



## Council Agenda Report

From: Melissa Boyer, City Clerk

Subject: Reaffirmation of Resolution 23-018 Approving 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 21, 2023

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### Facts

1. On March 4, 2020, Governor Newsom declared a [state of emergency](#) due to the novel coronavirus COVID-19. In an effort to reduce the spread of COVID-19 at public meetings, on March 17, 2020, Governor Newsom signed [Executive Order No. N-29-20](#), which suspended many of the Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that specified notice and accessibility requirements are met, and that members of the public are allowed to observe and address the legislative body at the teleconference meeting.
2. On June 11, 2021, Governor Newsom issued [Executive Order N-08-21](#), which extended the provision of Order N-29-20 concerning the conduct of public meetings through September 30, 2021.
3. In September 2021, the Governor signed [Assembly Bill \(AB\) 361](#). AB 361 amended the Brown Act to allow continued flexibility for public meetings following the expiration of the Governor's Executive Order.
4. With the passage of AB 361, still in effect, local agencies are allowed to continue to conduct remote (teleconference) meetings, provided local agencies comply with specified requirements. 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 Council reaffirm [Resolution 23-018](#) with findings that state or local officials have imposed or recommended such measures to promote social distancing, and that otherwise meets the requirements of AB 361. Additionally, AB 361 added new procedures and clarifies the requirements for conducting remote (teleconference) meetings, including the following:
  - a. Public Comment Opportunities in Real Time: A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote (teleconference) meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.
  - b. No Action During Disruptions: In the event of a disruption that prevents the local agency from broadcasting the remote (teleconference) meeting, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via call-in or internet-based options is restored.
  - c. Periodic Findings: To continue meeting remotely pursuant to AB 361, a legislative body must make periodic findings concerning the declared emergency and its effects. AB 361 will sunset on January 1, 2024.

The City of Paso Robles has already made it a practice to fulfill requirements a. and b. listed above in carrying out public meetings citywide since the outset of the COVID-19 outbreak in an effort to serve the public well by providing opportunities for public participation and transparency.

5. On March 7, 2023 City Council approved [Resolution 23-018](#) which reaffirms the recommendations from CalOSHA and the CDC as the basis for continuing to meet remotely only or in a hybrid format.
6. As required by Gov. Code § 54953(e)(G)(3), the City Council must reaffirm these findings **every 30 days** for as long as the City is conducting remote (teleconference) meetings. It should be noted that the reaffirmation of Resolution 23-018 does not prohibit conducting a traditional or hybrid meeting if the circumstances of the declared health emergency change.

### **Options**

1. Take no action;
2. Reaffirm Resolution 23-018 as required by Gov. Code § 54953(e)(G)(3); or
3. Provide alternative direction to staff.

### **Analysis and Conclusions**

Taking no action on this item would require the City to return to conducting meetings according to the unamended requirements of the Brown Act. Reaffirmation of Resolution 23-018 would allow the City to continue remote (teleconference) 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**

There are additional costs to conduct meetings remotely; however, the City has already incurred most of the described costs, as City has been meeting pursuant to AB 361 for many months. Primarily the costs relate to the use of Call-In Studio, the cloud-based call-in platform that the City has been using to take public comments via phone, in order to provide the public with an alternative to in-person participation. In addition, there are associated staffing costs required to provide coverage of the Call-Studio call-in line during the meeting. Call-In Studio should be ongoing regardless of the decision to reaffirm this resolution, as there is a meeting accessibility benefit to the public in allowing remote public comments by phone, whether holding meetings remotely, in a hybrid format, or in-person only.

### **CEQA**

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.

### **Recommendation (Option 2)**

Reaffirm Resolution 23-018 allowing for the continuation of hybrid remote (teleconference)/in-person public meetings citywide pursuant to the requirements of AB 361.