



**Agenda Item No. 10e.**

### **Staff Report**

**Date:** December 9, 2021

**To:** Mayor Robbins and Councilmembers

**From:** Ben Stock, Town Attorney

**Subject:** Consideration of Resolution No. 2226 Assembly Bill 361 Amending Open Meeting Laws to Expand Teleconference Meeting Options During Proclaimed State of Emergencies

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#### **Recommendation**

It is recommended that the Town Council adopt Resolution No. 2226 to implement and utilize teleconference accessibility to conduct public meetings, pursuant to Assembly Bill 361. The adoption of the resolution will continue to permit the Town Council to conduct meetings via teleconference.

#### **Background and Discussion**

Assembly Bill 361 (AB 361) was signed into law by the Governor on September 16, 2021, and went into effect immediately. It amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology after the September 30, 2021 expiration of the current Brown Act exemptions as long as there is a “proclaimed state of emergency” by the Governor and certain findings are made regarding the need to conduct teleconferenced meetings.

In light of the new legislation, this item will be coming to the Town Council for action each month. By approving the proposed resolution, the Town Council may continue to conduct meetings as they have been without interruption.

#### **Fiscal Impacts**

There is no fiscal impact associated with the adoption of the resolution.

#### **Attachments**

- Resolution No. 2226

# TOWN OF ROSS

## RESOLUTION NO. 2226

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ROSS AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE TOWN COUNCIL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54952(b) AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361 (GOVERNMENT CODE SECTION 54953(e)) TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS

**WHEREAS**, the Town Council is committed to ensuring public access to observe and participate in local government meetings; and

**WHEREAS**, all meetings of the Town Council and other legislative bodies created pursuant to Government Code Section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

**WHEREAS**, the recently adopted AB 361, codified at Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of 54953(b)(3), during a Governor-proclaimed state of emergency and if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, and

**WHEREAS**, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (now known as COVID-19) and that State of Emergency is still in effect in the State of California; and

**WHEREAS**, on March 3, 2020, Marin County declared a local emergency due to the COVID-19; and

**WHEREAS**, on March 16, 2020, the Mayor proclaimed the existence of a local state of emergency within the Town, pursuant to Section 2.28.060 of the Ross Municipal Code and Section 8625 of the California Emergency Services Act in response to the COVID-19 pandemic, which was ratified by the Town Council on March 19, 2020; and

**WHEREAS**, COVID-19 continues to threaten the health and lives of Town residents; and

**WHEREAS**, the SARS-CoV-2 Delta Variant (Delta Variant) is highly transmissible in indoor settings; and

**WHEREAS**, on July 28, 2021, the California Department of Public Health issued guidance calling for the use of face coverings and stating that the Delta Variant is two times as contagious as early COVID-19 variants, leading to increasing infections, the Delta Variant accounts for over 80% of cases sequenced, and cases and hospitalizations of COVID-19 are rising throughout the state; and

**WHEREAS**, the Delta Variant has caused, and will continue to cause, conditions of imminent peril to the health safety of persons within the Town; and

**WHEREAS**, the Town Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees and other bodies that were created by the Town Council pursuant to Government Code section 54952(b) (collectively referred to as "Legislative Bodies"), finds that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Ross that the Town Council does hereby:

1. Find that Current Conditions Authorize Teleconference Public Meetings of Legislative Bodies. Based on the California Governor's continued declaration of a State of Emergency and current conditions, the Town Council finds that meeting in person would present imminent risks to the health or safety of attendees, such that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.
2. Authorize Legislative Bodies to Conduct Teleconference Meetings. The Legislative Bodies are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 9<sup>th</sup> day of December 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Elizabeth Robbins, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk