



## SUMMARY REPORT

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**Agenda Date:** 10/18/2022

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**To:** Sonoma County Board of Supervisors  
**Department or Agency Name(s):** County Administrator's Office  
**Staff Name and Phone Number:** Maggie Luce, 707-565-1796  
**Vote Requirement:** Majority  
**Supervisorial District(s):** Fifth

**Title:**

Consulting Agreement for Lower Russian River Governance Study

**Recommended Action:**

Authorize the Chair to execute an Agreement for a Lower Russian River Governance Study with Blue Sky Consulting Group ("Blue Sky") in an amount not to exceed \$148,050 and with a term from October 1, 2022 to June 30, 2023. (Fifth District)

**Executive Summary:**

The County Administrator's Office and District 5 staff will oversee a district formation project to identify options to improve the delivery of government services in the Lower Russian River. After a competitive procurement and evaluation process, Blue Sky was selected to conduct a governance options study for the lower Russian River communities. Blue Sky will conduct a baseline analysis of current services, engage the community to identify alternatives, as well as the community's willingness to pay for new or expanded services, perform a data analysis on the financial feasibility of potential governance options, and develop a community supported strategic work plan for implementing local governance solutions. Approval of this agenda item will authorize the Chair of the Board of Supervisors to execute an agreement for consulting services with Blue Sky, in an amount not to exceed \$148,050.

**Discussion:**

On December 14, 2021, the Board of Supervisors approved \$305,000 in funding and staff resources for Districts 1 and 5 to engage consultants to analyze the provision of services to unincorporated communities in the Sonoma Valley and West County, respectively, in order to identify potential alternate governance and service options. This funding, which came from the District Formation funds, was designated to be split evenly between District 1 and District 5 (\$152,500 per district). On May 3, 2022, the Board of Supervisors approved an additional \$457,500 in District Formation funding and General Fund Contingencies to finance Districts 2, 3 and 4's interests to explore governance service options for unincorporated communities in south, central and north Sonoma County. Overall, the Board of Supervisors has agreed to allocate \$152,500 in one-time funds for each district to explore district formation activities.

The lower Russian River is comprised of a series of small, unincorporated rural towns that have built up with a history of logging, agriculture, and tourism. As unincorporated entities, many of the needed services are provided from the County or from local community service districts. There are currently gaps and inadequacies in service provisions to the small towns in this region.

The County Administrator's Office and District 5 staff developed a scope of work for a consultant to create a local governance options plan for the lower Russian River communities. The consultant team will conduct a baseline analysis of current services, engage the community to identify alternatives, and develop a community supported strategic plan for local governance solutions.

The Consultant will work with County staff and community members to identify:

- 1) Potential solutions to existing gaps in government services in the Lower Russian River
- 2) Costs of proposed solutions
- 3) Potential revenue sources for proposed solutions (special tax assessment on property taxes, sales taxes, transient occupancy taxes, etc.)
- 4) Level of community willingness to pay for these proposed solutions

Examples of reorganization that will be considered in the financial analysis include, but are not limited to:

- Establishment of new special district(s) with the obligation of a special tax
- Creation of joint powers authority(ies)
- Reorganization and/or consolidation of existing local agencies (Community Service District, Special Districts, etc.)
- Municipal incorporation

### **Request for Proposal**

Staff issued an initial Request for Proposal (RFP) for the Lower Russian River Governance Study in May 2022, which did not result in any proposals. Staff revised the scope of work and timeline, then issued a revised RFP in June 2022. Proposers were asked to demonstrate their extensive experience in community engagement, tax and local government services analysis, and rural or small-town community governance solutions.

The County received four proposals, which were reviewed by an evaluation committee comprised of staff and community representatives. All four proposals met the required qualifications for the project, resulting in four interviews with the evaluation committee.

### **Blue Sky**

The County has selected Blue Sky Consulting Group ("Blue Sky") to be the consultant for this project. Founded in 2005, the Blue Sky Consulting Group provides quantitative analysis of and strategic insights into complex public policy issues at both the local and state levels. The Blue Sky project team has developed numerous financial forecasts on behalf of local governments, assessed the impact of development on county costs and revenues, and assisted local governments in analyzing service needs and available resources to address those needs.

### **Strategic Plan:**

N/A

### **Prior Board Actions:**

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April 16, 2019: Transient Occupancy Tax Program Update

December 14, 2021: Governance Studies for Unincorporated Areas of Sonoma Valley and West County

May 3, 2022: District Formation Activities for Unincorporated Areas in North, South, and Central Sonoma County

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 22-23 Adopted</b>	<b>FY23-24 Projected</b>	<b>FY 24-25 Projected</b>
Budgeted Expenses	\$152,500		
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$152,500</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance	\$152,500		
Contingencies			
<b>Total Sources</b>	<b>\$152,500</b>		

**Narrative Explanation of Fiscal Impacts:**

This contract will be paid for with available District Formation fund balance in the Transportation and Public Works budget. The District Formation fund was originally comprised of discretionary sources originating from the Non-Departmental Budget. Beginning in FY 19/20, the Board of Supervisors approved an annual Transient Occupancy Tax Measure L allocation of approximately \$175,000/year for District Formation Funds. \$152,500 is earmarked for District 5 activities. This contract will not exceed \$148,050, leaving \$4,450 for District 5's district formation activities outside the scope of this contract. \$152,500 will remain available for each of the other four supervisorial districts for district formation.

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

1-Blue Sky proposal

2-Blue Sky consulting agreement

**Related Items "On File" with the Clerk of the Board:**

None

## **UPDATE! The Brown Act: Teleconference Requirements**

### **Suspension of Teleconference Requirements During the Pandemic**

During the COVID-19 pandemic, Governor Newsom passed a series of executive orders that relaxed the traditional Brown Act requirements for remote public meeting participation to protect public health. The Legislature, through its passage of AB 361, allows local agencies to suspend many of the Brown Act's rigid requirements for teleconferencing when a board or commission meeting is held during a declared state of emergency. Specifically, AB 361 amended the Brown Act to provide additional provisions that allowed far more flexibility to conduct remote public meetings of commissions and boards if the Governor continued to declare a state of emergency due to the COVID-19 pandemic. On September 28, 2021, in compliance with AB 361, the Sonoma County Board of Supervisors adopted Resolution 21- 0399 to make the required findings to allow remote meetings, and the Board has continued to make those findings every thirty days as required by state law.

The Governor recently announced that he will rescind the Emergency Proclamation related to the COVID-19 pandemic at the end of February 2023. As a result, as of March 1, 2023, the Brown Act's rigid teleconferencing requirements likely will no longer be suspended.

Assuming the Governor's Emergency Proclamation is rescinded as announced, the County's boards and commissions should plan now to be prepared by March 1, 2023 to return to meeting in person. The ability of any board or commission member to participate remotely after that date will require either (1) full compliance with the Brown Act's traditional rigid teleconferencing requirements — including posting all members' remote locations on agendas and making all of those locations publicly accessible; or (2) following new complex teleconferencing provisions added by Assembly Bill 2449 which go into effect on January 1, 2023.

### **Brown Act Teleconference Options Available on March 1, 2023**

Option 1 – Traditional Brown Act Teleconference Requirements: The Brown Act allows a board or commission to use any type of teleconferencing in connection with any meeting. The Brown Act defines teleconference as a meeting of individuals in different locations, connected by electronic means, through either audio or video, or both. To conduct a meeting with a member participating by teleconferencing, the Brown Act requires the following:

- At least a quorum of the commission or board members must participate from locations within the jurisdictional boundaries of the County.
- Each teleconference location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at each teleconference location in addition to the standard posting location.
- Each location must be accessible to the public.
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.
- All votes must be by roll call.

Option 2 – Assembly Bill 2449: On September 13, 2022, Governor Newsom signed Assembly Bill 2449 (Rubio) into law adding an alternative teleconferencing provisions to the Brown Act effective January 1, 2023 until its sunset (or extension) on January 1, 2026.

AB 2449 provides complex alternative teleconference procedures to allow a minority of members of a legislative body to participate remotely without having to post agendas at all teleconference locations, identify all teleconference locations in the meeting agendas, or make each teleconference location open to the public under very specific circumstances:

- At least a quorum of the members of the legislative body must participate in person from one physical location identified on the agenda, which location must be open to the public and within the boundaries of the local agency.
- A member may only teleconference for publicly disclosed "just cause" or in "emergency circumstances" approved by the legislative body.
- The public must be able to participate remotely.
- A member may only teleconference for a limited number of meetings.
- All votes must be by roll call.

See attached Table for more details on AB 2449's specific requirements.

### **Remote Public Participation May Continue**

State law continues to allow remote public participation (and note that use of AB 2449's alternative procedures requires remote public participation). If there are sufficient staff resources to allow this option, boards and commissions may choose to hold a hybrid meeting with all board members present (or teleconferenced using applicable Brown Act rules) plus a call in and/or a Zoom-type option for members of the public to participate remotely. Departments and agencies that support the boards and commissions should consider whether there are sufficient resources to continue to offer this remote participation option for the convenience for members of the public.

## AB 2449 – Teleconferencing Requirements

“Just Cause”	“Emergency Circumstances”
<p><i>Timing and Procedure</i></p> <p>The member <u>notifies</u> the legislative body at the earliest opportunity possible (can be as late as the start of a regular meeting) of their need to participate remotely for “just cause,” including a general description of the circumstances justifying their need to appear remotely.</p> <p><i>Qualifying Reason</i></p> <p>“Just cause” means any of the following:</p> <ul style="list-style-type: none"> <li>• A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely</li> <li>• A contagious illness that prevents a member from attending in person</li> <li>• A need related to a physical or mental disability not otherwise accommodated for</li> <li>• Travel while on official business of the legislative body or another state or local agency</li> </ul> <p>Note: A member is limited to two virtual attendances based on “just cause” per calendar year.</p>	<p><i>Timing and Procedure</i></p> <p>The member <u>requests</u> the legislative body as soon as possible to allow them to participate in the meeting remotely due to “emergency circumstances” and provides a general description of the circumstances justifying their need to appear remotely.</p> <p><u>and</u></p> <p>The legislative body takes action to approve the request. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with existing Brown Act provisions to add an item to the agenda.</p> <p><i>Qualifying Reason</i></p> <p>“Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person (does not require disclosure of any medical diagnosis or disability, or any personal medical information that is already exempt under existing law).</p> <p>Note: The member must make a separate request for each meeting in which they seek to participate remotely.</p>
<p><b>Other Requirements</b></p> <p>Under either “just cause” or “emergency circumstances”:</p> <ul style="list-style-type: none"> <li>• The member must publicly disclose at the meeting, before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individual(s).</li> <li>• The member must participate through <i>both</i> audio and visual technology (<u>cannot turn off camera</u>).</li> <li>• Teleconferencing by a member may not be for a period of <ul style="list-style-type: none"> <li>○ more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, <i>or</i></li> <li>○ more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year</li> </ul> </li> <li>• The public must be able to participate remotely through either: <ul style="list-style-type: none"> <li>○ A two-way audiovisual platform (defined to mean an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function); and/or</li> <li>○ A two-way telephonic service <i>and</i> a live webcasting of the meeting (defined to mean a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.</li> </ul> </li> <li>• All votes must be by roll call.</li> </ul>	