



Legislation Text

File #: 21-561, **Version:** 1

City of San Leandro City Council Resolution to Continue Conducting the San Leandro City Council and all Appointed Board and Commission Meetings Remotely Due to Health and Safety Concerns for the Public and Making Related Findings.

RECOMMENDATION

Staff recommends that the City of San Leandro City Council adopt a resolution to continue conducting City Council and all other City Council appointed Board and Commission meetings remotely due to health and safety concerns for the public and making related findings in compliance with AB 361 (2021).

BACKGROUND

On March 4, 2020, Governor 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 address the broader spread of COVID 19.

On March 16, 2020, the City Council adopted Resolution Number 2020-024 ratifying the proclamation of a local state of emergency by the Director of Emergency Services due to 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 in order 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.

The City Clerk worked collaboratively with IT staff to create virtual meetings for all City Council and City Council appointed Board and Commission meetings. The virtual meetings have allowed the Council and advisory bodies to continue to conduct City business safely and in compliance with public health orders and 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On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021, for agencies to transition back to public meetings held in full compliance with the Brown Act.

Since the Governor issued Executive Order N-08-21, the highly contagious Delta variant has emerged, causing a spike in cases throughout the state. As a result, the Alameda County Health Department issued a Health Order requiring masks indoors in public places, regardless of vaccination status, starting August 3, 2021.

On September 16, 2021, the Governor signed AB 361 (2021) which allows for local legislative and

advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the Council make specified findings. AB 361 took effect immediately.

DISCUSSION

The California Legislature approved AB 361 and the Governor signed the bill into law on September 16, 2021. The bill will allow local legislative bodies to continue to meet remotely after the October 1st deadline. A local agency's legislative body and advisory bodies will be allowed to continue to meet remotely when:

- The local agency holds a meeting during a Governor declared state of emergency; and
- State or local health officials have imposed or recommended measures to promote social distancing; or
- Legislative bodies declare the need to meet remotely due to present imminent risks to the health or safety of attendees.

The City meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public:

- The City is still under a state of emergency as declared by the Governor, and as proclaimed by the City under Resolution 2020-024;
- County Health orders require that all individuals in public spaces maintain social distancing and wear masks;
- The City cannot maintain social distancing requirements for the public, staff, Council members, and advisory body members in their meeting spaces.

Now that AB 361 was signed into law, the City Council would need to declare every 30 days that the City's legislative bodies must continue to meet remotely in order to ensure the health and safety of the public.

Staff recommends that the City Council adopt a resolution to declare these findings so that these bodies can continue to meet remotely.

FISCAL IMPACT

There is no fiscal impact.

Attachments:

Resolution
Resolution Number xx-xxxx Declaring a Local Emergency
Resolution Number xx-xxxx Declaring Continued Local Emergency
Governor's Executive Order N-29-20
Governor's Executive Order N-08-21
AB 361