



COUNTY of VENTURA

Department of Airports

555 Airport Way, Suite B

Camarillo, CA 93010

Phone: (805) 388-4372

Fax: (805) 388-4366

www.ventura.org/airports

NOTICE IS HEREBY GIVEN
that the Regular Meeting of the
Camarillo Airport Authority and Oxnard Airport Authority
will be held on:

Thursday

October 14, 2021

6:30 P.M.

DEPARTMENT OF AIRPORTS
ADMINISTRATION OFFICE
CONFERENCE ROOM
555 AIRPORT WAY, SUITE B
CAMARILLO, CA

IN RESPONSE TO THE DECLARED STATE AND LOCAL EMERGENCIES DUE TO THE NOVEL CORONAVIRUS, AND CONSISTENT WITH THE RECOMMENDATION OF THE VENTURA COUNTY PUBLIC HEALTH OFFICER DATED SEPTEMBER 21, 2021, TO PROMOTE SOCIAL DISTANCING AND CONTINUE REMOTE MEETINGS OF ALL LEGISLATIVE BODIES IN VENTURA COUNTY, THE AIRPORT ADMINISTRATION CONFERENCE ROOM IS CURRENTLY CLOSED TO THE PUBLIC. PURSUANT TO GOVERNMENT CODE SECTION 54953, SUBDIVISION (e), THIS MEETING IS BEING CONDUCTED ELECTRONICALLY.

TO FIND OUT HOW YOU MAY ELECTRONICALLY ATTEND THE MEETING AND PROVIDE PUBLIC COMMENT, PLEASE REFER TO THE INSTRUCTIONS BELOW.

1. You may join the meeting via **Zoom**. See last page for detailed instructions about participating in the meeting via Zoom.
2. You may observe the meeting via the **Department of Airports YouTube channel**
https://www.youtube.com/channel/UC4jLWASMGn4wTrEPdT8BOTQ?view_as=subscriber
3. Public Comment Options
 - a. **Email** – You may submit your comment, limited to 250 words or less, via email by 6:00 p.m. on Thursday, October 14, 2021 to Airport Staff at AirportInfo@ventura.org. Please indicate in the Subject Line, the Agenda item number (e.g., Item No. 6.A.). When the Authorities reach your item of interest on the agenda, Airport Staff will read your comment during the time for public comments.

- b. **Zoom** – You may provide verbal comments during the meeting. See last page for detailed instructions about participating in the meeting via Zoom.

AGENDA

1. **CALL to ORDER and PLEDGE of ALLEGIANCE**
2. **ROLL CALL**
3. **AGENDA REVIEW**
4. **APPROVAL of MINUTES – September 9, 2021**
5. **PUBLIC COMMENT PERIOD**
6. **NEW BUSINESS**

CAMARILLO AIRPORT AUTHORITY

- A. **Subject: Approval of, and Authorization for the Director of Airports or His Designee to Sign, the Second Amendment to the Lease with RKR Incorporated to Defer Rent Payments for 12 Months and to Provide for Use of County's Water Credits**

Recommendation:

Staff requests that your Commission/Authority recommend that the Board of Supervisors (Board):

Approve, and authorize the Director of Airports or his designee to sign, the second Amendment to the Lease with RKR Incorporated (RKR) at the Camarillo Airport to defer rent payments for 12 months and to allow RKR to use County-owned water credits to obtain a water will-serve letter from the City of Camarillo.

- B. **Subject: Adoption of a Resolution Authorizing Remote Teleconference Meetings of the Camarillo Airport Authority for a 30-Day**

Recommendation:

Adopt the attached Resolution (Exhibit 1) authorizing remote teleconference meetings of the Camarillo Airport Authority for a 30-day period pursuant to Government Code Section 54953, Subdivision (e), of the Ralph M. Brown Act.

OXNARD AIRPORT AUTHORITY

- C. **Subject: Adoption of a Resolution Authorizing Remote Teleconference Meetings of the Oxnard Airport Authority for a 30-Day Period**

Recommendation:

Adopt the attached Resolution (Exhibit 1) authorizing remote teleconference meetings of the Oxnard Airport Authority for a 30-day period pursuant to Government Code Section 54953, Subdivision (e), of the Ralph M. Brown Act.

7. DIRECTOR'S REPORT

8. REPORTS

Report items listed below are presented to the Airport Authorities for information only, at this time. The report items require no action or are not ready for the Airport Authorities' consideration. The Airport Authorities may refer these items to the Department of Airports for investigation and report back on a future agenda.

Monthly Activity Report – August 2021
Monthly Noise Complaints – August 2021
Consultant Reports – August 2021
Airport Tenant Project Status – September 2021
Project Status – September 2021
Meeting Calendar

9. CORRESPONDENCE – None

10. AUTHORITY COMMENTS – Comments by Authority members on matters deemed appropriate.

11. ADJOURNMENT

The next regular Authority meeting will be on Monday, November 1, 2021 at 5:00 p.m. Location to be determined.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT ANA CASTRO AT (805) 388-4211. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE DEPARTMENT OF AIRPORTS TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING.



Webinar Instructions

Public link to Zoom webinar:

<https://us06web.zoom.us/j/87980539494?pwd=aIZpYWpaenphYmM5M0FPYnM5ZlJEZz09>

Webinar ID: 879 8053 9494

Passcode: 736263

Phone Numbers: 1-669-900-6833

1-253-215-8782

Cell Phone or Computer with Audio (Microphone) Feature: Click on the link above and enter passcode. Enter your name so we may call on you when it is your turn to speak.

The Chairperson will ask if anyone wishes to speak to the item. At that time, raise your hand by clicking the Raise Hand button. Follow the instructions below regarding Speaking.

Computer without Audio (Microphone) Feature: Click on the link above and enter passcode. This will allow you to view and listen to the meeting. In order to speak, follow the instructions below for Telephone.

Telephone: If you do not have access to the internet, you can watch the live broadcast of the meeting on the City of Camarillo Local Government Channels – Spectrum Channel 10 and Frontier Channel 29, or via the Department of Airports YouTube channel. If you are interested in speaking to an item, you can call into one of the phone lines listed above, and when prompted enter the Webinar ID and Passcode shown above. Once in the meeting, you will be listening to the meeting through your phone handset.

The Chairperson will ask if anyone wishes to speak to the item. At that time, raise your hand by dialing *9. Follow the instructions below regarding Speaking.

Speaking

When it is your turn to speak, the Chairperson will call your name or the last 4 digits of your phone number if you are calling from a phone, and you will have 3 minutes to speak. Please ensure that all background noise is muted (TV, radio, etc.). You will be prompted to unmute your microphone/phone. Unmute and begin speaking; start by stating your name.

The timer on the screen will count down your 3 minutes. The timer starts green indicating you have 3 minutes; when the time hits 1 minute remaining, the timer will change to yellow; when the 3 minutes have elapsed, the timer will turn red. At that time, your microphone will be muted and we will move onto the next speaker. If you called in on one of the phone lines listed above, you will not be able to see the timer. Instead, you will be prompted when the 3 minutes has begun; when the time hits 1 minute remaining; when the 3 minutes have elapsed.





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CAMARILLO AIRPORT AUTHORITY AND OXNARD AIRPORT AUTHORITY

MINUTES

September 9, 2021

1. CALL to ORDER and PLEDGE of ALLEGIANCE

CAA Chair, Kelly Long, called the meeting to order at 6:31 p.m. and led the pledge of allegiance.

2. ROLL CALL

CAA PRESENT

Kelly Long
 Carmen Ramirez
 Shawn Mulchay
 Susan Santangelo
 Bill Thomas
 Michael Hodson (Alt)

CAA ABSENT

OAA PRESENT

Kelly Long
 Carmen Ramirez
 Bert Perello
 Vianey Lopez
 Walter Calhoun

OAA ABSENT

Excused (E)

Late (L)

Alternate (Alt)

AIRPORT STAFF

Dave Nafie, Interim Director
 Erin Powers, Projects Administrator
 Jamal Ghazaleh, Accounting Manager
 John Feldhans, Operations Supervisor
 Ana Castro, Management Assistant

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3. APPROVAL OF MINUTES – July 8, 2021

Camarillo Airport Authority: Vice-Chair Bill Thomas moved to approve the July meeting minutes and Councilmember Susan Santangelo seconded the motion. All members voted in favor and the motion passed unanimously 5-0.

Oxnard Airport Authority: Vice-Chair Carmen Ramirez moved to approve the July meeting minutes and Chair Walter Calhoun seconded the motion. All members voted in favor and the motion passed unanimously 5-0.

4. PUBLIC COMMENT PERIOD

None.

Agenda Item #3 was heard after Agenda Item #5.A. and Agenda Item #5.B. Agenda Item #6 was heard after Agenda Item #3.

5. NEW BUSINESS

CAMARILLO AIRPORT AUTHORITY

A. Subject: Approval of, and Authorization for the Director of Airports or His Designee to Sign, the Month-to-Month Hangar Storage Agreement with the California Department of Fish and Wildlife

Recommendation:

Staff requests that your Commission/Authority recommend that the Board of Supervisors (Board):

Approve, and authorize the Director of Airports or his designee to sign, the month-to-month Hangar Storage Agreement with the California Department of Fish and Wildlife to allow it to store the Department of Fish and Wildlife's multiple aircraft at the Camarillo Airport.

Interim Director Dave Nafie introduced the item. Mr. Nafie stated that the tenant, Department of Fish and Wildlife, is a state agency and they have rules to follow which required the Department of Airports to change two areas of the County's standard lease document. One change is the removal of a lien provision because the state does not allow provisions for liens to be placed on their aircraft. The second change relates to monthly rent payments. The state normally pays rent in arrears so language was added to the County's standard lease document to reflect the payment arrangement. In response to a question posed by alternate public member, Mike Hodson, Mr. Nafie shared that the

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Department of Wildlife will rent a large box hangar in the Northeast Hangar development. It was clarified that the tenant will store three aircraft in the hangar.

Camarillo Airport Authority: Supervisor Carmen Ramirez moved to approve staff's recommendation and Vice-Chair Bill Thomas seconded the motion. All members voted in favor and the motion passed unanimously 5-0.

B. Subject: Approval of, and Authorization for the Director of Airports or His Designee to Sign, Amendment No. 2 to the Consulting Services Contract for the Camarillo Airport Northeast Hangar Development with Mead and Hunt, Inc., Raising the Total Amount of the Contract by \$3,666 to \$1,459,267

Recommendation:

Staff requests that your Commission/Authority recommend that the Board of Supervisors (Board):

Approve, and authorize the Director of Airports or his designee to sign, Amendment No. 2 to the Consulting Services Contract for the Camarillo Airport Northeast Hangar Development with Mead and Hunt, Inc., raising the total amount of the contract by \$3,666 to \$1,459,267 (Exhibit 1).

Interim Director Dave Nafie stated that projects administrator Erin Powers will provide staff's report. Ms. Powers provided background on the contract and stated that the item before the Airport Authority is for a final amendment request to cover additional costs incurred by Mead & Hunt in order to complete the Northeast Hangar development project. Construction of the project was scheduled for completion in December 2020. However, the project was not completed until February 2021 due to adverse weather conditions, construction material delays and a shortage of qualified labor related to COVID-19. The amendment raises the total amount of the contract by \$3,666 which represents costs associated with the extended timeline to complete the project. Ms. Powers responded to an inquiry posed by Vice Mayor Shawn Mulchay regarding contract contingencies.

Camarillo Airport Authority: Councilmember Susan Santangelo moved to approve staff's recommendation and Vice Mayor Shawn Mulchay seconded the motion. All members voted in favor and the motion passed unanimously 5-0.

6. DIRECTOR'S REPORT

Interim Director Dave Nafie shared that the Wings Over Camarillo Air Show took place and the event was a resounding success. Mr. Nafie also shared that the department took an item related to the CloudNine project at Camarillo Airport before the Board of

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Supervisors on July 27, 2021. The item involved property rights and an agreement which essentially states that the County will work with the Federal Aviation Administration (FAA) to deliver an easement deed to the City of Camarillo. The item was not brought before the Commission or Airport Authorities due to the fact that the Board of Supervisors meeting calendar is dark in August.

Mr. Nafie shared information about community outreach efforts the department is working on. Staff is looking to form a series of listening outreach events for the Camarillo area. For the Oxnard area, noise is a main concern especially for neighborhoods in Oxnard Shores and Channel Islands. Airport staff began conversations with the private company who operates the tower under a contract with the FAA. Staff is looking into whether the traffic pattern can be adapted or changed at Oxnard Airport. Staff will continue to work with all stakeholders regarding this effort. He also shared that the department has a new website with a user friendly interface. Mr. Nafie commented that the department is working on its social media presence. The department has an Instagram page with recent posts.

Regarding the Oxnard Airport runway and taxiway reconstruction project, construction has begun and the runway is closed from August 4, 2021 to November 4, 2021. Regarding the 1976 Joint Powers Agreement, the City of Camarillo and the County of Ventura are seeking further input from the FAA. Regarding the private hangar lease agreement, Mr. Nafie stated that this item will likely be on hold until an airport director is selected. Mr. Nafie stated that staff will evaluate the virtual meeting format on a month-to-month basis and will continue to look to the Board of Supervisors. He shared that a recruitment for the airport director position is ongoing and the County's human resources department is handling the recruitment. An update will be provided once more information becomes available.

Report was received and filed.

7. REPORTS

Monthly Activity Report – June, July 2021
Monthly Noise Complaints – June, July 2021
Consultant Reports – June, July 2021
Airport Tenant Project Status – August 2021
Project Status – August 2021
Financial Statements Fourth Quarter – FY 2020/2021
Meeting Calendar

Reports were received and filed.

8. CORRESPONDENCE

Estimate dated July 8, 2021 from Madeline Herrle to Scott Barer re: Public Records Request of June 23, 2021

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Notice of Closure re: Oxnard Airport Runway 7-25 Reconstruction beginning August 4, 2021

Letter dated August 20, 2021 from Dave Nafie to Greg Ramirez, City of Camarillo re: Agreement Regarding Cloud Nine Hangar Development Project at the Camarillo Airport

Letter dated September 2, 2021 from Dave Nafie to Greg Ramirez, City of Camarillo re: Agreement Regarding Cloud Nine Hangar Development Project at the Camarillo Airport

Correspondence was received and filed.

9. AUTHORITY COMMENTS

Vice-Chair Bill Thomas acknowledged comments made during the meeting about noise complaints related to the Air Show. Mr. Thomas shared that he personally responded to every one of the City of Camarillo's constituent complaints by phone or email. He also spoke to the Animal Shelter to try to alleviate the impact of the Air Show. The noise caused by the F-18 was problematic for animals at the shelter.

Supervisor Kelly Long thanked Bill Thomas for the success of the Air Show. Supervisor Long also thanked airport staff for manning a booth at the Air Show. Ms. Long also thanked those that promptly responded to noise complaints from community members.

Councilmember Susan Santangelo shared that she received positive comments about the Air Show.

Councilmember Bert Perello supported Councilmember Santangelo bringing forth the complaints she received about the Air Show so that the Airport Authority is aware. Councilmember Perello complimented everyone that worked to put the event together and stated that he understands the issue about the Animal Shelter possibly needing to be moved. Mr. Perello commented about the airport director recruitment. He inquired as to whether there is a specific criteria of expectations (e.g., goals, requirements, needs, expertise) for the airport director. Mr. Perello requested that this information be shared with the Airport Authorities. Supervisor Long commented that perhaps a representative from County human resources can provide an update on the next agenda. Interim director Nafie stated that the recruitment package is a public document that can be shared. Mr. Perello requested that airport staff share the recruitment package will all Authority members including alternates.

Vice Mayor Shawn Mulchay inquired about whether any of the complaints that the department received and logged pertained to after hours operations. Specifically, Mr. Mulchay inquired about airplanes landing after 10:00 p.m. Interim director Nafie stated that he would look into it and report back. Mr. Mulchay posed a question to Mr. Nafie about

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whether Amazon representatives have approached companies who own large hangars at the airport. Mr. Nafie confirmed that he is not aware of any such interactions.

10. ADJOURNMENT

There being no further business, the September 9, 2021 Authority meeting was adjourned at 7:27 p.m. in memory of those who lost their lives on September 11, 2001 and in Afghanistan.

DAVE NAFIE, C.M.
Administrative Secretary

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 Department of Airports

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October 4, 2021

Aviation Advisory Commission
 Camarillo Airport Authority
 555 Airport Way, Suite B
 Camarillo, CA 93010

Subject: Approval of, and Authorization for the Director of Airports or His Designee to Sign, the Second Amendment to the Lease with RKR Incorporated to Defer Rent Payments for 12 Months and to Provide for Use of County's Water Credits

Recommendation:

Staff requests that your Commission/Authority recommend that the Board of Supervisors (Board):

Approve, and authorize the Director of Airports or his designee to sign, the second Amendment to the Lease with RKR Incorporated (RKR) at the Camarillo Airport to defer rent payments for 12 months and to allow RKR to use County-owned water credits to obtain a water will-serve letter from the City of Camarillo.

Fiscal/Mandates Impact:

Mandatory: *No*

Source of funding: *RKR Incorporated*

Funding match required: *None*

Impact on other departments: *None – No impact on General Fund*

Summary of Revenues and Costs

	<u>FY 2021-22</u>	<u>FY 2022-23</u>
Revenue:	\$ 0	\$ 0
Costs:		
Direct *	194,386	67,795
Total Costs	<u>\$ 194,386</u>	<u>\$ 64,795</u>
Net Costs – Airport Enterprise Fund	<u>\$ 194,386</u>	<u>\$ 64,795</u>

**Reflects loss of anticipated revenue for up to twelve months.*

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Current Fiscal Year Budget Projection:

FY 2021-22 Budget Projection for Camarillo Administration – Division 5020 Unit 5021				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings/(Deficit)
Appropriations	\$3,129,339	\$3,347,384	\$3,347,384	-0-
Revenue	5,149,650	5,149,650	5,149,650	-0-
Net Cost/(Credit)	\$(2,020,311)	\$(1,802,266)	\$(1,802,266)	-0-

Revenue and appropriations are included in the FY 2021-22 Adopted Budget.

Discussion:

On September 18, 2018 the Board approved the Option Agreement for Real Estate Lease and Lease Agreement for Construction and Leasing of a Commercial Hangar Facility and Associated Infrastructure on an approximately 6.2 acre parcel at the Northeast End of Camarillo Airport with RKR, and a Guaranty for Performance Under the Lease Agreement with Ronald Rasak. On April 20, 2021 the Board approved the First Amendment to the Lease to Correct the Description of the Leased Premises with RKR.

Part of the development plan calls for a deceleration lane on Las Posas Road and coordination of water service from the City of Camarillo following the transfer of water service to the City from the County in February 2006. Due to continuing issues in obtaining permitting approvals from the City of Camarillo, and despite efforts by the tenant during the preceding "Option Period" to obtain said permits in a timely manner, RKR has been delayed in its construction of the planned facility and prevented from fully occupying the property. RKR has therefore requested the County's agreement to defer monthly rent payments for a period of twelve months in order to obtain the necessary permits from the City of Camarillo to move forward with its development. The County of Ventura has reviewed the project plans and cannot issue a building permit without the water utility issue being resolved with the City of Camarillo.

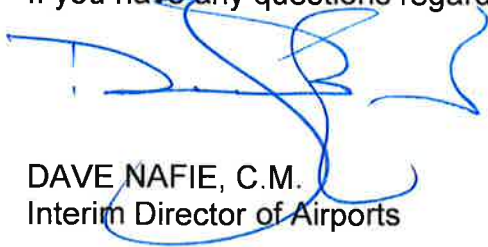
RKR commenced monthly rent payments, which are currently \$21,598.50, on January 20, 2021 and has made regular payments for this obligation as well as associated permit charges for construction storage materials since that time. At this time we seek the Board's approval of the lease amendment in Exhibit 1, which will defer RKR's payment of monthly rent for a 12 month period, following which RKR must pay the total amount of the deferred rent, approximately \$260,000, over 36 months with an additional monthly payment of approximately \$7,222 (the actual amounts being dependent on the rent set by the Rent and Fee Schedule in early 2022). Because the lease is personally guaranteed by Ronald Rasak and because the County will defer and not waive rent collection, the overall economics of the lease obligation and length of lease term will remain unchanged.

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The lease amendment in Exhibit 1 will also enable RKR to use the County's water credits to obtain a water will-serve letter from the City of Camarillo (City). Under the City's water-conservation ordinance, Camarillo Municipal Code section 14.12.030, the City has conditioned its issuance of a water will-serve letter on RKR's demonstrating its project will not result in a net increase in demand on the City's water system, such as by showing that the project's water usage will be offset by a reduction in water usage elsewhere. Although the City agreed, in 2019, to provide water service for the projects planned for the northeast corner of the airport, including what is now RKR's project, the City is nevertheless requiring RKR to make an additional showing in this regard.

The County has water credits available to suit RKR's needs. In 2017, by demolishing the old Probation Agency Work Furlough facility, the County reduced water usage sufficiently to provide the County approximately four acre-feet of water credits, usable anywhere at the Camarillo Airport. In 2018 some of the remaining water credits were identified as being available for future development in the northeast corner of the airport, including the County's own Northeast Hangar Development and the project that RKR has now undertaken. Under the lease amendment being proposed here, RKR will be allowed to use some of the County's water credits to obtain a new water will-serve letter from the City. To ensure the Camarillo Airport's water credits are not depleted and are available for future use at the airport, RKR will be required to restore to the County, within approximately two years, 2.15 acre-feet of offset (1.5 times) the water credits being made available for RKR's use or instead provide compensation for failing to do so.

If you have any questions regarding this item, please call me at 388-4201.



DAVE NAFIE, C.M.
Interim Director of Airports

Attachment:

Exhibit 1 – Second Amendment to lease between County of Ventura and RKR Incorporated

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**COUNTY OF VENTURA
DEPARTMENT OF AIRPORTS
SECOND AMENDMENT TO LEASE
RKR INCORPORATED**

1 This Second Amendment (Second Amendment) is made and entered into by and
2 between County of Ventura (County), and RKR Incorporated (Tenant).
3

4 On January 20, 2021 County and Tenant entered into a forty-year lease with one
5 optional ten-year extension period for certain property at the Camarillo Airport
6 (Premises). On May 26, 2021 County and Tenant signed the First Amendment to Lease
7 to amend the description of the Premises. The original lease agreement and the First
8 Amendment to Lease are referred to in this Second Amendment as the Lease.
9

10 In light of various delays to Tenant's project that have occurred due to ongoing
11 permitting issues with the City of Camarillo, County and Tenant now wish to amend the
12 Lease to: (1) allow for the deferral of monthly rental payments for a period of 12 months
13 commencing November 2021; and (2) allow Tenant to use County water offset credits,
14 as more fully outlined below.
15

16 In consideration of the mutual promises herein contained and for good and
17 valuable consideration, the receipt and sufficiency of which are hereby acknowledged by
18 the parties, County and Tenant agree as follows:
19

20 1. County and Tenant hereby acknowledge and reaffirm all their respective rights,
21 duties and obligations under the Lease, and the Lease continues in full force and
22 effect except as expressly modified by this Second Amendment. Should
23 anything in this Second Amendment conflict with anything in the Lease, the terms
24 of this Second Amendment control.
25

26 2. In Section 1 of the Lease, the following paragraph is added to the end of the
27 section:
28

29 "Under, and in consideration of, the terms and conditions provided elsewhere in
30 this Agreement, County hereby conveys to Tenant 1.43 acre-feet of water offset
31 credits (Water Credits), which Tenant may use only to obtain from the City of
32 Camarillo a water will-serve letter for improvements to the Premises, as required
33 by Camarillo Municipal Code section 14.12.030.P or related authority."
34

35 3. In Section 6 of the Lease, the following paragraph is added to the end of the
36 section:
37

38 "Commencing on November 1, 2021, Tenant's obligation to make monthly rent
39 payments is deferred until November 1, 2022. Tenant must resume monthly rent
40 payments, as determined and described above in this Section 6, no later than
41 November 1, 2022. Commencing on November 1, 2022, tenant must begin
42 repayment of the total amount of deferred rent (Total Deferred Rent) in monthly
43 installments (Monthly Deferred Rent Payment). The Total Deferred Rent will be
44 calculated as the sum of all deferred monthly rent payments, where each
45 deferred monthly rent payment will be determined using that month's then-
46 current Rent and Fee Schedule. The Monthly Deferred Rent Payment will be
47 calculated as 1/36th of the Total Deferred Rent. The Monthly Deferred Rent
48 Payment must be paid in addition to the monthly rent payment, on the first day of
49 each month, until the Total Deferred Rent is fully paid. Tenant may pay any

EXHIBIT 1

S: _____ / _____ : *6a4*
Tenant / County

**COUNTY OF VENTURA
DEPARTMENT OF AIRPORTS
SECOND AMENDMENT TO LEASE
RKR INCORPORATED**

1 portion of the Total Deferred Rent, in addition to the Monthly Deferred Rent
2 Payment, at any time without penalty.”
3

4 4. In Section 17 of the lease, the following is added to the end of the section:
5

6 “Notwithstanding any other provision of this Agreement to the contrary, County’s
7 conveyance of, and Tenant’s use of, the Water Credits provided under Section 1
8 of this Agreement, are each conditioned on the following:
9

10 A. Tenant may use the Water Credits only for improvements to the Premises.
11 Any use of the Water Credits, or any portion of the Water Credits, at any
12 location other than the Premises is prohibited and constitutes a material and
13 irremediable breach of this Agreement.
14

15 B. Tenant may not transfer, convey, lease, license, assign, or otherwise allow
16 any other person or entity to use the Water Credits for any purpose other
17 than as expressly described in or allowed by this Agreement, and Tenant’s
18 doing so, or attempting to do so, is void and constitutes a material and
19 irremediable breach of this Agreement.
20

21 C. If, for any reason, Tenant does not use all of the Water Credits, Tenant must,
22 as soon as practicable, in writing, reconvey all unused Water Credits to
23 County.
24

25 D. As consideration for County’s conveyance of Water Credits, and as a
26 condition of obtaining a certificate of occupancy, Tenant must, no later than
27 November 1, 2023, at Tenant’s sole cost, either: (1) convey to County
28 Restored Water Credits, as described below; or (2) provide Alternative
29 Performance, as described below. Tenant’s failure to perform as required by
30 the previous sentence constitutes a material and irremediable breach of this
31 Agreement, for which Tenant will be denied a certificate of occupancy, in
32 addition to any other remedy available to County by law.
33

34 E. ‘Restored Water Credits’ means: A written conveyance to County of no fewer
35 than 2.15 acre-feet of water credits, which may not be obtained from property
36 owned by County and which must be recognized and approved by the City of
37 Camarillo for County’s use, accompanied by written proof that the water
38 credits are recognized and approved by the City of Camarillo for County’s
39 use.
40

41 F. ‘Alternative Performance’ means: A quitclaim deed, conveying to the County
42 of Ventura fee simple title to the parcel with Assessor’s Parcel Number 230-0-
43 030-035. Tenant must bear all costs of providing Alternative Performance.
44

45 5. This Second Amendment, together with the Lease, contains the entire agreement
46 between County and Tenant with respect to the matters stated herein and both
47 parties acknowledge that neither relies upon any statements or representations
48 by the other not contained herein.
49

**COUNTY OF VENTURA
DEPARTMENT OF AIRPORTS
SECOND AMENDMENT TO LEASE
RKR INCORPORATED**

This Second Amendment may be modified only in a writing signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed the Amendment on:

COUNTY OF VENTURA

Dated: _____
Director of Airports

RKR INCORPORATED

Dated: _____
"Tenant"

Dated: _____
"Tenant"



COUNTY of VENTURA

Department of Airports

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October 14, 2021

Camarillo Airport Authority
555 Airport Way, Suite B
Camarillo, CA 93010

Subject: Adoption of a Resolution Authorizing Remote Teleconference Meetings of the Camarillo Airport Authority for a 30-Day Period

Recommendation:

Adopt the attached Resolution (Exhibit 1) authorizing remote teleconference meetings of the Camarillo Airport Authority for a 30-day period pursuant to Government Code Section 54953, Subdivision (e), of the Ralph M. Brown Act.

Fiscal/Mandates Impact:

There are no fiscal impacts associated with this action.

Discussion:

Governor Gavin Newsom signed Assembly Bill 361 ("AB 361") into law on September 16, 2021 (Exhibit 2). AB 361 is an urgency measure effective immediately that authorizes legislative bodies to meet remotely in any of three circumstances, as set forth in Government Code section 54953, subdivision (e):

- "The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing." (Gov. Code, § 54953(e)(1)(A).)
- "The legislative body holds 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." (Gov. Code, § 54953(e)(1)(B).)
- "The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees." (Gov. Code, § 54953(e)(1)(C).)

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Governor Newsom declared a State of Emergency in response to the COVID-19 pandemic on March 4, 2020. Dr. Robert Levin, Ventura County Health Officer, issued a recommendation regarding social distancing and continued remote meetings of legislative bodies on September 21, 2021 (Exhibit 3). Dr. Levin's recommendation states in part, "I strongly recommend that physical/social distancing measures continue to be practiced throughout our Ventura County communities to minimize the spread of COVID-19, including at meetings of the Board of Supervisors and meetings of other legislative bodies of the County of Ventura."

Airport staff ensures that all virtual meetings are held in compliance with the Government Code as it relates to posting requirements, public accessibility to the meeting, and public comments. Although your Airport Authority, as a legislative body in the County, may continue to meet virtually, to do so, your Airport Authority must now make the following findings by majority vote every 30 days:

- Your Airport Authority has reconsidered the circumstances of the state of emergency, and
- One or both of the following circumstances exist:
 - The state of emergency continues to directly impact the ability of your Airport Authority's members to meet safely in person, or
 - State or local officials continue to impose or recommend measures to promote social distancing. (Gov. Code, § 54953(e)(3).)

Attached for consideration is a Resolution, that if adopted, authorizes your Airport Authority to meet remotely for a 30-day period.

If you have any questions regarding this item, please call me at (805) 388-4201.



DAVE NAFIE, C.M.
Interim Director of Airports

Attachments:

- Exhibit 1 – Resolution
- Exhibit 2 – AB 361
- Exhibit 3 – Recommendation of Dr. Robert Levin

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**RESOLUTION OF THE CAMARILLO AIRPORT AUTHORITY AUTHORIZING
REMOTE TELECONFERENCE MEETINGS OF THE CAMARILLO AIRPORT
AUTHORITY FOR A 30-DAY PERIOD PURSUANT TO GOVERNMENT CODE
SECTION 54953, SUBDIVISION (e), OF THE RALPH M. BROWN ACT**

WHEREAS, the County of Ventura ("County") is committed to preserving and nurturing public access and participation in meetings of the Camarillo Airport Authority ("Airport Authority");

WHEREAS, Government Code section 54953, subdivision (e), of the Brown Act, authorizes the legislative body of a local agency to use remote teleconferencing in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953, subdivision (b)(3), subject to the existence of certain conditions;

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558;

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing;

WHEREAS, such conditions now exist in Ventura County, specifically, Governor Gavin Newsom declared a state of emergency in response to the COVID-19 pandemic on March 4, 2020 ("State of Emergency");

WHEREAS, on September 21, 2021, Dr. Robert Levin, Ventura County Health Officer, issued a recommendation to continue practicing social distancing measures throughout Ventura County communities, including to continue to implement 100 percent remote meetings of all legislative bodies in Ventura County, to prevent and minimize the spread of COVID-19 ("Recommendation to Promote Social Distancing");

WHEREAS, the Airport Authority does hereby find that it has reconsidered the circumstances of the State of Emergency, the State of Emergency remains active and continues to directly impact the ability of its members and attendees to meet safely in person, and that the Ventura County Health Officer, Dr. Robert Levin, continues to recommend measures to promote social distancing to minimize the spread of COVID-19 including that all legislative bodies in Ventura County continue to meet remotely, as further explained in his Recommendation to Promote Social Distancing, which has not been rescinded and remains in effect;

WHEREAS, the Airport Authority does hereby find that it shall conduct its meetings without compliance with Government Code section 54953, subdivision (b)(3), as authorized by subdivision (e), of Government Code section 54953, and that the Airport

EXHIBIT 1

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Authority shall comply with the requirements set forth in Government Code section 54953, subdivision (e)(2); and

NOW, THEREFORE, BE IT RESOLVED, by the Airport Authority as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. Staff supporting the Airport Authority are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings of the Airport Authority in accordance with Government Code section 54953, subdivision (e), and other applicable provisions of the Brown Act.

Section 3. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 13, 2021, or such time the Airport Authority adopts a subsequent resolution in accordance with Government Code section 54953, subdivision (e)(3), to extend the time during which the Airport Authority may continue to teleconference without compliance with Government Code section 54953, subdivision (b)(3).

Upon motion of Airport Authority member _____, seconded by Airport Authority member _____, and duly carried, the Camarillo Airport Authority hereby adopts this resolution on this _____ day of _____, 2021.

Kelly Long, Chair
Camarillo Airport Authority

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

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to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:
89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

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54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

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(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds 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.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

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In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

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shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds 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.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

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the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

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members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

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powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

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(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

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To: Board of Supervisors
County Executive Office
Clerk of the Board

From: Dr. Robert Levin, Ventura County Health Officer

Date: September 21, 2021



Re: Recommendation regarding Social Distancing and Continued Remote Meetings of
Legislative Bodies

I strongly recommend that physical/social distancing measures continue to be practiced throughout our Ventura County communities to minimize the spread of COVID-19, including at meetings of the Board of Supervisors and meetings of other legislative bodies of the County of Ventura.

California Department of Public Health ("CDPH") and the federal Centers for Disease Control and Prevention ("CDC") caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>). Additionally, the CDC has established a "Community Transmission" metric with 4 tiers designed to reflect a community's COVID-19 case rate and percent positivity. Ventura County currently has a Community Transmission metric of "high" which is the most serious of the tiers.

Whether vaccinated or not, positive individuals are contracting the Delta variant and infecting others in our communities. Social distancing and masking are crucial mitigation measure to prevent the disease's spread. Remote meetings of legislative bodies of the County, including but not limited to the Board of Supervisors, are a recommended form of social distancing that allows for the participation of the community, staff, presenters, and legislative body members in a safe environment, with no risk of contagion. It is recommended that legislative bodies of the County continue to implement 100% remote meetings.

If you have any questions regarding this recommendation, please do not hesitate to contact me.



COUNTY of VENTURA

Department of Airports

555 Airport Way, Suite B

Camarillo, CA 93010

Phone: (805) 388-4372

Fax: (805) 388-4366

www.ventura.org/airports

October 14, 2021

Oxnard Airport Authority
555 Airport Way, Suite B
Camarillo, CA 93010

Subject: Adoption of a Resolution Authorizing Remote Teleconference Meetings of the Oxnard Airport Authority for a 30-Day Period

Recommendation:

Adopt the attached Resolution (Exhibit 1) authorizing remote teleconference meetings of the Oxnard Airport Authority for a 30-day period pursuant to Government Code Section 54953, Subdivision (e), of the Ralph M. Brown Act.

Fiscal/Mandates Impact:

There are no fiscal impacts associated with this action.

Discussion:

Governor Gavin Newsom signed Assembly Bill 361 ("AB 361") into law on September 16, 2021 (Exhibit 2). AB 361 is an urgency measure effective immediately that authorizes legislative bodies to meet remotely in any of three circumstances, as set forth in Government Code section 54953, subdivision (e):

- "The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing." (Gov. Code, § 54953(e)(1)(A).)
- "The legislative body holds 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." (Gov. Code, § 54953(e)(1)(B).)
- "The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees." (Gov. Code, § 54953(e)(1)(C).)

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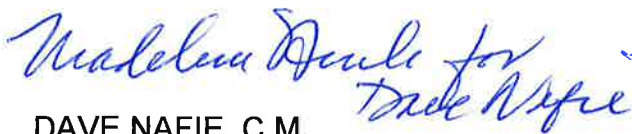
Governor Newsom declared a State of Emergency in response to the COVID-19 pandemic on March 4, 2020. Dr. Robert Levin, Ventura County Health Officer, issued a recommendation regarding social distancing and continued remote meetings of legislative bodies on September 21, 2021 (Exhibit 3). Dr. Levin's recommendation states in part, "I strongly recommend that physical/social distancing measures continue to be practiced throughout our Ventura County communities to minimize the spread of COVID-19, including at meetings of the Board of Supervisors and meetings of other legislative bodies of the County of Ventura."

Airport staff ensures that all virtual meetings are held in compliance with the Government Code as it relates to posting requirements, public accessibility to the meeting, and public comments. Although your Airport Authority, as a legislative body in the County, may continue to meet virtually, to do so, your Airport Authority must now make the following findings by majority vote every 30 days:

- Your Airport Authority has reconsidered the circumstances of the state of emergency, and
- One or both of the following circumstances exist:
 - The state of emergency continues to directly impact the ability of your Airport Authority's members to meet safely in person, or
 - State or local officials continue to impose or recommend measures to promote social distancing. (Gov. Code, § 54953(e)(3).)

Attached for consideration is a Resolution, that if adopted, authorizes your Airport Authority to meet remotely for a 30-day period.

If you have any questions regarding this item, please call me at (805) 388-4201.


DAVE NAFIE, C.M.

Interim Director of Airports

Attachments:

- Exhibit 1 – Resolution
- Exhibit 2 – AB 361
- Exhibit 3 – Recommendation of Dr. Robert Levin

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**RESOLUTION OF THE OXNARD AIRPORT AUTHORITY AUTHORIZING
REMOTE TELECONFERENCE MEETINGS OF THE OXNARD AIRPORT
AUTHORITY FOR A 30-DAY PERIOD PURSUANT TO GOVERNMENT CODE
SECTION 54953, SUBDIVISION (e), OF THE RALPH M. BROWN ACT**

WHEREAS, the County of Ventura ("County") is committed to preserving and nurturing public access and participation in meetings of the Oxnard Airport Authority ("Airport Authority");

WHEREAS, Government Code section 54953, subdivision (e), of the Brown Act, authorizes the legislative body of a local agency to use remote teleconferencing in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953, subdivision (b)(3), subject to the existence of certain conditions;

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558;

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing;

WHEREAS, such conditions now exist in Ventura County, specifically, Governor Gavin Newsom declared a state of emergency in response to the COVID-19 pandemic on March 4, 2020 ("State of Emergency");

WHEREAS, on September 21, 2021, Dr. Robert Levin, Ventura County Health Officer, issued a recommendation to continue practicing social distancing measures throughout Ventura County communities, including to continue to implement 100 percent remote meetings of all legislative bodies in Ventura County, to prevent and minimize the spread of COVID-19 ("Recommendation to Promote Social Distancing");

WHEREAS, the Airport Authority does hereby find that it has reconsidered the circumstances of the State of Emergency, the State of Emergency remains active and continues to directly impact the ability of its members and attendees to meet safely in person, and that the Ventura County Health Officer, Dr. Robert Levin, continues to recommend measures to promote social distancing to minimize the spread of COVID-19 including that all legislative bodies in Ventura County continue to meet remotely, as further explained in his Recommendation to Promote Social Distancing, which has not been rescinded and remains in effect;

WHEREAS, the Airport Authority does hereby find that it shall conduct its meetings without compliance with Government Code section 54953, subdivision (b)(3), as authorized by subdivision (e), of Government Code section 54953, and that the Airport

Authority shall comply with the requirements set forth in Government Code section 54953, subdivision (e)(2); and

NOW, THEREFORE, BE IT RESOLVED, by the Airport Authority as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. Staff supporting the Airport Authority are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings of the Airport Authority in accordance with Government Code section 54953, subdivision (e), and other applicable provisions of the Brown Act.

Section 3. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 13, 2021, or such time the Airport Authority adopts a subsequent resolution in accordance with Government Code section 54953, subdivision (e)(3), to extend the time during which the Airport Authority may continue to teleconference without compliance with Government Code section 54953, subdivision (b)(3).

Upon motion of Airport Authority member _____, seconded by Airport Authority member _____, and duly carried, the Oxnard Airport Authority hereby adopts this resolution on this ____ day of _____, 2021.

Walter Calhoun, Chair
Oxnard Airport Authority

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

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to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:
89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

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54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

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(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds 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.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

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In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds 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.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

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the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

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members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

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powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

bc22

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

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To: Board of Supervisors
County Executive Office
Clerk of the Board

From: Dr. Robert Levin, Ventura County Health Officer

Date: September 21, 2021

Re: Recommendation regarding Social Distancing and Continued Remote Meetings of
Legislative Bodies



I strongly recommend that physical/social distancing measures continue to be practiced throughout our Ventura County communities to minimize the spread of COVID-19, including at meetings of the Board of Supervisors and meetings of other legislative bodies of the County of Ventura.

California Department of Public Health ("CDPH") and the federal Centers for Disease Control and Prevention ("CDC") caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>). Additionally, the CDC has established a "Community Transmission" metric with 4 tiers designed to reflect a community's COVID-19 case rate and percent positivity. Ventura County currently has a Community Transmission metric of "high" which is the most serious of the tiers.

Whether vaccinated or not, positive individuals are contracting the Delta variant and infecting others in our communities. Social distancing and masking are crucial mitigation measure to prevent the disease's spread. Remote meetings of legislative bodies of the County, including but not limited to the Board of Supervisors, are a recommended form of social distancing that allows for the participation of the community, staff, presenters, and legislative body members in a safe environment, with no risk of contagion. It is recommended that legislative bodies of the County continue to implement 100% remote meetings.

If you have any questions regarding this recommendation, please do not hesitate to contact me.



COUNTY of VENTURA

Department of Airports

MONTHLY ACTIVITY REPORT

Month ending August 31, 2021

Hangars and Tie-downs:

Camarillo				Oxnard			
	Inventory	Occupied	Available		Inventory	Occupied	Available
Hangars				Hangars			
Private	170	170	0	Private	79	79	0
County	160	160	0	County	66	62	4
Total	330	330	0	Total	145	141	4
Tie-downs				Tie-downs			
County	96	48	48	County	7	2	5
Western Cardinal	25	18	7	Goldenwest Jet Center	15	11	4
Channel Island Aviation	35	30	5	Oxnard Jet Center	8	6	2
Visitor	35			Visitor	11		
Total	191	96	60	Total	41	19	22

Airport/Tower Operations:

	Camarillo	Oxnard
Current year for the month	16,877	3,377
Last year for the month	16,236	8,278
% Change	4%	-59%
Current year to date	124,808	67,006
Last year to date	111,847	58,655
% Change	12%	14%

Aircraft Incidents:

