



Council Agenda Report

From: Melissa Boyer, City Clerk

Subject: Approval to Conduct Remote and/or Hybrid Remote and In-Person Public Meetings Citywide as Needed Pursuant to Assembly Bill 361

CEQA Determination: The City find that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.

Date: March 7, 2023

Facts

1. On March 4, 2020, Governor Newsom declared a state of emergency due to COVID-19.
2. On March 12, 2020, the Governor issued Executive Order No. N-25-20, waiving certain requirements of the Brown Act including:
 - the requirement that the notice of each meeting location be provided for those members of the legislative body (board or committee) participating in the meeting;
 - the requirement that each meeting location be accessible to members of the public;
 - the requirement that members of the public be able to address the legislative body (board and committee) at each meeting location;
 - the requirement that agencies post agendas at all meeting locations; and
 - the requirement that at least a quorum of the legislative body (board and committee) participate from locations within the boundaries of the territory over which they exercise jurisdiction.
3. In September 2021, the Governor signed Assembly Bill (AB) 361, which amends the Brown Act to allow continued flexibility for public meetings following the expiration of the Governor's Executive Order. The provisions of AB 361 regarding remote meetings provide that public bodies may continue to meet remotely so long as state or local officials have imposed or recommended measures to promote social distancing. Staff recommends that the committee adopt a resolution (attached) determining that state or local officials have imposed or recommended such measures to promote social distancing.
4. An additional stipulation of the legislation is that, every 30 days, legislative bodies must make findings that state and local officials continue to recommend measures to promote social distancing. As such, staff will bring this item to the Council for re-approval once per month.
5. When meeting under AB 361, a public body must comply with the following requirements:
 - The agenda must identify how the public can attend via a call-in or internet-based option (including streaming on Youtube plus a call-in number).
 - Allow an opportunity for public comments in real time (cannot require them to be submitted in advance, although it can be requested on a voluntary basis for reasons of convenience).
 - If a disruption occurs that prevents the City from broadcasting the meeting to the public in the method identified on the agenda, or if any technological issue prevents the public from providing comments remotely, then the body must refrain from taking any action on agenda items until public access is restored.
6. The provisions of AB 361 will sunset on January 1, 2024.

Options

1. Take no action.
2. Allow for the continuation of hybrid remote/in-person (or entirely remote) public meetings citywide pursuant to the requirements of AB 361; or
3. Provide alternative direction to staff.

Analysis and Conclusions

Taking no action on this item would require meetings be conducted according to the non-AB 361 requirements of the Brown Act (i.e., teleconferencing would only be allowed under the strict “traditional” procedural requirements, or on a case-by-case basis when a Councilmember has just cause or a personal emergency, under AB 2449). Approval of the Resolution would allow the City to continue remote or hybrid meeting formats while complying with the requirements of AB 361 and would exclude the need for teleconference locations to be provided as part of the public notice and agenda for public meetings.

Fiscal Impact

The City has already incurred most of the additional costs associated with conducting meetings remotely or in a hybrid format, as it has been meeting pursuant to AB 361 for many months. There will continue to be minimal staffing costs associated with coverage of the call-in line during the meeting, although oversight of this call-in line is in fact recommended on an ongoing basis regardless of the decision to continue meeting under AB 361 or not.

Recommendation (Option 2)

Approve Resolution 23-XXX, allowing for the continuation of remote and/or hybrid remote and in-person meetings citywide pursuant to AB 361.

Attachments

1. Resolution 23-XXX