



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 8, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Melissa Thurman, City Clerk

SUBJECT: Adopt Resolution Declaring the Continued State of Local Emergency and Need for the City Council and Other Legislative Bodies Subject to the Ralph M. Brown Act to Continue to Teleconference in Order to Ensure the Health and Safety of the Public Pursuant to AB 361

BACKGROUND: On March 4, 2020, Governor Gavin 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 a broader spread of COVID-19.

On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act to allow local legislative bodies to conduct meetings telephonically or by other means. Additionally, the State implemented a shelter-in-place order, requiring all non-essential personnel to work from home.

In response to the Executive Order, City staff created Zoom accounts for various departments and underwent training to ensure that City Council meetings could continue safely for the members, staff, and the public. The City Council has been conducting virtual meetings since April 2020 and the City's Commissions, Boards and Committees began meeting virtually in June 2020. The usage for Zoom for public meetings has allowed the City to ensure the public's continued access to government meetings while also ensuring the public's safety.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for agencies to transition back to public meetings held in full compliance with the Ralph M. Brown Act. Since Executive Order N-08-21 was enacted, the Delta and Omicron Variants of the COVID-19 virus have emerged, which has resulted in ten times the number of confirmed COVID-19 cases throughout the county since June 2021. Taking these factors into account, San Bruno has continued its public meetings in the virtual setting and wishes to maintain this format to preserve the health and safety of its staff, elected officials and constituents.

DISCUSSION: AB 361 was signed into law by the Governor on September 16, 2021, went into effect immediately as urgency legislation (codified under Government Code § 54953), and allows local legislative bodies to continue to meet remotely beyond the current executive order's expiration of September 30, 2021, in any of the following circumstances:

- The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. (Government Code § 54953(e)(1)(A)-(C).)

Staff has determined the following findings can be made to meet the above provisions of AB 361:

- The state of California remains under the COVID-19 state of emergency proclaimed by the Governor pursuant to the California Emergency Services Act.
- The emergency continues to directly impact the ability of members to meet safely in person.

On February 17, 2022, Governor Gavin Newsom lifted several states of emergencies that were in place in California but kept the state of emergency for COVID-19 intact.

On October 26, 2021, during a regular meeting, the City Council adopted a resolution making necessary findings so that the City may continue to teleconference public meetings without adhering to all of the Brown Act's teleconferencing requirements, in order to ensure the health and safety of the public. The public has the ability to attend public meetings by teleconference accessibility via call-in option or an internet-based service option (via the Zoom Webinars platform). Meeting details including the Zoom link and accessible phone numbers are listed on the published agenda for each meeting. The City monitors attendance via teleconference as well as email correspondence received throughout each public meeting and provides access for public comment opportunities in real time both verbally and in writing.

The City Council may continue to teleconference public meetings under AB 361 if the City Council makes findings every 30 days during the proclaimed state of emergency. AB 361 will sunset on January 1, 2024, or whenever the City Council returns to in-person meetings, whichever occurs first.

FISCAL IMPACT: There is no fiscal impact.

ENVIRONMENTAL IMPACT: The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

RECOMMENDATION: Adopt Resolution Declaring the Continued State of Local Emergency and Need for the City Council and Other Legislative Bodies Subject to the Ralph M. Brown Act to Continue to Teleconference in Order to Ensure the Health and Safety of the Public Pursuant to AB 361

ALTERNATIVES: The City Council may choose to not adopt the resolution or adjust staff's findings; however, if a resolution is not adopted, the City may not be subject to the Brown Act exemptions that would be allowed under AB 361.

ATTACHMENTS:

1. Resolution
2. Governor's Executive Order N-29-20
3. Governor's Executive Order N-08-21
4. AB 361