



Legislation Text

File #: 21-0312, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Quinn M. Barrow, City Attorney

SUBJECT:

City Council Reconsideration of the Circumstances of the Declared COVID-19 Emergency to Determine Whether the City Council Should Continue to Hold Remote Meetings Pursuant to AB 361's Special Teleconferencing Requirements (City Attorney Barrow).

ACCEPT STAFF RECOMMENDATION

RECOMMENDATION:

Staff recommends that the City Council make the following findings so that meetings of the City Council will be subject to the special Brown Act requirements for teleconference meetings: (1) the City Council has reconsidered the circumstances of the COVID-19 state of emergency; and (2) state and local officials continue to recommend measures to promote social distancing.

BACKGROUND:

On March 4, 2020, Governor Newsom proclaimed a state of emergency to exist in California due to the spread of COVID-19. The Governor subsequently issued numerous executive orders suspending or modifying state laws to facilitate the response to the emergency. Among other things, these executive orders superseded certain Brown Act requirements and established special rules to give local public agencies greater flexibility to conduct teleconference meetings, including authorizing council members and board members to participate in meetings from remote locations without compliance with certain noticing requirements. Among the suspended teleconferencing rules are the Brown Act's requirements that: (1) the notice of the meeting and agenda identify the location of the remote location; (2) the remote location is accessible to the public; and (3) the agenda provides an opportunity for the public to directly address the council at each teleconference location. The special rules suspending these Brown Act requirements expired on September 30, 2021.

On September 16, 2021, in anticipation of the then-imminent expiration of his special rules for teleconference meetings, the Governor signed Assembly Bill 361. In key part, this bill amends the Brown Act to establish special requirements for teleconference meetings. To hold meetings under these special teleconferencing requirements, a legislative body of a local public agency needs to make two findings pursuant to Government Code Section 54953(e)(3). First, there must be a declared state of emergency and the legislative body must find that it has "reconsidered" the circumstances of such emergency. Second, the legislative body must find that such emergency continues to directly impact the ability of the legislative body's members to meet safely in person.

Alternatively, for the second finding, the legislative body must find that state or local officials continue to impose or recommend social distancing measures. These findings must be made within 30 days after the legislative body teleconferences for the first time under AB 361 and on a monthly basis thereafter.

The declared emergency is still in effect. Furthermore, California and Los Angeles County have each recommended measures to promote social distancing. Thus, the California Division of Occupational Safety and Health still requires that employers provide training on the effectiveness of physical distancing in the workplace. Additionally, the Los Angeles County Department of Public Health still encourages people at risk for severe illness or death from COVID-19 to take protective measures such as social distancing and, for those not yet fully vaccinated, to physically distance from others whose vaccination status is unknown. The County Health Department also continues to recommend that employers take steps to support physical distancing.

CONCLUSION:

After reconsidering the circumstances of the emergency created by the spread of COVID-19, staff recommends that the City Council find that state or local officials continue to impose or recommend social distancing measures, and direct staff to place on the agenda a second reconsideration for the City Council meeting scheduled for November 2.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.