



# CITY OF WHEATLAND

## CITY COUNCIL MEETING STAFF REPORT

October 26, 2021

**SUBJECT:** Reaffirm Resolution No. 34-21 Findings Related to the State of Emergency Due to Covid-19 Authorizing the City Manager to Continue to Implement Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361 (Stats. 2021. Ch. 165)

**PREPARED BY:** Jim Goodwin – City Manager

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### **Recommendation**

Reaffirm Resolution No. 34-21 findings related to the state of emergency due to COVID-19 authorizing the City Manager to continue to implement teleconference accessibility to conduct public meetings pursuant to Assembly Bill 361 (Stats. 2021, Ch. 165).

### **Background/Discussion**

AB 361 was recently signed by the Governor of the State of California and went into effect immediately upon signature by the governor. It amends the Brown Act to allow local legislative bodies to continue having purely virtual meetings using teleconferencing and virtual meeting technology as long as there is a gubernatorial “proclaimed state of emergency,” and either (1) state or local officials imposing or recommending measures that promote social distancing or (2) the legislative body finding that meeting in person would present an imminent safety risk to attendees.

The key differences between prior Executive Order N-08-21, which expired September 30, 2021, and AB 361 is that AB 361 imposes particular requirements with respect to public comment. The City of Wheatland’s current practices with respect to live public comment via Zoom already satisfy all of the new requirements in AB 361. Additionally, public agencies must either make findings by majority vote that the state of emergency still exists and continues to directly impact the ability of the members to meet safely in person, or that health officials continue to impose or recommend measures to promote social distancing. Determinations by the local agency that the emergency impacts the ability to meet safely in person must be re-visited every 30 days.

If Council meets in person, current OSHA requirements state unvaccinated persons must wear a mask. In addition, we would need to offer some hybrid model that allows for remote participation for members of the public who cannot attend because of COVID 19 concerns. These hybrid models are not “problem free.” A technological glitch in the meeting could prevent action in the

meeting. Over the past several months the City has not observed any lessening of public participation in City Council meetings as a result of virtual meetings. Continuing the remote meetings would provide for a consistent meeting format until the pandemic emergency is lifted.

On September 28, 2021, Council adopted Resolution No. 34-21 making the required findings under AB 361 in order to allow the City to continue to offer teleconference accessibility for public meetings after September 30, 2021, to help mitigate the spread of COVID-19.

**Fiscal Impact**

None.

**Attachments**

1. Resolution No. 34-21

**RESOLUTION NO. 34-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND  
AUTHORIZING VIRTUAL CITY COUNCIL MEETINGS DURING DECLARED  
STATE OF EMERGENCY PURSUANT TO GOVERNMENT CODE 54953 (AB 361)**

**WHEREAS**, AB 361 was recently signed by the Governor of the State of California, enacting certain changes to the Brown Act as set forth in Government Code section 54953; and

**WHEREAS** AB 361 authorizes local legislative bodies to continue having purely virtual meetings using teleconferencing and virtual meeting technology as long as there is a gubernatorial “proclaimed state of emergency,” and either (1) state or local officials imposing or recommending measures that promote social distancing or (2) the legislative body finding that meeting in person would present an imminent safety risk to attendees; and

**WHEREAS**, the state of emergency proclaimed by the Governor on March 4, 2020, related to the pandemic of coronavirus commonly as COVID-19 has not been rescinded and remains in effect; and

**WHEREAS**, new variants of COVID-19 have developed, and risks of illness or death due to such variants remains significant to the general public; and

**WHEREAS**, the City Council has determined that virtual meetings have not limited participation of Council Members, City staff and other potential attendees.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Wheatland that:

1. The City Council determines that the pandemic of COVID-19 creates an imminent safety risk to councilmembers and other potential attendees of City Council meetings.
2. In accordance with AB 361, the City Council shall re-consider the passage of this resolution not less than every 30 days to determine whether state of emergency continues to directly impact the ability of the members to meet safely in person, or whether state or local officials continue to impose or recommend measures to promote social distancing, until this resolution is rescinded.

**PASSED AND ADOPTED** at a regular meeting of the Wheatland City Council of the City of Wheatland, State of California on the 28th day of September 2021 by the following vote:

**AYES:** Coe, Pendergraph, McIntosh, Shelton, West

**NOES:**

**ABSENT:**

**ABSTAIN:**



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Rick West, Mayor

**ATTEST:**



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Lisa J. Thomason, City Clerk