

SUPPLEMENTAL INFORMATION TO AGENDA ITEM NUMBER 6

Discussion of Council / Public Meetings (In Person Only/or Hybrid)

As of the Posting of the September 21, 2021 City Council Meeting Packet, the City received notification that Governor Newsom has signed AB 361, which amends the Brown Act effective immediately to allow legislative bodies of local agencies to meet remotely during declared emergencies under certain conditions.

AB 361 builds upon Executive Order (“EO”) N-29-20, issued by the Governor on March 17, 2020, which relaxed the teleconferencing requirements of the Brown Act to facilitate virtual meetings during the COVID-19 declared emergency. EO N-29-20’s provisions concerning public meetings are set to expire after September 30, 2021.

AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act’s standard teleconferencing provisions, including the requirement that meetings be conducted in physical locations, if the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body has already determined or is determining whether - as a result of the emergency - meeting in person would present imminent risks to the health or safety of attendees.

AB 361 adds new procedures and clarifies the requirements for conducting remote meetings, including the following:

- **Public Comment Opportunities in Real Time:** A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.
- **No Action During Disruptions:** In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.
- **Periodic Findings:** To continue meeting remotely pursuant to AB 361, a legislative body must make periodic findings concerning the declared emergency and its effects. AB 361 will sunset on January 1, 2024.

What would AB 361 specifically do?

AB 361 would allow cities to continue to operate Brown Act meetings with modified Brown Act requirements during a declared state of emergency. Specifically:

- Under AB 361, the public must continue to have access to the remote meeting and provided the ability to make public comment. Cities would not be required to make all remote meeting sites accessible to the public, nor include the remote location details in the meeting notice or agenda during a declared state of emergency.
- Cities would still be required to post agendas and meeting information but are not required to post in physical locations when meeting remotely during an emergency.
- Local officials would not be required to be located at remote sites within the territorial bounds of the agency during a declared state of emergency.

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- Cities urgently need AB 361 to pass, so they can continue to provide essential services while prioritizing health and safety of their residents and ensuring government transparency, access, and public engagement.
- Public access and participation remain a core value of local democracy, and countless cities, without additional funding, have risen to this challenge and are engaging and listening to the public in a new, digital environment.
- This bill would provide local agencies with the flexibility to meet and act efficiently and effectively during emergency situations.
- Due to the increased spread of COVID-19 and the uncertainty that COVID-19 variants present, cities must be able to retain the ability and flexibility to continue to conduct meetings in the safest manner that they are able to under the Executive Order.

Based upon this new information, the Council should consider the option of continuation of virtual city meetings.

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: September 21, 2021
To: Honorable Mayor and Honorable City Councilmembers
From: City Administration
Administration Services Director
Subject: Discussion of Council / Public Meetings (In Person Only/or Hybrid)
Recommendation: Direction to Staff on Future City Council Meetings for In Person Only or Hybrid Meetings assuming that the Executive Order would expire and AB 361 not acted upon as of this meeting date. If the Executive Order is extended or if AB 361 is adopted as Law, it is recommended that the City continue to conduct virtual meetings as long as there is a state-proclaimed state of emergency.
Funding: Currently Budgeted: _____ Yes *X No _____ N/A
Net General Fund Cost:
Amount: \$ _____

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)
**proposed costs for October Meetings Only are listed in Fiscal Impact Section Below*

PURPOSE/INTRODUCTION: This item requests that the City Council Provide Direction to Staff on Future City Council Meetings for In Person Only or Hybrid Meetings assuming that the Executive Order would expire and AB 361 not acted upon as of this meeting date. If the Executive Order is extended or if AB 361 is adopted as Law, it is recommended that the City continue to conduct virtual meetings as long as there is a state-proclaimed state of emergency.

BACKGROUND:

When the COVID-19 pandemic started, local agency boards struggled to conduct their meetings in compliance with the Brown Act's requirements while still abiding by stay-at-home orders. As a result, on March 17, 2020, the Governor issued an Executive Order suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means. The City has conducted Council meetings over technology platform Zoom since that time. On June 11, 2021, the Governor subsequently issued Executive Order N-08-21 maintaining the suspension of certain provisions of the Brown Act to continue to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means through September 30, 2021.

Since March 2020, the City continued with community engagement, project management, public meetings of City Council, commissions and committees and engaged the community through social media and remote video platforms, especially use of ZOOM Virtual Meeting format. City staff, whether in office or working remotely, has successfully delivered and continues to successfully deliver services through electronic and remote access as well as physical access to the public by appointment only. These precautions follow State and County emergency orders to protect public health by minimizing opportunities for group gatherings and covid infections.

DISCUSSION:

It is uncertain as to when the COVID-19 pandemic will be fully brought under control, as it is dependent on multiple factors. However, the development, manufacture, and distribution of multiple highly effective vaccines raises the prospect of safely reopening City facilities to public access in the foreseeable future with the expectation of the new normal as well.

Recently, due to the Delta variant, the number of cases and the test positivity rate have both continued to steadily increase. In response to the increased rates, the State and County have issued new public health orders regarding testing, vaccinations, and the wearing of masks indoors. Some cities are also reviewing their telework policies for continued telework for specific employees as the new norm.

Additionally, in response to the COVID Pandemic and greater access for the public to the City Council, AB 361 is being heard in the Senate. If approved, this bill would guarantee that local governments do not have to rely on an executive order from the Governor to serve their communities remotely during future emergencies. This bill will also provide the opportunity for public to join via telephone or video conference to ensure that all members of the public can participate safely. Local agencies found the flexibility teleconferencing provides useful, especially for members who had to travel to long distances to attend meetings; had families and school children that needed support during the evening hours, or who just found it convenient to listen to meetings at home instead of sitting through hours of meetings for an agenda item that could be heard late in the evening. Members of the public who previously were unable to attend meetings could call in and provide comments, bringing new voices into local agency meetings.

What would AB 361 specifically do?

AB 361 would allow cities to continue to operate Brown Act meetings with modified Brown Act requirements during a declared state of emergency. Specifically:

- Under AB 361, the public must continue to have access to the remote meeting and provided the ability to make public comment. Cities would not be required to make all remote meeting sites accessible to the public, nor include the remote location details in the meeting notice or agenda during a declared state of emergency.
- Cities would still be required to post agendas and meeting information but are not required to post in physical locations when meeting remotely during an emergency.
- Local officials would not be required to be located at remote sites within the territorial bounds of the agency during a declared state of emergency.
- Cities urgently need AB 361 to pass, so they can continue to provide essential services while prioritizing health and safety of their residents and ensuring government transparency, access, and public engagement.
- Public access and participation remain a core value of local democracy, and countless cities, without additional funding, have risen to this challenge and are engaging and listening to the public in a new, digital environment.
- This bill would provide local agencies with the flexibility to meet and act efficiently and effectively during emergency situations.
- Due to the increased spread of COVID-19 and the uncertainty that COVID-19 variants present, cities must be able to retain the ability and flexibility to continue to conduct meetings in the safest manner that they are able to under the Executive Order.

On September 14, 2021, City staff received information that as the California State Legislative session drew to a close on September 10, 2021, AB 361, one of several bills that had been introduced to deal with the anticipated expiration of Executive Order N-29-20, not only survived, but passed with wide margins with the addition of an urgency clause. If signed into law, AB 361 will allow local government to continue to conduct virtual meetings as long as there is a state-proclaimed state of emergency.

Prior to this notification, City staff worked on a pilot for hybrid meetings based on the assumption that the Executive Order would expire and AB 361 not acted upon as of this meeting date. Based on that assumption, as well as the assumption that the City would like to maintain social distancing for the protection of Council, staff, and attendees, staff is recommending that the City Council discuss whether to return to in person meetings or conduct hybrid City meetings (unless AB 361 is approved). If AB 361 is approved and the City continues to be in a local emergency, it is recommended the City continue to utilize Zoom virtual meetings format for community

engagement and continue to broadcast with Live Stream until such time there is no longer a local emergency to continue the safety of our Council, staff and attendees.

The City also surveyed Sonoma County cities as well and provided the following results as to whether they would conduct in person or hybrid meetings. Please note these results were based on the assumption that the Executive Order would expire and AB 361 not acted upon as of this meeting date. It would be expected that if AB 361 is adopted as Law, some cities would return to Virtual Meetings.

Cotati	Hybrid
Cloverdale	Hybrid
Healdsburg	Hybrid
Petaluma	Hybrid
Rohnert Park	In Person Meetings
Santa Rosa	Hybrid
Sonoma	Hybrid
Windsor	Hybrid

City staff has been preparing for the eventuality of possible in person or hybrid meetings and have been meeting with various local agencies such as the Sebastopol Cultural Community Center, Sebastopol Center for the Arts, and also reached out to Analy High School, to vet locations to that would allow for the conducting of in person or hybrid meetings. City staff also asked the Building Official the occupancy limits for each building based on social distancing of six feet which is recommended by staff. Listed below are the results provided by the Building Official.

Occupancy of the Following Buildings **with** social distancing (6 feet):

- a. Youth Annex - 32
- b. Community Center Main Hall - 165
- c. Center for the Arts Side Room - 21
- d. Analy Theater - TBD
- e. City Hall - 8
- f. Library Forum Room – 8

Occupancy of the Following Buildings **without** social distancing (6 feet):

- a. Youth Annex - 193
- b. Community Center Main Hall - 992
- c. Center for the Arts Side Room - 125
- d. Analy Theater - TBD
- e. City Hall - 50
- f. Library Forum Room - 50

City staff and the City's Video production team (1000 Cranes) met with the Sebastopol Cultural Community Center, Sebastopol Center for the Arts, and also reached out to Analy High School to discuss options for in person and hybrid meetings and have provided a summary cost below. These figures are only for the City Council and Planning Commission Meetings for the month of October. City staff is continuing to work with Community Center and Center for the Arts collaboratively on further options/solutions that would reduce these costs as well as being able to conduct a "mock City Council meeting" to work through any issues that need to be addressed. However, assuming the Executive Order expires on September 30th, the Community Center and Center for the Arts provided the costs below to produce City meetings in the month of October.

It is anticipated that Design Review Board, Public Arts Committee, Climate Action Committee and Zero Waste Committee would return to the set up Pre-COVID (Videotaping of the meeting and uploading to the City website

after, or use of YouTube to broadcast the meetings). The Community Center has the side room available at the Youth Annex for smaller meetings with no set up/strike charge). It is anticipated that a small rental fee would be incurred for use of the smaller rooms at the Center for the Arts. (Staff will provide an update at this meeting).

Other locations were deemed not adequate for in person or hybrid meetings (while social distancing):

Sebastopol Library Forum Room

City Hall

City Buildings

Potential Locations for Review if Needed:

St Sebastian's

Community Church

O'Reilly's Complex

Questions/Discussion for Council based upon the assumption that the Governor's Order for Brown Act for Meetings will be rescinded September 30th:

1. In Person Meetings Only (Would not utilize Zoom Format – Only Live Stream Format similar to Pre-COVID)?

Continuation of Social Distancing (six feet)

Limited Attendees in Person based on Occupancy Load

Policy for attendees who want to provide public comment if more than capacity allowed in person

2. Hybrid Meeting (Would utilize Zoom and Live Stream Format)?

Limited Staff attending In Person and allow staff to remote in for meetings.

City Manager to determine which City staff to be in attendance at Council meetings

Consultants attending by Zoom to maintain social distancing

Staff to bring back finalized list of costs for each site based upon further negotiations and discussions

Creation of City Protocols for City Staff and Attendees for Hybrid Meetings such as but not limited to:

- a. Council/Commission/Board/Committee members can participate from Zoom or from dais – with masks (if EO expires, or if AB Bill fails, "normal" noticing requirements will be followed per Brown Act for teleconferencing)
- b. Staff presents from Zoom to keep capacity count down in Council Chamber or Venue Locations – For City Council Meetings, City Manager will make the decision to expand staff in-person attendance based on legal and health officer advice, or any changes to Governor's orders.
- c. City Staff to continue to work remotely as determined by the City Manager
- d. Zoom Council Member Participants are viewed on the monitors in Chamber or Venue Locations
- e. Council/Commission/Board/Committee members in attendance will not be logged into zoom due to noise/feedback issues
- f. Council/Commission/Board/Committee members will utilize iPad or Laptops for review of Agenda Items. Use of devices shall not be used in any way as to violate the public meeting requirements of the Brown Act.
- g. Presentations via Zoom, Host screen shares for security
- h. All votes still required via roll-call vote
- i. Public Comment Flow
 - i. Start with in person public comment
 - ii. Then move to Zoom public comment

3. COVID 19 Protocols:

COVID-19 protocols for employees and members of the public entering City facilities are consistent with CDC guidelines

- a. Masks/Sanitizers at Door
- b. Wiping/cleaning of public microphone
- c. Signs for messaging on masking and social distancing requirements throughout Council Chamber
- d. Additional language added to the scripted (annotated) agenda to review meeting protocols
- e. Plexi Glass Between Council and Staff?
- f. Since members of the public will be allowed to attend in person, there will continue to be some risk of exposure.

As noted above, if the Executive Order is extended or if AB 361 is adopted as Law, it is recommended that the City continue to conduct virtual meetings as long as there is a state-proclaimed state of emergency and staff will continue to work on locations, equipment, and protocols for future return to in person or hybrid meetings based upon the direction of the Council.

CITY COUNCIL AND/OR GENERAL PLAN GOALS:

Goal 5 - Provide Open and Responsive Municipal Government Leadership

5.3.3. Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings, by investigating effective methods of communication and obtaining feedback from the community.

Goal 6 - Maintain a highly qualified Staff that works to provide services to serve and protect the residents, visitors and business of this community.

Action CHW 5c: Practice an open-door policy in City programs, and actively engage and encourage participation from all individuals regardless of ethnicity, race, religion, class, disability, sexual orientation, and gender.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of this item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT:

Costs varies for the locations discussed for delivery of the meetings (equipment upgrades, purchase vs rentals, professional audio/visual on site). Pre COVID, the City conducted its meetings at the Sebastopol Youth Annex building. Currently the equipment is not adequate and requires upgrades to broadcast City Meetings. City staff and Community Center have been discussing upgrades but a final cost is not determined as of tonight's meeting as additional information is still being gather and the City is in continued discussions with SCCC to collaborate on a workable solution.

As of the writing of this report, the City received the costs from SCCC as well as Center for the Arts. These figures are only for the meetings in October as staff is in continued discussions with each location.

Community Center Approximately* \$1900 Per Meeting

This includes:

- Equipment Rental (Sound Mixer, Microphones (Noise Cancellation), Cameras, etc. Due to equipment/sound issues in the past, it was recommended to rent equipment for the October meetings

to allow the City and Community Center to continue talks on future costs. (Please note that the Community Center has received a grant for purchase of equipment upgrades and is still in discussions with the City on future costs which will be at a much reduced figure as equipment may not need to be rented for future meetings.). The figure provided tonight is specifically for October meetings to ensure that the City is ready to broadcast an in person or hybrid meeting.

- Audio Technician onsite

Set up/Strike of Meeting (Chairs/Tables, etc.) has been waived by the Community Center.

*\$1900 is a significantly reduced cost. This includes discounts from the Community Center as well as the AV company. This figure is substantially under the actual value and has been provided to the City at a discounted rate. It should be noted that continuing to do this in the exact same way as proposed for a longer period of time is not sustainable and is only proposed for the month of October 5th Council Meeting and October 12th Planning Commission meeting if this location venue is selected. As noted above, continued discussions for a collaborative solution are still ongoing. (Please see email attached).

Note: If the Council chose to conduct an in person meeting only on October 5th and utilize the current audio system in the Youth Annex, the Community Center has indicated they could set up the mixer, microphones, and projector similar to Pre COVID 19. There would not be a cost to set up this meeting Pre Covid style at the Youth Annex utilizing the current sound system.

However, due to the sound issues that the City was experiencing Pre COVID, it would be recommended that the City consider use of professional system.

Center for the Arts Approximately \$850.00 Per Meeting

This includes:

- Flat fee for rental of audio equipment
- Microphone Rental/Projector Rental
- Audio Technician onsite
- Set up/take down of chairs/cleaning

As indicated, there will be costs at either location; however, costs of upgrades for meetings would be eligible to be charged against the American Rescue Funding as the City is continuing to purchase items or conduct meetings such as the hybrid meeting to continue to protect the health of this community. The budget includes half of the \$1.8 million (\$900,000) of relief funds for FY 2021-22. The remainder of the second half of funds would not be received until May 2022 but it was proposed to be disbursed to local agencies in FY 2022-23. The first 50% of the funds was placed in the budget to help the City maintain its routine day to day operation. However, at some point during the mid-year budget adjustment discussion, the City Council will need to make a formal decision to earmark this relief funds to a specific projects/programs as it is required for reporting aspect as a recipient of federal funding.

RECOMMENDATION:

Staff is requesting City Council Provide Direction to Staff on Future City Council Meetings. Items for consideration:

1. If the Executive Order is extended or if AB 361 is adopted as Law, it is recommended that the City continue to conduct virtual meetings as long as there is a state-proclaimed state of emergency and staff will continue to work on locations, equipment, and protocols for future return to in person or hybrid meetings.
2. In Person Only Meetings assuming that the Executive Order would expire and AB 361 not acted upon as of this meeting date.
3. Hybrid Meetings assuming that the Executive Order would expire and AB 361 not acted upon as of this meeting date.

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4. Location of City Meetings in October with continued discussions with Community Center and Center for the Arts for future City meetings
5. Budget Approval for Approved Location for City Hybrid Meetings (if approved) to be allocated from the American Rescue Funding

Attachment:

Email SCCC to City (Original Costs)

Hi Mary,

Below is a floor plot of what Jeff is proposing for the hybrid City Council meeting on October 5th. Most all of the gear would be rented to ensure everything comes off professional quality.

A basic breakdown of the cost:

Gear rental: \$2,195 (a per item cost breakdown can be provided if necessary, items are displayed on diagram below)

AV Tech on site 8hrs @ \$185hr: \$1,480

Taxes: \$203

Subtotal: \$4,128

We also have SCCC costs including:

Staff for setup/ strike: \$180

8hr Day rental: \$935

Sonic Wall router, Switcher, wireless router, additional cable: \$1,758 without tax/ shipping (one time cost for these items. Spec sheet can be provided if necessary)

Grand total for the October 5 hybrid meeting: \$7,001

Again, the telecommunications gear is purchase and would be one time cost. SCCC will have it installed.

Thoughts?

Thank you, Mary.

Mark

Mark DeSaulnier

Executive Director

Sebastopol Community Cultural Center

seb.org