standards</b>                         | <p>Delores Jacobs has been contracted to track and follow up on the Getting to Zero (GTZ) Action plan activities. She will be supporting the different committees as they work on their part.</p>  |           |
| e. <b>Priority Settings and Resource Allocation</b> | <p>They have completed all reallocations for the next fiscal year and have no other items at this time.</p>  |           |
| f. <b>Steering</b>                                  | <p>None provided.</p>  |           |
| g. <b>HPG</b>                                       | <p>None provided.</p>  |           |
| <b>12. Announcements</b>                            |  |           |
| <b>13. Confirm next meeting date Wednesday,</b>     | <b>Next Meeting: Wednesday, October 19, 2022</b> via Zoom  |           |

| Agenda Item             | Action                          | Follow-up |
|-------------------------|---------------------------------|-----------|
| April 20, 2022 via Zoom |                                 |           |
| 14. Adjournment         | Meeting was adjourned at 4:43PM |           |



**JOIN US!**

## **SAN DIEGO HIV PLANNING GROUP ORIENTATION**

**THURSDAY, OCTOBER 20, 2022  
2:00PM - 4:00 PM**

***All HPG Members and anyone interested in learning more about the HIV Planning Group are welcome!***

*Si puede atender la orientación y le gustaría la disponibilidad de un traductor a español o alguna otra acomodación necesaria para su participación, por favor contacte al Equipo de Apoyo de HPG por lo menos 3 días antes de la junta al (619) 944-7341.*

**Register in advance for this webinar:**

**[https://us06web.zoom.us/webinar/register/WN\\_488iv0cTSCCTUdjqWJqMDA](https://us06web.zoom.us/webinar/register/WN_488iv0cTSCCTUdjqWJqMDA)**

***After registering, you will receive a confirmation email containing information about joining the webinar.***



**For information, accessibility accommodations, or to RSVP, please reach us at:  
E-mail: [HPG.HHSA@sdcounty.ca.gov](mailto:HPG.HHSA@sdcounty.ca.gov) | Telephone: (619) 403-8809**