



Agenda Item No. 11c.

Staff Report

Date: November 10, 2022

To: Mayor Kuhl and Councilmembers

From: Ben Stock, Town Attorney

Subject: Consideration of Resolution No. 2274 Assembly Bill 361 Amending Open Meeting Laws to Expand Teleconference Meeting Options During Proclaimed State of Emergencies

Recommendation

It is recommended that the Town Council consider adopting Resolution No. 2274 to implement and utilize teleconference accessibility to conduct public meetings, pursuant to Assembly Bill 361. The adoption of the resolution will allow the Town Council to conduct meetings via teleconference and in person.

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.

The Town Council resumed in person meetings at its April 14, 2022 meeting, and allowed members of the public to participate remotely via zoom. At this same meeting, the Town Council directed staff to bring back the instant resolution permitting individual Councilmembers with the ability to utilize teleconferencing under AB 361. The Town Council approved the AB 361 resolution at its May, June, July, August, September, and October meetings. If the Town Council desires to continue allowing virtual meetings for its members, the Town Council will need to readopt the resolution each month.

Fiscal Impacts

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

Attachments

- Resolution No. 2274

TOWN OF ROSS

RESOLUTION NO. 2274

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, COVID-19 and its variants are highly transmissible in indoor settings; and

WHEREAS, COVID-19 and its variants have 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 only 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. The Town has safety measures and technology in place to allow hybrid meetings which allow in-person and teleconferenced appearances at meetings, which reduces the risks to health and safety of appearing in person for meetings because the number of attendees is reduced.
3. The State of California and the Town of Ross continue to follow safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), California Department of Public Health (DPH), and/or County of Marin, as applicable. Based upon that guidance, in-person attendance indoors at public meetings continues to present a health risk for certain segments of the population, necessitating the need to reduce the number of in-person meeting attendees.
4. The Town Council hereby declares that, pursuant to the findings listed in this Resolution, that the Town appointed Commissions and Committees are authorized to utilize teleconferencing to conduct public meetings pursuant to AB 361 and Government Code § 54953, as amended thereby.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 10th day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

P. Beach Kuhl, Mayor

ATTEST:

Linda Lopez, Town Clerk