	Camarillo	Oxnard
Current Month	1*	0
Current year to date	12	9

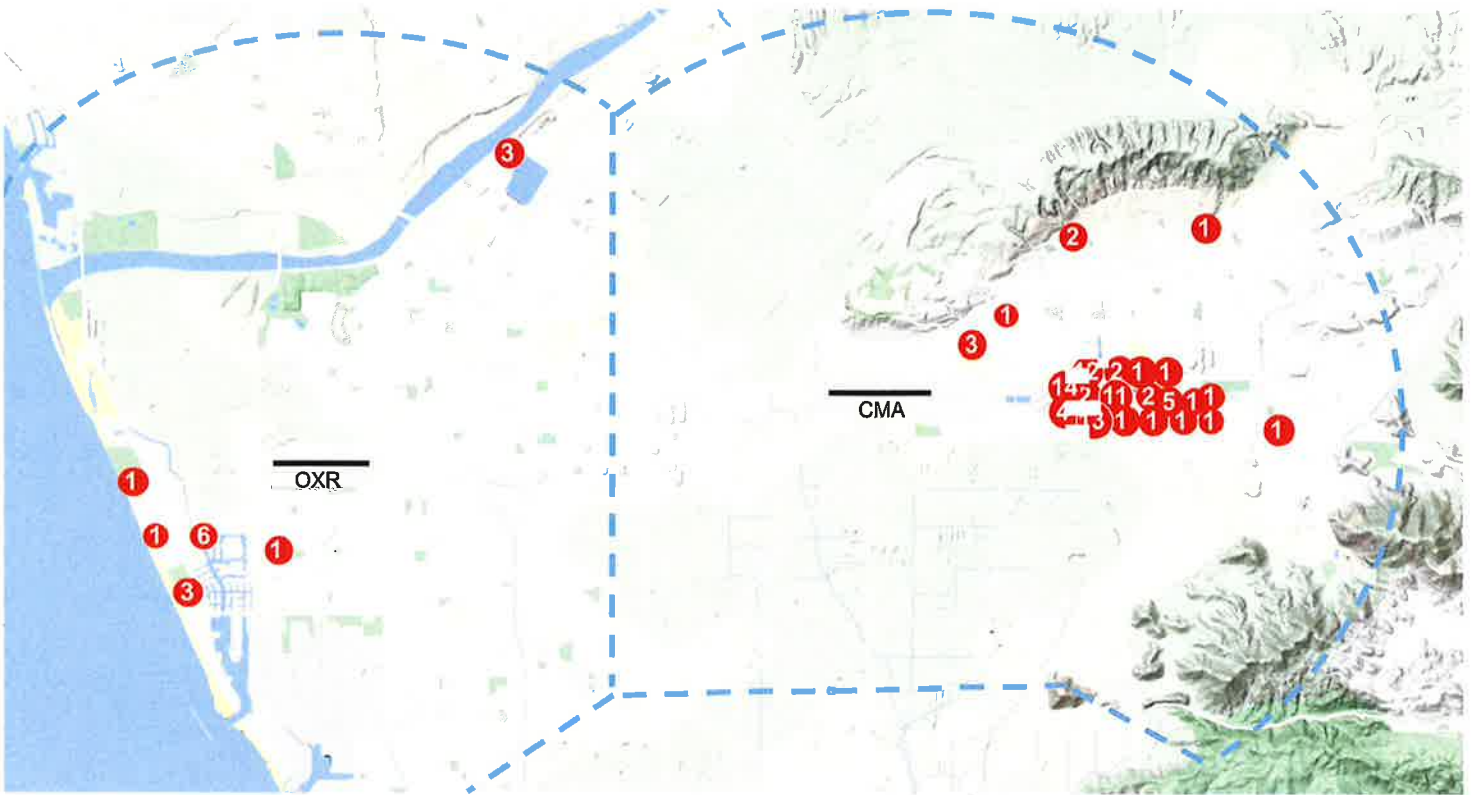
*taylorcraft veered off RWY

Other:

	Camarillo	Oxnard
Airside Citations Issued	0	0
Landside Citations issued	0	4
Cards issued to transient overnight aircraft	29	0
Noise/nuisance compliants	85	15
Other aircraft ** (Estimate)	120	15
Hangar Waiting List	22	2

** Includes approximate number of aircraft occupying space in both large and small hangars by agreement with lessee or licensee

8a



Ventura County Noise Complaints - August 2021

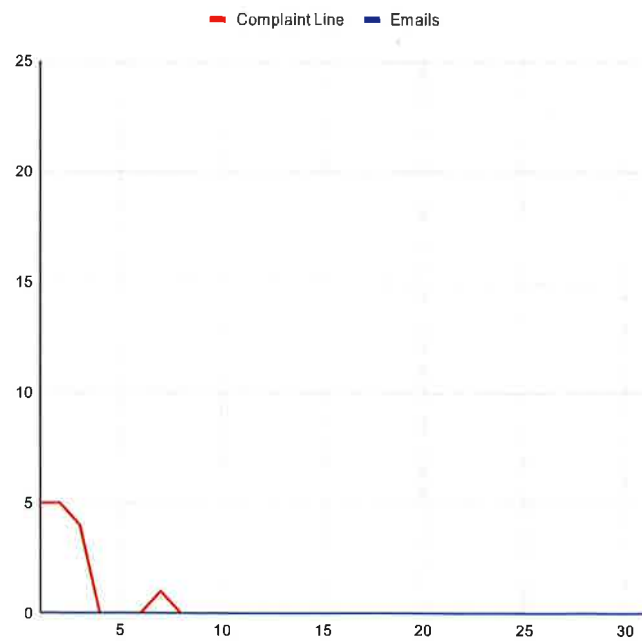
OXR

Total Contacts Logged	Recieved from Complaint Line	Emailed Complaints	Batch Email Complaints	Total Deviations from VNAP**
15	15	0	0	0

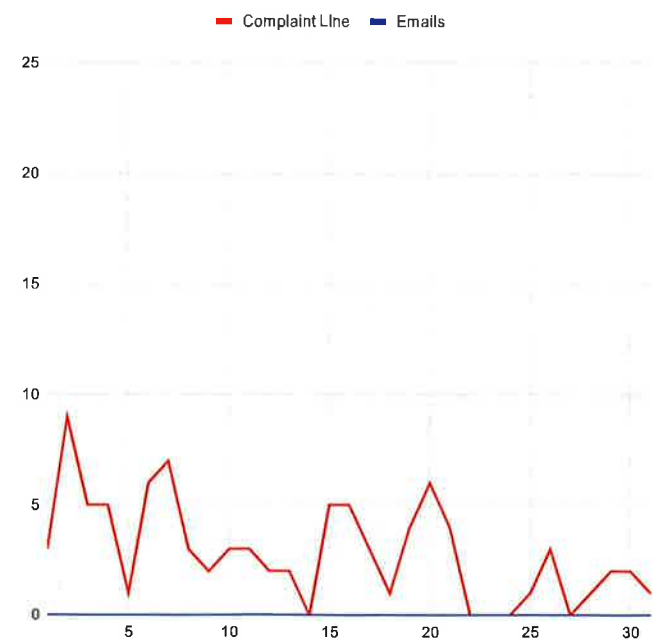
CMA

Total Contacts Logged	Recieved from Complaint Line	Emailed Complaints	Batch Email Complaints	Total Deviations from VNAP**
85	85	0	0	0

OXR



CMA



** Voluntary Noise Abatement Procedures

8b



CAMARILLO AIRPORT – AIRPORT MASTER PLAN UPDATE

Note: Per direction from airport staff, the Consultant has been advised to pause the master plan as of May 25, 2021. Certain elements related to the AGIS and environmental surveys will still be moving forward as they relate to information needed for FAA coordination and other project needs outside the master plan study process.

Status Update:

- Tasks associated with the AGIS survey continue. Most recently, data is being compiled for mapping updates that will ultimately be included in the Airport Layout Plan (ALP). Survey data is also being collected for input into future approach/obstruction analyses
- Environmental survey reports associated with biological and cultural resource evaluations are in progress.

Project Percent Complete: The project is 41 percent complete through August 2021.

CAMARILLO AIRPORT – AIRFIELD GEOMETRY AND DRAINAGE STUDY

Status Update:

- A coordination call was held on August 31, 2021, with the project team to discuss airfield drainage components in relationship to the runway environment and airfield geometry. The Consultant has vetted potential alternatives with airport staff as it relates to future geometry improvements.
- “Draft” aviation demand forecasts have been prepared and were coordinated with airport staff on July 5, 2019. The current master plan will re-evaluate aviation demand forecasts for input into this study.
- On-site surveying has been conducted by a Subconsultant for further input in the airfield drainage study.

Upcoming Action Items:

- Coordination as needed with airport staff and the FAA to determine course of action in relationship to master plan process and future design.
- A recommended airfield geometry concept will be coordinated with the project team for input into the drainage study.
- Recommended airfield drainage enhancements pending the drainage study.

Project Percent Complete: The project is 41 percent complete through August 2021.

OXNARD AIRPORT – AIRPORT LAYOUT PLAN UPDATE / NARRATIVE REPORT

Status Update: No change since July 2021.

- The “draft” Narrative Report, “draft” ALP Drawing Set, and associated ALP SOP 2.00 Checklist and Exhibit A SOP 3.00 Checklist were re-submitted to the FAA for review on July 26, 2021.

Upcoming Action Items:

Jcl

- Appropriate revisions will be made to the Narrative Report and ALP Drawing Set pending comments from the FAA.
- Final documents will be prepared upon review and approval of the ALP Drawing Set.

Project Percent Complete: The project is at 100 percent per Invoice #18MP01-24 dated July 6, 2021, for airport staff to coordinate with the FAA to close out the AIP grant. It is understood that the Narrative Report and ALP Drawing Set will be finalized per direction from airport staff at a later date.

