

# County of Monterey Board Policy Manual

<b>Policy Name</b> Eligible Legislative Body Mandatory Policy (54953.4; 707)	<b>Policy Number</b> G-270	<b>Page</b> 1 of 2
<b>Policy Category</b> Government and Administration		

## I. Purpose

To comply with the requirements of Government Code section 54953.4. The Board must approve this policy as a scheduled item.

## II. Definitions

- a. “Eligible Legislative Body” is defined under Government Code section 54953.4, subdivision (c)(2)(B), as a “county board of supervisors... with a population of 30,000 or more.” Eligible Legislative Body does not include the commissions or committees of the Board of Supervisors.
- b. “Real-time, two-way communication” is defined under Government Code section 54953.4, subdivisions (c)(3) and (c)(4), as either of the following:
  - i. An online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service.
  - ii. A telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

## III. Policy

The policy of the County of Monterey is to ensure public access to its Eligible Legislative Body through a real-time, two-way communication platform (e.g., Zoom©) whenever possible. However, the people’s business may continue in the event the real-time, two-way communication platform is disrupted for an hour.

## IV. Procedure

- a. For any meeting of the Eligible Legislative Body requiring real-time, two-way communication, the Clerk of the Board shall ensure real-time, two-way communication platform pursuant to this policy.
- b. If a disruption of the real-time, two-way communication platform prevents members of the public from attending or observing the meeting, the Clerk shall notify the Chair of the Board, and the Chair shall stop the proceedings and announce that real-time, two-way communication has been disrupted. The Chair, at their discretion, may wait for a brief period, during which no discussion or any action

may occur, to determine if real-time, two-way communication can be re-established. If real-time, two-way communication cannot be re-established after this brief period, the Eligible Legislative Body shall recess the open session of the meeting until real-time, two-way communication is restored, unless the disruption exceeds one hour. During such recess, the Eligible Legislative Body must make good faith efforts for a minimum of one hour to restore real-time, two-way communication. The Eligible Legislative Body may reconvene the meeting as soon as real-time, two-way communication is restored.

- c. The Eligible Legislative Body may conduct its closed session, to the extent a closed session is scheduled for the meeting, during the attempt to restore real-time, two-way communication. If no closed session is scheduled, the Eligible Legislative Body may adjourn the meeting. The Eligible Legislative Body shall not reconvene the open session of the meeting until at least one hour following the disruption, or until real-time, two-way communication is restored, whichever is earlier.
- d. During the open session recess, including while any closed session is occurring, the Clerk shall continuously work to reestablish real-time, two-way communication.
- e. Upon restoration of the real-time, two-way communication and related tools, the Board Chair and/or Clerk shall announce to anyone attending the meeting remotely that the communication has been restored. If the Board is in closed session at the time of restoration, the Clerk shall announce to remote attendees that the Board is currently in closed session and that the open session will resume immediately after the closed session is concluded. If the Board is not in closed session at the time of restoration, the Clerk shall announce to remote attendees that the open session will resume immediately when a quorum is reestablished in the Board Meeting Room.
- f. If real-time, two-way communication is not restored after good faith efforts are made to restore real-time, two-way communication, the Eligible Legislative Body may reconvene the open session at any time after the minimum of one hour has elapsed. To reconvene without real-time, two-way communication, the Eligible Legislative Body shall determine **by rollcall vote** whether good faith efforts to restore real-time, two-way communication have been made in accordance with this policy and whether the public interest in continuing the meeting outweighs the public interest in remote public access.

**V. Review Date**

- a. This Policy will be reviewed for continuance by \_\_\_\_\_.

**VI. Board Action**

- a. Legistar File Number: 26-578; \_\_\_\_\_.