


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: April 19, 2022
To: Honorable Mayor and Honorable City Councilmembers
From: City Administration
Subject: Discussion of In Person/Hybrid Meeting and Approval of Resolution Authorizing Continued Use of Teleconference Meetings Based on Circumstances of the COVID-19 state of emergency and that the following circumstances exist:
a. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City’s subordinate Committee’s, Commission’s, and Boards to meet safely in person; and
b. The State of California and the City of Sebastopol continue to impose or recommend measures to promote social distancing.

Resolution needs to be submitted to Council every 30 days

Recommendation: Discussion of Consideration of In Person or Hybrid Meetings and Approval of Resolution
Funding: Currently Budgeted: X* Yes No N/A
Net General Fund Cost:
Amount: \$ _____

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

*See Fiscal Impact Below:

PURPOSE/INTRODUCTION:

This item requests that the City Council Discuss and Provide Direction to Staff on In Person or Hybrid City Meetings and approval of Adoption of Resolution (Attachment 1) Resolution Authorizing Continued Use of Teleconference Meetings Based on Circumstances of the COVID-19 state of emergency and that the following circumstances exist:

- a. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City’s subordinate Committee’s, Commission’s, and Boards to meet safely in person; and
- b. The State of California and the City of Sebastopol continue to impose or recommend measures to promote social distancing.

Resolution needs to be submitted to Council every 30 days.

Continuation of Virtual Meetings:

First Approved: September 21, 2021

- a. October 19, 2021
- b. November 16, 2021
- c. December 7, 2021
- d. January 4, 2022
- e. February 1, 2022
- f. March 1, 2022
- g. March 15th 2022
- h. April 5th, 2022
- i. Proposed for Continuation of AB 361 - Next Action required within 30 days of the date of this meeting or May 17, 2022 Council Meeting; and Authorizing the City Manager To Continue to Implement Teleconferenced Public Meetings For All City’s Committees, Commissions, and Boards Pursuant To Assembly Bill 361 and finds that

during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing, the City Council and all commission and committee meetings will be held by videoconference.

BACKGROUND:

AB 361: Teleconferencing

The Ralph M. Brown Act (Brown Act) allows for meetings via teleconferencing subject to certain requirements, including that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. (Government Code Section 54953(b)(3)). However, to prevent the spread of COVID-19. The State of California and the City have proclaimed the existence of a State of Emergency as a result of the threat of novel coronavirus disease 2019 (COVID-19).

In an effort to reduce the spread of COVID-19 at public meetings, the Governor of California issued executive order authorizing local legislative bodies to hold public meetings via teleconferencing; these provisions expire on September 30, 2021. On September 16, 2021, the Governor signed into law Assembly Bill 361 (Stats. 2021, Ch. 165) (AB 361) which waived certain provisions of the Ralph M. Brown Act (Brown Act) in order to allow local agencies to continue to meet remotely during a state of emergency that makes it unsafe to meet in person.

AB 361 amends Government Code Section 54953 applicable to public meetings held by cities and counties. AB 361 provides an alternative to the teleconferencing requirements of Government Code Section 54953(b)(3), as long as a state of emergency exists and the local legislative body makes certain factual findings regarding the state of emergency, including that meeting in person would present imminent risks to the health or safety of attendees. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, AB 361 would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to AB 361, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. The attached Resolution makes these required findings and if adopted will allow the City Council and its subordinate bodies to continue to hold public meetings by teleconference to help mitigate the spread of COVID-19.

AB 361 requires the City Council to make these findings every 30 days to continue holding teleconference hearings without members of the City Council and the public being physically present. Staff will agendize a similar action once a month until the state of emergency is over, the City Council no longer believes teleconference meetings are necessary to protect the health or safety of City Council meeting attendees, or until Government Code Section 54953 expires on January 1, 2024.

The City has already implemented stated requirements for conducting public meetings and is in full compliance with AB 361. There have been no changes of the currently established procedures. Teleconference accessibility via call-in option or an internet-based service option (via the Zoom platform) is listed on the published agenda for each meeting as well as on the City's website. The City monitors attendance via teleconference as well as email correspondence (as published on the agenda) throughout each public meeting and provides access for public comment opportunities.

The City also continues use of limited office hours, online permitting, online meetings, by appointment only meetings, as well as teleworking similar to other cities.

DISCUSSION:

The item tonight is for Council consideration of In Person Only or Hybrid City Meetings.

As noted in the agenda items for the above mentioned meetings, AB 361 provides an alternative to the teleconferencing requirements of Government Code Section 54953(b)(3) as long as there is a state of emergency and the Legislative Body makes certain factual findings regarding the state of emergency. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, AB 361 would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to AB 361, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. The City has been conducting City Meetings in Zoom Virtual Format as well as use of Live Stream or You Tube for Committee, Board and Commission Meetings.

With the gradual re-opening of the State of California, City staff is presenting the agenda for direction whether to continue Virtual Only Meetings; In Person Only Meetings; or Hybrid Meetings (Conducting of In Person/Virtual Assess of Meetings).

With the COVID-19 case rates declining and the Health Order now expired, it is requested that the City Council discuss tonight discuss:

1. Continuation of Virtual Only Meetings;
2. Return to in person meetings only. This decision would be to require all City Council, Boards, Commissions, Committees, City Staff, Consultants and members of the public to attend City Meetings in person only (only use of Live Stream or You Tube Video Format will be used for Streaming Purposes Only);
3. Hybrid Meetings with Limited Personnel: Return with In Person Meetings with Limited City Councilmembers, Board Members, Commissioners, Committee Members; City Staff Members; Consultants and members of the public in attendance and Use of Zoom Virtual Meeting Format (This would allow limited in person attendance but continue to allow for public participation with use of Zoom Virtual Meeting Format);
4. Hybrid Meetings with Requirement for all City Council, Boards, Commissions, Committees, City Staff, Consultants and members of the public to attend City Meetings in person as well as Providing Public Participation by use of Zoom Virtual Meeting Format. This would require that all City members and consultants would be in person and public members could be in person or participate by use of Zoom.

