

RESOLUTION NO. RES-2023-023

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA MAKING REQUIRED FINDINGS AND AUTHORIZING THE CONTINUED USE OF TELECONFERENCING FOR PUBLIC MEETINGS OF THE CITY COUNCIL AND ALL THE CITY'S BOARDS, COMMISSIONS AND COMMITTEES PURSUANT TO ASSEMBLY BILL 361

WHEREAS, the Council is committed to ensuring full public access and participation in local government meetings; and

WHEREAS, on March 4, 2020, Governor Newsom declared a state-wide State of Emergency as a result of the rapid spread of the novel coronavirus 2019 (COVID-19); and

WHEREAS, the COVID-19 pandemic has not yet fully resolved and the state-wide State of Emergency remains in effect; and

WHEREAS, on March 2, 2020, the Sonoma County Health Officer proclaimed a Local Health Emergency due to the potential introduction of COVID-19 in Sonoma County; and

WHEREAS, the COVID-19 pandemic has not yet fully resolved and the county-wide declaration of Local Health Emergency remains in effect; and

WHEREAS, on March 2, 2020, following the Declaration of Local Health Emergency by the Sonoma County Health Officer, the City Manager, acting in his capacity as Director of Emergency Services, issued a Proclamation of Existence of a Local Emergency within the City of Santa Rosa due to the threat of COVID-19; and

WHEREAS, on March 3, 2020, by Resolution RES-2020-035, the Council of the City of Santa Rosa ratified the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services; and

WHEREAS, the COVID-19 pandemic has not yet fully resolved and the city-wide Proclamation of the Existence of a Local Emergency remains in effect; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, suspending certain provisions of the Ralph M. Brown Act (Brown Act) so as to allow local legislative bodies to conduct public meetings via teleconference (with audio or video communications, without a physical meeting location), subject to specified notice and access requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, extending, through September 30, 2021, the provisions of Executive Order N-29-20 governing the conduct of public meetings by teleconference; and

WHEREAS, in light of the September 30, 2021 expiration of the teleconference provisions of Executive Orders N-29-20 and N-08-21, California Assembly Bill 361 was signed into law on September 16, 2021, amending Government Code section 54953 of the Brown Act to add a new subsection (e) to allow local legislative bodies to continue to conduct public meetings by teleconference during proclaimed states of emergency under specified conditions and subject to specified requirements for notice, attendance and other matters; and

WHEREAS, pursuant to the Governor's Executive Order N-15-21, AB 361 took effect on October 1, 2021; and

WHEREAS, to ensure appropriate public notice and opportunity for public participation in public meetings held by teleconference, AB 361 requires the following:

- Meeting notices shall be published and agendas posted in accordance with the Brown Act.
- All members of the public shall be provided an opportunity to attend the meeting and provide public comment via a call-in option or an internet-based service option.
- The opportunity to attend the meeting and provide public comment must be in real time.
- Notice of the means by which members of the public may access the meeting and offer public comment must be included in every meeting notice given and every agenda posted.
- In the event of a disruption in the broadcast of the meeting or a disruption within the local agency's control that prevents members of the public from offering public comments via a call-in or internet-based service option, the legislative body shall take no further action until public access via call-in or internet-based service is restored.
- The legislative body must provide reasonable time for members of the public to provide public comment, including time for members of the public to register with a third party internet website or online platform as needed; and

WHEREAS, throughout the COVID-19 pandemic, the Santa Rosa City Council and all the City's boards, commissions and committees have successfully held public meetings by teleconference in accordance with the Governor's earlier Executive Orders and now in compliance with the requirements of AB 361; and

WHEREAS, AB 361 allows use of the above teleconferencing procedures during a declared state of emergency if the local legislative body makes the following specified findings within 30 days of the first meeting held pursuant to AB 361 and every 30 days thereafter:

- The legislative body has reconsidered the circumstances of the state of emergency; and

- Either:
 1. The state of emergency continues to directly impact the ability of the members of the legislative body to meet safely in person, or
 2. State or local officials continue to impose or recommend measure to promote social distancing; and

WHEREAS, on October 12, 2021 (RES-2021-168), November 9, 2021 (RES-2021-184), December 7, 2021 (RES-2021-217), December 14, 2021 (RES-2021-226), January 11, 2022 (RES-2022-008), February 8, 2022 (RES-2022-022), March 1, 2022 (RES-2022-039), March 29, 2022 (RES-2022-058), April 25, 2022 (RES-2022-079), May 24, 2022 (RES-2022-100), June 21, 2022 (RES-2022-133), July 12, 2022 (RES-2022-153), August 9, 2022 (RES-2022-175), September 13, 2022 (RES-2022-192), October 11, 2022 (RES-2022-201), November 1, 2022 (RES-2022-219), November 29, 2022 (RES-2022-227), December 13, 2022 (RES-2022-245), and January 10, 2023 (RES-2023-001) Council approved resolutions making the above findings and authorizing the continued use of teleconferencing and hybrid procedures (combination of teleconferencing and in-person) for all public meetings of the Council and of all of the City's boards, commissions and committees pursuant to and in accordance with AB 361 (Government Code section 54953(e)); and

WHEREAS, nearing thirty days later, Santa Rosa remains under State, County and City declarations of emergency due to the continuing impacts of the COVID-19 pandemic; and

WHEREAS, the COVID-19 pandemic continues to threaten public health and safety and infections, though slowing, continue to spread; and

WHEREAS, the public health threats from COVID-19 continue to directly impact the ability of the members of the legislative body to meet safely in person; and

WHEREAS, to the extent that any public meetings of the Council or the City's boards, commissions and committees are conducted in-person, the City continues to allow public access through teleconferencing and continues to recommend social distancing for all individuals present in person; and

WHEREAS, on October 28, 2022, the Sonoma County Health Officer issued updated recommendations for the conduct of public meetings, which recommendations remain in place today, including (a) a strong recommendation that public meetings be held by teleconference, (b) a recommendation that if a local agency determines to hold in-person meetings, the public be given the opportunity to attend via a call-in option or an internet-based service option, and (c) a recommendation that in-person protocols require social distancing and face masking of all attendees; and

WHEREAS, the Council supports these recommendations for social distancing and other protective measures and desires to continue to provide safe environments for public meetings; and

WHEREAS, the Governor has indicated that the State Declaration of Emergency arising from the COVID-19 pandemic may be lifted at the end of February.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa hereby finds:

1. The above recitals are true and correct.
2. The Council has reconsidered the circumstances of the COVID-19 state of emergency.
3. The COVID-19 state of emergency continues to directly impact the ability of the members of Council and the members of the City's boards, commissions and committees to meet safely in person.
4. The Sonoma County Health Officer continues to recommend measures to promote social distancing.

BE IT FURTHER RESOLVED that, based upon the above findings and to protect public health and safety, the Council authorizes the continued use of teleconferencing and hybrid procedures (combination of teleconferencing and in-person) for all public meetings of the Council and of all of the City's boards, commissions and committees pursuant to and in accordance with AB 361 (Government Code section 54953(e)) so long as the State Declaration of Emergency relating to the COVID-19 pandemic remains in place.

IN COUNCIL DULY PASSED this 24th day of January, 2023.

AYES: (7) Mayor N. Rogers, Vice Mayor MacDonald, Council Members Alvarez, Fleming, Okrepkie, C. Rogers, Stapp

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
Assistant City Attorney