



## Legislation Text

---

**File #:** 21-764, **Version:** 1

---

City of San Leandro City Council Resolution to Continue Conducting all 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 all City Council and all other City Council appointed Board and Commission meetings remotely due to public health and safety concerns 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 No. 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 City Council and its appointed 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On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for agencies to transition back to public meetings held in full compliance with the Brown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 and Omicron variants have emerged, causing a spike in cases throughout the state. As a result, the California Department of Public Health issued a Health Order requiring masks indoors in public places, regardless of vaccination status, from December 15, 2021 to January 15, 2022.

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

defined by the Brown Act 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 allows 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 State of California is still under a state of emergency; and
- Alameda County Department of Public Health orders recommend that all individuals in public spaces maintain social distancing and the California Department of Public Health mandates the wearing of masks until January 15, 2022.

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 all of the City's legislative 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