



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

September 28, 2021

SUBJECT: Discussion and Consideration of Future Council Meetings Pursuant to AB 361

PREPARED BY: Jim Goodwin, City Manager

Recommendation

Staff recommends the Wheatland City Council discuss the manner in which they wish to proceed with public meetings. Resolution No. 34-21 has been provided if the City Council wishes to continue virtual meetings during this time.

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 existing Executive Order N-08-21, which expires September 30, 2021, and AB 361 is that AB 361 imposes particular requirements with respect to public comment, however, 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.

Resolution NO. 34-21 has been provided in case you wish to continue virtual meetings through the end of the pandemic. The resolution makes the appropriate findings. The action would need to be revisited every 30 days.

Attachments

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
NOES:
ABSENT:
ABSTAIN:

Rick West, Mayor

ATTEST:

Lisa J. Thomason, City Clerk