

RESOLUTION NO. RES-2021-168

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, nineteen months later, the COVID-19 pandemic continues 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, nineteen months later, the COVID-19 pandemic continues 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, nineteen months later, the COVID-19 pandemic continues 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, 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 Executive Orders; 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.

WHEREAS, the Council and the City's boards, commissions and committees have complied with the above requirements when conducting public meetings by teleconference during the COVID-19 pandemic, and are committed to maintaining that compliance; and

WHEREAS, AB 361 allows use of the above teleconferencing procedures during a declared state of emergency if either of the following conditions are met:

- State or local public health officers have imposed or recommended measures to promote social distancing, or
- The local agency’s legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees (or is meeting to make that determination); and

WHEREAS, in order to utilize the teleconferencing procedures of AB 361, the local legislative body must make the following specified findings within 30 days of the first meeting held pursuant to AB 361:

- 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, as outlined above, Santa Rosa remains under State, County and City declarations of emergency due to the continuing COVID-19 pandemic; and

WHEREAS, the COVID-19 pandemic continues to threaten public health and safety as new outbreaks occur, new variants present new dangers, and infections continue to spread, despite strong state and local public health efforts; 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 require social distancing and face masks for all individuals present in person; and

WHEREAS, on September 22, 2021, the Sonoma County Health Officer issued recommendations for the conduct of public meetings, 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 (six feet of separation) and face masking of all attendees; and

WHEREAS, to mitigate the risks of COVID-19, maintaining social distance continues to be recommended by the U.S. Centers for Disease Control and Prevention (CDC), the California

Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) and the United States Department of Labor, Occupational Safety and Health Administration (OSHA), and others; and

WHEREAS, the Council recognizes these recommendations for social distancing and desires to continue to provide safe environments for public meetings.

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 federal government, the State of California and the Sonoma County Health Officer continue to impose or 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)).

IN COUNCIL DULY PASSED this 12th day of October, 2021.

AYES: (6) Mayor C. Rogers, Council Members Alvarez, Fleming, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (1) Vice Mayor N. Rogers

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney