



CITY COUNCIL AGENDA REPORT

MEETING DATE: 11/15/2022

DEPARTMENT: City Attorney

SUBJECT:

CONTINUING TO HOLD VIRTUAL MEETINGS PURSUANT TO AB 361

RECOMMENDED ACTION(S):

Make renewed findings that a state of emergency remains in effect and that state and local officials continue to recommend measures that promote social distancing.

EXECUTIVE SUMMARY:

The Governor has issued a series of executive orders in connection with the COVID-19 pandemic, which included a waiver of all physical-presence requirements under the Brown Act. The most recent of these orders was set to expire on September 30, 2021. Assembly Bill ("AB") 361, which took effect as an urgency measure on September 16, leaves this determination to local agencies, subject to certain findings they must make then renew periodically to allow virtual or telephonic meetings during the pendency of the COVID-19 pandemic.

Staff recommends the City Council make renewed findings that a state of emergency remains in effect at the state level, and that local officials continue to recommend measures that promote social distancing.

BACKGROUND:

The Governor's Executive Order N-29-20 suspended some of the Brown Act's in-person attendance requirements, but has since expired. AB 361 extends the waiver of in-person attendance requirements, under some additional rules.

On November 2, 2021, in order to continue to have the opportunity to host virtual, hybrid, or remote meetings in a similar manner as previously permitted under the Governor's order, the City Council made findings that a state of emergency remains in effect and that state or local officials recommend social distancing measures.

AB 361 requires that these earlier findings be renewed by the City Council every thirty (30) days in order to continue to make use of virtual or telephonic meetings and relaxed in-person attendance requirements for Council meetings.

DISCUSSION:

AB 361 permits many of the meeting adaptations allowed under the earlier Executive Order (which acted as a temporary waiver of the Brown Act's in-person attendance requirements), while also adding new requirements to the management of remote and teleconference public meetings.

In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the Council would need to make findings within 30 days of its November 2, 2021 regular meeting that that a state of emergency remains in effect and that state or local officials recommend social distancing measures.

These findings must be renewed every 30 days for remote meetings to continue. As the Council meets on the first and third Tuesday of every month, the Council need only renew these findings at every other regular session.

Therefore, staff recommends the City Council find and determine that a state of emergency remains in effect and that state or local officials recommend social distancing measures.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended action.

ATTACHMENTS:

None.

Submitted By: City Attorney
Approved By: City Manager