ANNUAL CONSULTING SERVICES CONTRACT (AEA No. 21-01)

Status Update: N/A

Upcoming Action Items:

- Coordination as needed to follow-up previous items and assist with new items at the direction of airport staff.

8c2

PROJECT STATUS REPORT
Ventura County, Department of Airports

Prepared by Mead & Hunt, Inc
 Revision Date 2021-09-15



Mead & Hunt No. County No. Grant No.	Airport	Description	Status	Percent Complete	Action Item
3168900-132415.05 AEA 18-06 AIP - 036	CAMARILLO	CONSTRUCTION SERVICES NORTHEAST HANGAR DEVELOPMENT, PHASE 1 Construction of the Phase 1 project, which includes 3 rows of hangars and surrounding pavement/drainage and the extension of water, sewer, and electrical services.	a) Construction commenced on 12-5-19. b) Pavement study (APMS) to be removed from Mead & Hunt scope of work; final costs and draft amendment prepared for County review (net increase contract amount of \$3,666). c) Contract work complete, final amendment only item remaining to close the contract.	99%	a) County preparing amendment request for anticipated approval in September.
3168900-190121.02 AEA 20-03 AIP - 037	CAMARILLO	CONSTRUCTION SERVICES TAXIWAYS H PAVEMENT REHABILITATION Surface treatment and remarking of Taxiway H.	a) Construction was completed after application of second coat of pavement markings performed February 24, 25 and 26. b) As-Built version of the plans has been prepared. c) Balancing change order and final pay estimates submitted to County. c) The Final Closeout Report (FCR) is complete expect for NOC.	99%	a) Return NOC after receipt from Contractor. Project will then be ready to close.
22069-181879.01 AEA 18-13 AIP - N/A	CMA & OXR	DESIGN SERVICES OXR AND CMA DBE UPDATES (2020-2021) Develop DBE program and goals as well as prepare yearly reports.	a) CMA & OXR i) Programs and goals submitted and approved. ii) Programs and goals reporting. iii) Submit 2020 year end reports (FAA accepted)	90%	a) None at this time.



8c3

September 14, 2021

Mrs. Erin Powers
Projects Administrator
County of Ventura Department of Airports
555 Airport Way, Suite B
Camarillo, CA 93010

Re: Monthly Airport Project Status Update – August 2021

Dear Mrs. Powers,

Below is a summary of the tasks completed during the month of August 2021, by Jviation and our subconsultants for the Camarillo Airport:

Airport Capital Improvement Plan (ACIP) Update

- On August 27, 2021, the County and Jviation coordinated on the ACIP meeting with the FAA.
- **Upcoming:**
 - Jviation will wait for direction from the County on any future tasks.
 - Meeting with the County, FAA, and Coffman Associated to discuss the ACIP on November 3, 2021.

AIP Project No. 3-06-0339-039-2021 (Conceptual Design for 2025 Runway/Taxiway Reconstruction)

- On August 24, 2021, Coffman Associates provided Jviation with an AutoCAD file of the existing conditions linework.
- On August 31, 2021, the County, Jviation, Coffman Associates, and Encompass Consultant Group (ECG) had a conference call to discuss this project. The airport drainage study to be completed by ECG was discussed. The airfield pavement geometry review to be completed by Coffman Associates was also discussed. In addition, the preliminary work to be completed by Jviation and Coffman Associates for the Environment Assessment was discussed.
- On September 2, 2021, Coffman Associates provided Jviation with an AutoCAD file of the topographic survey collected with the survey for the Master Plan project.
- On September 9, 2021, Jviation provided a revised scope of work and fee to Coffman Associates for the conceptual design work. Coffman Associates compiled the scopes of work and fees which were provided to the County.
- **Upcoming:**
 - County approval of the scope of work and fees from Jviation and Coffman Associates.
 - County and Coffman Associates will submit a CATEX letter and grant application checklist to the FAA for this project by October 1, 2021.

Runway 8-26 Centerline Pavement Cracks

- On August 4, 2021, the County and Jviation had a conference call to discuss possible ways to repair the Runway 8-26 centerline and taxiway pavement areas. Also discussed were possible ways to approach the FAA about participating in this project.
- On August 9, 2021, Jviation joined airport operations staff on the daily pavement inspection of Runway 8-26 and the taxiways.

- On August 19, 2021, the County and Jviation had a conference call to discuss possible ways to repair the Runway 8-26 centerline and taxiway pavement areas. Jviation recommended a pavement repair on the Runway 8-26 centerline until the runway is reconstructed. The County wants areas on Taxiway A to be reconstructed with the same project as the runway centerline repairs.
- **Upcoming:**
 - Jviation to update the scope of work for design of the Runway 8-26 centerline repairs and reconstruction of the areas on Taxiway A.
 - Jviation will submit the scope of work for the County to review.

On-Call Services: Annual Contract for On-Call Services

- On August 30, 2021, the County requested the current hourly rate schedule for use with the annual contract. Jviation provided the County with the current hourly rate schedule on August 31, 2021.
- **Upcoming:**
 - County will provide Jviation with an executed annual contract.

On-Call Services: Compass Rose Painting

- There is no change in the status of this task from August 2021.
- **Upcoming:**
 - All tasks associated with this project are completed and it will be removed from the status update.

On-Call Services: Rotating Beacon Replacement

- On August 26, 2021, the County contacted Jviation to schedule a conference call to discuss the replacement of the rotating beacon.
- On August 31, 2021, Jviation and the County had a conference call to discuss options to replace the rotating beacon which is located on top of an existing water tower.
- **Upcoming:**
 - The County will confirm the rotating beacon will stay located on top of the existing water tower.
 - Jviation and the County will coordinate on plans and details for the replacement of the rotating beacon.

If you have any comments, please do not hesitate to contact me.

Sincerely,

Jviation, a Woolpert Company



Matt Gilbreath, P.E.
Project Manager

cc: Mr. Dave Nafie – County of Ventura Department of Airports
Mr. Travis Vallin, Mr. JD Ingram, Mr. Jason Virzi, Mr. Mike Quinn, Mr. Jon Noble, Mrs. Marisa Fluhr,
Ms. Amanda Gross – Jviation
File

September 17, 2021

Mrs. Erin Powers
Projects Administrator
County of Ventura Department of Airports
555 Airport Way, Suite B
Camarillo, CA 93010

Re: Monthly Airport Project Status Update – August 2021

Dear Mrs. Powers,

Below is a summary of the tasks completed during the month of August 2021, by Jviation and our subconsultants for the Oxnard Airport:

AIP Project No. 03-06-0179-038-2021 (Construction) - Runway 7-25 Reconstruction

- Throughout the month of August 2021, Jviation, the County, and Mead & Hunt coordinated on this project. This included coordination with the FAA.
- Throughout the month of August 2021, Jviation, the County, and Mead & Hunt coordinated with the Prime Contractor, Sully-Miller. This included responding to requests for information (RFI), material submittals, construction contract, and construction activities. Jviation also submitted daily reports to the Sponsor for each day of monitoring construction activities.
- On August 4, 2021, Jviation was on-site during the closure of Runway 7-25 for pre-construction investigations associated with Mobilization Element 1.
- On August 5, 2021, the County informed Jviation that signatures were needed in Exhibit D of the contract for construction management services. Jviation returned with contract with the signatures in Exhibit D the same day.
- On August 6, 2021, Notice to Proceed No. 2 for Construction Element, Phase 1 and for Mobilization Element 1, Phase 2 was issued to Sully-Miller.
- On August 6, 2021, construction activities for the reconstruction of Runway 7-25 began.
- On August 9, 16, 23, and 30, 2021, Jviation submitted the weekly Construction Progress and Inspection Reports to the FAA and County.
- On August 10, 17, 24, and 31, 2021, Jviation conducted the weekly construction meetings for this project, and it was attended by the County, FAA, Sully-Miller, and subcontractors for Jviation and Sully-Miller.
- On August 11, 2021, the FAA hosted the Safety Risk Management (SRM) Panel for this project, and it was attended by the County and Jviation.
- On August 12, 2021, Sully-Miller hosted the Partnering Workshop for this project, and it was attended by the County and Jviation.
- On August 13, 2021, the QA/QC conference was held and it was attended by the County, Jviation, Sully-Miller, and subcontractors.
- On August 16, 2021, the County provided Jviation with the executed construction management contract and Notice to Proceed.
- On September 7 and 13, 2021, Jviation submitted the weekly Construction Progress and Inspection Reports to the FAA and County.

- **Upcoming:**
 - Jviation will continue construction project coordination with the County and Sully-Miller.
 - Jviation will be on-site monitoring construction activities completed by Sully-Miller and their subcontractors.
 - Finalize Change Order No. 1 for the addition of the reinforced concrete pipe (RCP) beneath Runway 7-25 and Change Order No. 2 for memorializing the change in stabilization agents.

