



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE:** February 13, 2023

**ITEM TITLE:** Adopt a Resolution Making Findings and Authorizing Remote Teleconference Meetings of the City Council and Commissions Pursuant to Assembly Bill 361.

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### RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution authorizing remote teleconference meetings of the City Council and Commissions pursuant to Assembly Bill ("AB") 361.

### FISCAL IMPLICATIONS:

There is no financial impact associated with adopting the proposed Resolution.

### BACKGROUND:

On March 4, 2020, Governor Newsom of California proclaimed a state of emergency in response to the outbreak of the novel coronavirus (COVID-19). Then on March 17, 2020, the Governor issued Executive Order N-29-20 easing Brown Act restrictions to allow local legislative bodies to hold their meetings via teleconference. This enabled the San Carlos City Council and staff to continue to safely conduct public meetings with public participation via teleconference, while still adhering to the County of San Mateo Health Officer's "shelter-in-place" order.

On September 16, 2021, Governor Newsom approved Assembly Bill ("AB") 361 with the goal to "improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options." The bill contains an urgency clause, which made the bill effective upon signing with a sunset date of January 1, 2024.

AB 361 allows local legislative bodies to continue to meet remotely if they meet three criteria:

1. The local agency holds a meeting during a declared state of emergency proclaimed by the Governor;
2. State or local officials have imposed or recommended measures to promote social distancing; and
3. Legislative bodies have determined that meeting in person would present imminent risks to the health or safety of attendees.

Pursuant to AB 361, the City Council adopted Resolution 2021-093 on September 27, 2021, declaring the need for the City Council and Commissions to continue conducting remote meetings. Since October 25, 2021, the City Council has adopted a Resolution each month renewing its declaration to continue meeting remotely for the next 30 days.

Since May 9, 2022, the City Council and Planning and Transportation Commission meetings have been conducted in-person, with an option for the public to participate remotely via Zoom. The Economic Development Advisory Commission; Parks, Recreation and Culture Commission; and Youth Advisory Council have since transitioned to in-person meetings as well. The Residential Design Review Committee and Downtown Advisory Committee continues to conduct its meetings remotely.

The Governor announced on October 17, 2022, that the COVID-19 State of Emergency will end on February 28, 2023. Until then, the City may continue making findings and adopting a Resolution every thirty days authorizing remote teleconference meetings pursuant to Assembly Bill 361. After the State of Emergency is lifted, remote access to meetings will only be allowed under the original teleconferencing rules or Assembly Bill 2449 ("AB2449") procedures. Attachment 3 is a memo from our City Attorney's firm detailing this new remote meeting law.

#### ANALYSIS:

Adopting the proposed Resolution will provide commissions with the option to continue holding remote meetings through February 28, 2023, when the State of Emergency is lifted. In addition, members of the City Council and Planning and Transportation Commission will have the flexibility to participate via teleconference in the event of a potential COVID-19 exposure or COVID-19 related concerns, such as an asymptomatic infection or concerns that an infection might occur at a remote location when a councilmember or commissioner has an active infection.

If the Council does not adopt a Resolution this evening to authorize remote meetings pursuant to AB 361, beginning February 14, 2023, all commissions will need to transition back to in-person public meetings and any remote participation from members of the City Council and Commissions would need to be done according to the traditional Brown Act's teleconferencing requirements which include identifying the teleconference location on the agenda of the meeting and allowing members of the public to attend the meeting at the teleconference location.

#### ALTERNATIVES:

The alternatives available to the City Council include:

1. Adopt a Resolution making findings and authorizing remote teleconference meetings of the City Council and Commissions pursuant to AB 361; or
2. Do not adopt the Resolution and proceed to transition all Commissions to in-person meetings beginning February 14, 2023; or
3. Provide staff with alternative direction.

Respectfully submitted by:

Crystal Mui, City Clerk

Approved for submission by:

A handwritten signature in black ink, appearing to be 'J. Maltbie', written over a horizontal line.

Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Resolution – AB 361
2. AB 361
3. Memo on AB 2449 Remote Meeting Law