

County of Imperial County

Board of Supervisors

Supplemental Rules for the Conduct of Board of Supervisors

During COVID-19 Emergency

**I. Purpose**

- A.** On March 4, 2020, the Governor of the state of California (“Governor”) proclaimed a State of Emergency relating to the 2019 coronavirus (“COVID-19”) pandemic. Following the proclamation, the Governor has adopted a number of Executive Orders that temporarily suspend or modify certain provisions of the Ralph M. Brown Act (“Brown Act;” Cal. Gov. Code §§ 54950 *et seq.*). To ensure compliance with the Governor’s Executive Orders and the Brown Act during the COVID-19 pandemic, the Board of Supervisors for the County of Imperial (“Board”) has adopted these Supplemental Rules of Conduct (“Supplemental Rules”).
- B.** These Supplemental Rules are made pursuant to section 25003 of the California Government Code (“Code”)
- C.** The Rules for the Conduct of Board of Supervisors (“Rules”) are hereby adopted and incorporated into these Supplemental Rules by this reference. In the event of a conflict between the Rules and these Supplemental Rules, the Supplemental Rules shall prevail.
- D.** These Supplemental Rules shall remain in effect until the Governor declares that the COVID-19 emergency has ended, or unless otherwise rescinded by action of the Board or operation of law.

**II. Updates on COVID-19 Emergency**

- A.** Notwithstanding section 54952.2 of the Code, and in accordance with Executive Order N-35-20, Board members may simultaneously receive updates relevant to the COVID-19 emergency (including, but not limited to, updates concerning the impacts of COVID-19, the government response to COVID-19, and other aspects relevant to the declared emergency), from federal, State, and/or local officials, outside of a regular, special, or emergency meeting. During such updates, any Board member may ask questions of those federal, State, and/or local officials, in order for the Board to stay apprised of emergency operations and the impact of COVID-19 on the County. However, Board members are prohibited from discussing the subject matter of such updates amongst themselves, or taking any action on such updates outside of a regular, special, or emergency meeting.
- B.** Should Executive Order N-35-20 be rescinded or otherwise amended to no longer permit updates to the Board as specified herein, then Section II(A) of these Supplemental Rules

shall be of no further force and effect, and all updates made pursuant to Section II(A) shall immediately cease.

### III. Remote Appearances

In accordance with Executive Order N-29-20, any member of the Board may attend any regular, special, or emergency meeting remotely, without the need to adhere to the special noticing and accessibility requirements of section 54953(b)(3) of the Code.

A. Open Session. To ensure that meetings are open and public in accordance with the remaining provisions of section 54953 of the Code, the following procedures shall govern remote appearances in open session:

1. The Clerk of the Board's Office shall provide a call-in number and passcode to a secure conference line, and/or a hyperlink and passcode to a secure web meeting, to those Board members appearing remotely. To assist in preventing unauthorized access to and interruption of conference lines and web meetings, call-in numbers, hyperlinks, and passcodes should be treated as confidential information, and should not be disclosed to other individuals. If connecting to the meeting via the internet, Board members should ensure that they are utilizing secure private connections, and should avoid the usage of unsecured guest or public internet connections.
2. Board members should remotely appear from locations that are free from noise, distractions, and interruptions.
3. If utilizing a web meeting program that allows video streaming, Board members are strongly encouraged to appear in open session with the video function enabled.
4. When not speaking, Board members should utilize the mute function on the electronic device used to access the meeting.
5. Board members are discouraged from taking phone calls, answering texts or emails, or engaging in other activities while appearing remotely in open session.

B. Closed Session. To ensure the confidentiality of closed session information in accordance with section 54963 of the Code, the following procedures shall govern remote appearances in closed session:

1. The Clerk of the Board's Office shall provide a call-in number and passcode to a secure conference line, and/or a hyperlink and passcode to a secure web meeting, to those Board members appearing remotely. To assist in preventing unauthorized access to and interruption of conference lines and web meetings, call-in numbers, hyperlinks, and passcodes must be treated as confidential information, and shall not be disclosed to other individuals. If connecting to the meeting via the internet, Board members should ensure that they are utilizing secure private connections, and should avoid the usage of unsecured guest or public internet connections.

2. Board members must remotely appear from secure locations that are free from noise, distractions, and interruptions. Board members must not remotely appear from locations in which individuals not authorized to attend closed session are present, or where other unauthorized individuals are likely to overhear confidential information discussed in closed session.
  3. If utilizing a web meeting program that allows video streaming, Board members are strongly encouraged to appear in closed session with the video function enabled.
  4. When not speaking, Board members should utilize the mute function on the electronic device used to access the meeting.
  5. Board members are strongly discouraged from taking phone calls, answering texts or emails, or engaging in other activities while appearing remotely in closed session. If a Board member must take a phone call or engage in another activity relating to an emergency during closed session, then the Board member shall advise the Chairperson and disconnect from the meeting for the duration of the call or activity.
- C. Should Executive Order N-29-20 be rescinded or otherwise amended to no longer permit remote appearances by the Board as specified herein, then Sections III(A) and (B) of these Supplemental Rules shall be of no further force and effect, and all further remote appearances by the Board shall be done in accordance with section 54953(b)(3) of the Code.

#### **IV. Public Comment**

- A. In accordance with Executive Order N-29-20, any member of the public wishing to comment on a specific item on a meeting agenda, or on another topic not otherwise agendaized, may do so by submitting their comments via e-mail to the Clerk of the Board no later 2:00 pm the day before the meeting. The Chairperson shall acknowledge the receipt of electronically submitted public comments during discussion of the agendaized item or during the public comment portion of the agenda, whichever may be applicable.
- B. Members of the public may continue to appear at Board meetings in person to provide public comment, unless otherwise prohibited by the Imperial County Health Officer (“Health Officer”). When attending Board meetings in person, members of the public shall adhere to all Health Office Orders, including but not limited to wearing face covering and maintaining a minimum physical distance of six (6) feet from others at all times.
- C. The Clerk of the Board’s Office may approve additional mediums for receiving public comment that are consistent with Executive Order N-29-20 and the Brown Act. Such mediums may include setting up a dedicated conference line for those individual who prefer to provide a public comment via teleconference call. All additional mediums for receiving public comment shall follow all current guidelines for making and receiving

public comment, include but not limited to the three-minute time limit for public comments.