AIP Project No. 03-06-0179-039-2022 (Design) – Taxiways A-F Reconstruction

- On August 27, 2021, the County and Jviation discussed this project and the FAA's request to have this project repackaged and rebid by January 15, 2022. The County provided Jviation with the AIP Project Schedule which was provided by the FAA.
- On September 10, 2021, Jviation provided the County with an AIP Project Schedule which included dates to have the project rebid by January 22, 2022.
- On September 14, 2021, the County provided Jviation with the CATEX approval letters from the FAA.
- **Upcoming:**
 - Jviation will prepare the scope of work for this project and will submit it to the County for review.

Airport Capital Improvement Plan (ACIP) Update

- On August 27, 2021, the County and Jviation coordinated on the ACIP meeting with the FAA.
- **Upcoming:**
 - Jviation will wait for direction from the County on any future tasks.
 - Meeting with the County, FAA, and Coffman Associated to discuss the ACIP on November 3, 2021.

On-Call Services: Annual Contract for On-Call Services

- On August 30, 2021, the County requested the current hourly rate schedule for use with the annual contract. Jviation provided the County with the current hourly rate schedule on August 31, 2021.
- **Upcoming:**
 - County will provide Jviation with an executed annual contract.

On-Call Services: Air Traffic Control Tower (ATCT) Antenna Improvements

- On July 27, 2021, the County requested Jviation's review of a third party's request to make improvements to existing antennas located on the ATCT.
- On August 3, 2021, the County and Jviation coordinated on the review schedule.
- On August 4, 2021, Jviation provided the County with review comments on the request to make improvements to existing antennas located on the ATCT.
- **Upcoming:**
 - Jviation will wait for direction from the County on any future tasks.

On-Call Services: Pavement Improvements at Aspen Helicopters Ramp

- On August 9, 2021, the County requested Jviation's review of proposed pavement improvements to the ramp at the Aspen Helicopters facility. Jviation provided the County with review comments same day. Jviation and the County also coordinated on the review comments and proposed pavement improvements.
- **Upcoming:**
 - Jviation will wait for direction from the County on any future tasks.

If you have any comments, please do not hesitate to contact me.

Sincerely,

Jviation, a Woolpert Company



Matt Gilbreath, P.E.

Project Manager

cc: Mr. Dave Nafie – County of Ventura Department of Airports
Mr. Travis Vallin, Mr. JD Ingram, Mr. Jason Virzi, Mr. Mike Quinn, Mr. Jon Noble, Mrs. Marisa Fluhr,
Ms. Amanda Gross – Jviation
File

**AIRPORT TENANT
PROJECT STATUS
September 27, 2021**

CAMARILLO

- Airport Properties Limited (APL) Row I plans submitted to Airport for final review and approval before County Agency permits can be issued. APL coordinating with Airport for FAA required NEPA review. CSPP and SWPPP also submitted for Airport consultation.
- CloudNine Development project construction initial grading complete. Additional permits pending.

OXNARD

- Aspen Helicopters, Inc. submitted a project approval request to the Airport to repave (maintenance) the existing leasehold ramp at it's mid-field site. The Airport provided final approval and the project will begin soon.

OTHER

- None

8d

**COUNTY OF VENTURA
DEPARTMENT OF AIRPORTS
NON GRANT PROJECTS**

September 2021

Sup. Dist.	Project Name Spec. Number	Estimate Low Bid	CCO's Claims	Design Engr. Contractor	Scheduled or Actual Dates				% Compl Design / Const.	Remarks
					Bid Date	Contract Award	Const Start	Const Comp		
5	CMA TWY's A, E, F, and Run-up Area Pavement Marking Improvements	\$18,285		<u>Mead & Hunt</u>	TBD	TBD	TBD	TBD	75	Airport marking project at TWY A and other pavement markings due for refresh will be addressed at a later date.
5	CMA RWY Centerline and TWY Alpha Repair	TBD		<u>Jviation</u>	TBD	TBD	TBD	TBD	TBD	Jviation developing SOW for design, bid and construction management.
3 & 5	OXR & CMA Disadvantaged Business Enterprise Program Goal Updates and Annual Reports	\$17,985		<u>Mead & Hunt</u>	N/A	8/14/18	N/A	N/A	95	CMA & OXR plans approved by FAA. Annual accomplishment reports approved by FAA.
3	OXR PFAS Supplemental Plan/Sampling & Monitoring	\$6,500 137,000		<u>Ninyo & Moore</u>	N/A	1/19/21	N/A	3/29/21	100	The CA State Water Board requires Part 139 Airports that have discharged firefighting foam to develop a work plan and perform testing. Soil sampling and report submitted to State Water Board. New order requires additional workplan and sampling/monitoring. Results of this round of sampling were submitted and the Water Board has identified additional sampling needed. Consultant providing amendment to Airport for approval.

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Note: Shaded boxes indicate changes from previous month

CMA – Camarillo Airport

OXR – Oxnard Airport

TBD – To be determined

CCO – Contract Change Orders

CUE – Camarillo Utility Enterprise

8e2

**COUNTY OF VENTURA
DEPARTMENT OF AIRPORTS
FAA GRANT PROJECTS**

September 2021

Sup. Dist.	Project Name Spec. Number	Estimate Low Bid	CCO's Claims	Design Engr. Contractor	Estimated Schedule or Actual Dates			% Compl Design / Const.	Remarks
					Bid Date	Contract Award	Const Start		
5	NE Hangar Development, Phase 1	\$7,126,202 \$7,950,236	\$45,658 0	Mead & Hunt Toro Enterprises	8/15/17	10/17/17	12/5/19	2/12/21	Construction complete. Project construction closeout complete. Final construction contract amount: \$7,840,161.
5	CMA Airfield Geometry Study and Drainage Study for RWY & TWY Reconstruction	\$147,300		Coffman Assoc.	N/A	1/24/19	N/A	TBD	Draft forecasts for geometry study to be refreshed with the Airport Master Plan process. Drainage survey for RWY reconstruction underway to allow for 2025 planned construction.
5	TWY H Pavement Rehabilitation (Seal Coat)	\$273,576 \$213,351		Mead & Hunt, Maxwell Asphalt	6/25/19	8/15/19	4/20/20	TBD	Final striping complete. Closeout paperwork underway.
5	CMA System Master Plan Update	\$741,094		Coffman Associates	N/A	9/24/20	9/30/20	TBD	First public workshop date held May 13, 2021. Based on workshop feedback, the master plan has been paused to address main community concerns. Certain elements related to the AGIS and environmental surveys will still be moving forward as they relate to information needed for FAA coordination and other project needs outside the master plan study process.

8e3

Sup. Dist.	Project Name Spec. Number	Estimate Low Bid	CCO's Claims	Design Eng. Contractor	Estimated Schedule or Actual Dates				% Compl Design / Const.	Remarks
					Bid Date	Contract Award	Const Start	Const Comp		
3	OXR Airport Layout Plan Update	\$246,176		Coffman Assoc.	N/A	10/17/17	N/A	12/30/19	100	Work complete, pending FAA review and approval. Revised draft full ALP set submitted to FAA on 7/26/21 for review and comment or approval.
3	OXR RWY & TWY Connector Transitions Reconstruction	\$12,832,636 \$12,274,001		Mead Hunt Sully-Miller Inc.	4/29/21	7/20/21	7/23/21	2/28/21	100 56	Construction underway and on schedule. OXR RWY & TWYs closed August 4 th -November 4, 2021 for Phase 1 reconstruction. Schedule for Phase 2 work to groove and stripe the runway will be accomplished as night work – schedule TBD.

Note: Shaded boxes indicate changes from previous month
CMA – Camarillo Airport
OXR – Oxnard Airport
TBD – To be determined
CCO – Contract Change Orders

8e4

**DEPARTMENT OF AIRPORTS
2021 MEETING SCHEDULES**

AAC/CAA/OAA

AVIATION ADVISORY COMMISSION	CAMARILLO & OXNARD AUTHORITIES
January 11	January 14
February 11	February 11
March 1	March 11
April 5	April 8
May 10 (CANCELED)	May 13 (CANCELED)
June 7	June 10
July 7 (DUE TO HOLIDAY)	July 8
August 2 (CANCELED)	August 12 (CANCELED)
September 9 @ 5:00 p.m. (DUE TO HOLIDAY)	September 9
October 4	October 14
November 1	November 1 @ 5:00 p.m. (DUE TO HOLIDAY)
December 6	December 9

The Aviation Advisory Commission meets on the first Monday of the month (exceptions are noted above in yellow highlight) at 7:00 p.m. in the Department of Airports Administration Office, 555 Airport Way, Suite B, Camarillo, CA 93010, unless otherwise noted on the agenda.

The Camarillo & Oxnard Airport Authorities meet jointly on the second Thursday of the month (exceptions are noted above in green highlight) at 6:30 p.m. in the Department of Airports Administration Office, 555 Airport Way, Suite B, Camarillo, CA 93010, unless otherwise noted on the agenda.

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