



air pollution control district
SANTA BARBARA COUNTY

HEARING BOARD STAFF REPORT

AGENDA ITEM: C. Future Hearing Board Meetings

DATE: April 21, 2022

A. **BACKGROUND:** At the Special Hearing Board meeting on April 1, 2022, the Hearing Board discussed how future meetings are to be conducted and requested that Santa Barbara County Air Pollution Control District (District) staff bring back a list of meeting options for a vote. The future Hearing Board meeting options listed below apply when there is no longer a proclaimed state of emergency and state or local officials no longer impose or recommend measures to promote social distancing, and reflect the requirements of the Brown Act as currently written. Of note, there are multiple bills related to Brown Act changes to allow remote participation currently working their way through the California Legislature. However, we won't know what, if any changes, will emerge from this legislative session until the bills are signed by the Governor.

B. **FUTURE HEARING BOARD MEETING OPTIONS:**

1. **Single Location:** (Pre-Pandemic Meeting Format)

Description: Conduct Regular Hearing Board meetings at a single location, alternating between the Santa Maria Board Hearing Room (511 East Lakeside Parkway, Santa Maria) and the Santa Barbara Board Hearing Room (105 East Anapamu Street, Santa Barbara). In addition, the Brown Act currently allows individual Hearing Board member(s) to attend remotely via video conference (e.g., Zoom), if the following requirements are met:

- Remote location must be included on the agenda.
- Remote location must be included in the public notice (newspaper).
- Remote location must be made available to the public to observe the meeting. The door should be kept open to allow the public access in and out of the location.
- Remote location must allow for public comment.
- Agenda must be posted outside of the remote location 24 hours/day for at least 72 hours prior to the meeting.
- If multiple Hearing Board members participate remotely, at least a quorum (3) of the members must participate from remote locations within Santa Barbara County (the locations may be different).

If most of the Hearing Board members participate in-person, this option provides an in-person experience with everyone in the same location (including the Petitioner and public), allowing for more effective discussion and deliberation.

Costs:

- The District reimburses each Hearing Board member's mileage to travel to the meeting location (2022 rate: \$0.585/mile).
- There are costs for District staff to travel from their work location to the meeting location in District vehicles.
- There is no additional cost for using the audio system at a single hearing room. Prior to the pandemic, the District was not charged IT costs for this.
- If any Hearing Board member(s) participate remotely via video conference, the District would be charged for IT costs to operate the Board Hearing Room remote video system (\$135/hour).
- Carpooling could save costs and vehicle emissions.
- The Hearing Board Policies and Procedures do not need to be updated if this option is chosen because it is already reflected in the document.

2. Two Locations: (Board of Supervisors Meeting Format)

Description: Conduct Regular Hearing Board meetings at two locations: the Santa Maria Board Hearing Room (511 East Lakeside Parkway, Santa Maria) and the Santa Barbara Board Hearing Room (105 East Anapamu Street, Santa Barbara) via the Board Hearing Room remote video system. In addition, the Brown Act currently allows individual Hearing Board member(s) to attend remotely via video conference (e.g., Zoom), if the following requirements are met:

- Remote location must be included on the agenda.
- Remote location must be included in the public notice (newspaper).
- Remote location must be made available to the public to observe the meeting. The door should be kept open to allow the public access in and out of the location.
- Remote location must allow for public comment.
- Agenda must be posted outside of the remote location 24 hours/day for at least 72 hours prior to the meeting.
- If multiple Hearing Board members participate remotely, at least a quorum (3) of the members must participate from remote locations within Santa Barbara County (the locations may be different).

If most of the Hearing Board members participate in-person, this option provides a hybrid in-person experience with a video conference between the two locations, allowing the most flexibility for in-person participation; however, the conversation between Hearing Board members may be impacted with separate (but video connected) conversations at either the north or south county locations. The petitioner and members of the public would be able to select the meeting location which best serves their location.

Costs:

- District reimburses each Hearing Board member's mileage to travel to the meeting location (2022 rate: \$0.585/mile). The *Two Locations* option has a cost savings compared to the *Single Location* option due to shorter travel distances for individuals to drive to the meeting location that is closest to their residence or business.
- There are costs for District staff to travel from their work location to the meeting location in District vehicles. The *Two Locations* option has a cost savings compared to the *Single Location* option due to shorter travel distances.
- The District would be charged for IT costs to operate the Board Hearing Room remote video system (\$185/hour). The *Two Locations* option has a cost increase compared to the *Single Location* option.
- There is no additional cost for District staff to attend from each location.
- There would be minimal costs for additional District staff and Hearing Board Clerk work time compared to the *Single Location* option, for updating the Hearing Board Policies and Procedures to reflect this meeting option, coordinating location staffing, coordinating IT support, and set up/clean up at both locations.

3. Remote Locations: (Pandemic Format)

Description: Conduct Regular Hearing Board meetings with all participants (i.e., each Hearing Board member, Hearing Board Clerk, Petitioner, District staff, and public) attending from remote locations via video conference (e.g., Zoom). Meetings would not be conducted at the Board Hearing rooms. The Brown Act currently allows Hearing Board members to attend remotely via video conference (e.g., Zoom), if the following requirements are met:

- All remote locations of Hearing Board members must be included on the agenda.
- All remote locations of Hearing Board members must be included in the public notice (newspaper).
- Remote locations must be made available to the public to observe the meeting. The door should be kept open to allow the public access in and out of the location.
- Remote locations must allow for public comment.
- Agenda must be posted outside of the remote location 24 hours/day for at least 72 hours prior to the meeting.
- At least a quorum (3) of the Hearing Board members must participate from remote locations within Santa Barbara County (the locations may be different).

This option provides the most convenience for participants, with each attending via video conference from their own location.

Costs:

- The *Remote Locations* option has a cost savings compared to the *Single Location* and *Two Location* options due to no mileage reimbursements for Hearing Board members.
- The *Remote Locations* option has a cost savings compared to the *Single Location* and *Two Location* options due to no District staff travel from their work location to the meeting location in District vehicles.
- There would be minimal costs for additional District staff and Hearing Board Clerk work time compared to the *Single Location* and *Two Location* options, for updating the Hearing Board Policies and Procedures to reflect this meeting option, and coordinating the Brown Act requirements for each location.

C. **DISTRICT RECOMMENDATION:** The District recommends *Option 1: Single Location* because it allows for the most effective discussion and deliberation.

Kaitlin McNally

Kaitlin McNally, Manager
Compliance Division

April 19, 2022

Date