

RESOLUTION NO. 2023 – ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CARLOS
MAKING FINDINGS AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF
THE CITY COUNCIL AND COMMISSIONS PURSUANT TO ASSEMBLY BILL 361.**

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for broader spread of the novel coronavirus (COVID-19); and

WHEREAS, on March 10, 2020, the City Manager, acting as Director of Emergency Services of the City of San Carlos, proclaimed the existence of a local emergency within the City; and

WHEREAS, on March 12, 2020, the City Council adopted Resolution 2020-013 ratifying and extending the Director of Emergency Services' proclamation of the existence of a local emergency caused by COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, City staff set up Zoom meetings for all City Council and Commission meetings; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill ("AB") 361 into law as an urgency measure that went into effect immediately; and

WHEREAS, AB 361 authorizes local legislative bodies to continue to conduct meetings using teleconferencing without complying with the Ralph M. Brown Act's standard teleconferencing requirements if certain conditions are met; and

WHEREAS, on September 27, 2021, pursuant to Assembly Bill 361, the City Council adopted Resolution 2021-093 making findings on the need for the City Council and Commissions to continue to teleconference in order to ensure the health and safety of the public; and

WHEREAS, each month since the passing of Resolution 2021-093, the City Council has reviewed the situation and adopted a Resolution renewing its declaration for the need for the City Council and Commissions to continue conducting meetings remotely due to health and safety concerns, pursuant to AB 361; and

WHEREAS, 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; and

WHEREAS, the Economic Development Advisory Commission, Parks, Recreation and Culture Commission and Youth Advisory Council have since transitioned to in-person meetings,

however the Residential Design Review Committee and Downtown Advisory Committee continues to conduct its meetings remotely; and

WHEREAS, adopting a Resolution making findings and authorizing the option for the City Council and Commissions to continue conducting meetings remotely due to health and safety concerns, pursuant to AB 361, provides Commissions who aren't ready to meet in person the option to continue remote meetings; and

WHEREAS, adopting a Resolution making findings and authorizing the option for the City Council and Commissions to continue conducting meetings remotely due to health and safety concerns, pursuant to AB 361 and provides members of the City Council and Commissions who have returned to in-person meetings with the flexibility to participate via teleconference in the event of potential COVID-19 exposure, future orders restricting attendance, a new variant causing the need to return to full remote meetings or other COVID-19 related concerns.

NOW, THEREFORE BE IT RESOLVED, that the San Carlos City Council hereby makes the following findings, in compliance with AB 361, and in order to continue to teleconference under the modified Brown Act requirements:

- a. The City Council has reconsidered the circumstances of the state of emergency;
- b. The Governor's proclamation for a state of emergency issued on March 4, 2020 remains in effect;
- c. Requiring the full return to in-person meetings would cause imminent risk to attendees who are vulnerable or where staff or councilmembers may have an asymptomatic, or where they are only able to attend remotely due to an infection, and it would be unsafe for the public to attend at their remote meeting location; and
- d. State and local officials continue to strongly recommend masks be worn by all individuals in indoor settings.

I, City Clerk Crystal Mui, hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Carlos at a scheduled meeting thereof held on the 13th day of February 2023, by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CITY CLERK of the City of San Carlos

APPROVED:

MAYOR of the City of San Carlos