

DATE SUBMITTED October 6, 2021  
 SUBMITTED BY City Manager  
 DATE ACTION REQUIRED October 6, 2021

COUNCIL ACTION (X)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION (X)  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS (em)

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: ASSEMBLY BILL 361  
 1. APPROVAL OF RESOLUTION NO. 2021-56 TO ADOPT CERTAIN PROVISIONS INCLUDED IN AB 361 RELATING TO TELECONFERENCE AND PUBLIC MEETINGS.

DEPARTMENT INVOLVED:  
 BACKGROUND/SUMMARY:

As you will recall, Executive Order N-29-20 suspended the Brown Act requirements for teleconferencing during the COVID-19 pandemic. AB361 authorizes a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Brown Act when there is a proclaimed state of emergency by the Governor and State or local officials have imposed or recommended measures to promote social distancing. Adoption of the resolution attached hereto will allow for teleconferencing. In so doing, the council would be required to, among other things, provide for "real time" public comment and further allow for public comment to the legislative body directly. Finally, if the council proceeds in this fashion, it would be required to make a finding every 30 days that the state of emergency directly impacts the ability of the legislative body to meet safely in person.

FISCAL IMPACT: TO BE DETERMINED	FINANCE INITIALS <u><i>[Signature]</i></u>
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STAFF RECOMMENDATION: <u>approve</u>	DEPT. INITIALS _____
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MANAGER'S RECOMMENDATION: Should the City Council wish to continue allowing for teleconferencing capabilities in a public meeting, it is the Manager's recommendation to approve the resolution. <u>approve</u>	CITY MANAGER'S INITIALS <u><i>DM</i></u>
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MOTION:

SECONDED: APPROVED ( ) REJECTED ( )

## **RESOLUTION NO. 56**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL ADOPTING FINDINGS THAT THERE IS A PROCLAIMED STATE OF EMERGENCY AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE COUNCIL AND ITS COMMISSIONS AND COMMITTEES**

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency in the State of California; and

WHEREAS, on September 22, 2021, the Imperial County Local Health Officer issued an amended Health Order which imposes and/or recommends measures to promote social distancing, including the requirement that “COVID Exposed Persons shall keep a minimum distance of six (6) feet between themselves and other individuals at all times whenever possible, excluding a treating medical professional, a caretaker, a law enforcement officer enforcing this Order, a representative of the Health Officer, or any other person specifically authorized by the Health Officer”; and

WHEREAS in light of ongoing concerns about public health and safety, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act (the “Brown Act”) in order to allow local government bodies to conduct open meetings safely during the coronavirus pandemic. On June 11, 2021, the Governor issued Executive Order N-08-21, extending the suspension of these provisions to allow local government bodies to continue to conduct their meetings remotely through September 30, 2021; and

WHEREAS, on September 10, 2021, the Legislature took additional action to allow local agencies to forego compliance with Brown Act teleconferencing requirements under specific circumstances after the expiration of the Governor’s order by adopting AB 361, which amends the Brown Act’s requirements for teleconferencing during a proclaimed state of emergency and when certain other conditions are met and certain findings are made. Because the bill contained an urgency clause, it took effect upon Governor Newsom’s signature on September 16, 2021; and

WHEREAS, the Brown Act, as amended, allows local agencies to make an initial determination to hold open meetings via teleconferencing when there is a proclaimed state of emergency and any of the following circumstances exist:

- 1) State or local officials have imposed or recommended measures to promote social distancing;
- 2) The local agency holds a meeting during a proclaimed state of emergency for the purposes of determining, by majority vote, whether as a result of the emergency,

meeting in person would present imminent risks to the health and safety risks of attendees; or

- 3) The local agency holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health and safety risks of attendees.

The local agency must reconsider whether the state of emergency continues to impact the ability of the members to meet safely in person or whether local or state officials continue to impose or recommend social distancing every 30 days; and

WHEREAS the rates of transmission of COVID-19 and variants in Imperial County continue to pose imminent risks for health of attendees at indoor gatherings involving Individuals from outside the same household; and

WHEREAS, to help protect against the spread of COVID-19 and variants, and to protect the health and safety of the public, the City of Imperial (the "City") wishes to take the actions necessary to comply with the Brown Act, as amended and to continue to hold its meetings remotely via teleconference.

**NOW, THEREFORE, BE IT RESOLVED** that the City hereby finds that pursuant to the Governor's State of Emergency Declaration, issued on March 4, 2020, there is a proclaimed State of Emergency in the State of California; and

**BE IT FURTHER RESOLVED** that the City hereby finds that pursuant to the Imperial County's Local Health Officer's amended Health Order dated September 22, 2021, local officials in Imperial County have imposed or recommended measures to promote social distancing; and

**BE IT FURTHER RESOLVED** that the City approves meeting via teleconference for all Regular and Special Meetings of the City for the 30 days following this resolution, in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

**APPROVED, PASSED, AND ADOPTED**, at the regular meeting of the City Council this 6<sup>th</sup> day of October, 2021.

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Karin Eugenio, Mayor

ATTEST:

DRAFT