- Item Number 1 above would continue what the City is doing (virtual meetings only/no in person attendance)
- Item Number 2 above would allow only for In Person Attendance Only and no Zoom Virtual Participation.

Please Note: Until such time that the Community Center has conducted a mock meeting with the City, if in person only meetings were approved effective the next City Council Meeting (May 3, 2022), City staff would need to record the meeting and then upload the video to the City web site as soon as possible after the meeting. There is no guarantee as to the quality of the audio or visual at this time, as the Community Center, as of the writing of this report, has not had the opportunity to conduct a walk through to ensure all audio/visual is available for in person meeting with use of Live Stream services only.

- Item Number 3 and 4 above would allow for in person attendance (whether limited or full participation) as well as public participation/comment by Zoom Virtual Meeting Format. It is proposed that the first meeting date for a Hybrid meeting, if approved, be June 7, 2022 to provide the opportunity for the Community Center to conduct a walk through to ensure all audio/visual is available for Hybrid Meetings (Use of Zoom and Live Stream).

If the City Council chooses a Hybrid Format, the Council should discuss protocols for public comment (public comment for in person attendees first; followed by public comment from virtual attendees or vice versa). Having a protocol in place creates transparency and clarity.

If Council chooses Hybrid format, Council should ensure adherence to the current Health Order and approve the first Hybrid Meeting Date so that City staff can send out that information to the Public.

The COVID-19 pandemic has resulted in many changes to how local governments conduct business, which has included the new norms for virtual meetings; new norms for staff teleworking and communications; creation of online permitting; but it has also had significant changes to open meeting rules and public access to local officials. Although the pandemic has shifted how the City responds or interacts with the public, it is clear that since March 2020, City staff transitioned to a virtual setting to include City Meetings and has continued to provide exceptional customer services as well as provide a professional and transparent process for conducting City meetings.

The City has provided various ways for the public to participate in public meetings and staff is seeking direction on what methods the City Council would like to utilize moving forward. Regardless of the methods used, City meetings will continue to be streamed utilizing Live Stream or You Tube depending on the meeting type for viewing purposes only.

Since October of 2021, City staff has been meeting with staff of the Sebastopol Cultural Community Center (SCCC), to discuss what is required for return to in person only or hybrid City Meetings. SCCC hosts the Sebastopol City Council and Sebastopol Planning Commission Meetings, while the Sebastopol Design Review Board, Public Arts Committee; Climate Action Committee and Zero Waste Committee meetings will be held at either Sebastopol City Hall or a location that would provide enough space for these meetings, recognizing that the space and technology setup in City Hall's meeting room is limited.

City Council and Planning Commission Meetings:

On March 7, 2022, City staff held a final meeting to clarify the roles of the Community Center. As a result of this meeting, the Community Center will be responsible for the following tasks/responsibilities for City Council and Planning Commission Meetings:

City Council:

- Set up of all Meetings (Chairs/Tables/Logo/Podium/Audio/Visual Equipment)
- Take Down of Meetings
- Staffing/Technical Support for Audio/Visual Equipment as Equipment will be Owned by SCCC
- SCCC will also be responsible for all equipment as well.

Planning Commission:

- Set up of all Meetings (Chairs/Tables/Logo/Podium/Audio/Visual Equipment)
- Take Down of Meetings
- Staffing/Technical Support for Audio/Visual Equipment as Equipment will be Owned by SCCC
- SCCC will also be responsible for all equipment as well.

Live Streaming and/or Zoom would continue to be conducted by the City's IT 1000 Cranes as SCCC is only responsible for the technical aspects of the equipment and not the streaming(s) of the meetings.

SCCC has stated that they will absorb these costs within their operational budget and there is no additional cost to the City.

SCCC has also informed the City staff that they would be ready for in person or Hybrid meetings by June 7, 2022. This will allow for the anticipated delivery of equipment ordered by SCCC as well as conducting a mock meeting to ensure all audio/visual meets professional standards.

It should be noted that Hybrid Meetings will require purchase of noise cancelling earphones for City Council and City staff laptops/I Pads/Tablets when these equipment are being used during meeting. The cost of noise cancelling is unknown at this writing of this staff report.

Other City Meetings (Board, Commission, Committee Meetings):

If the Council approves In Person or Hybrid Meetings, City Departments will need to determine location and format for Board, Commission and Committee meetings. Factors that would need to be considered include: space capacity, technology capabilities of the chosen space; and, staff ability to facilitate physical setup and technology.

While the City Hall meeting room may be viable for the Public Art Committee [PAC], and many Design Review Board meetings (high profile DRB meetings would need an alternate space), the space is not equipped with the appropriate technology for hybrid meetings at this time. The Climate Action Committee [CAC] is a larger group that would need a space larger than City Hall (this committee has never held in-person public meetings as it was established during COVID). This group has not discussed hybrid versus in-person meetings, members have noted the lower greenhouse gas emissions (GHG) associated with remote meeting participation. This last group (CAC) would likely need to be held at the SCCC due to the size of this group, as there are several issues with using City Hall's meeting room. These meetings could not be accommodated at City Hall with any social distancing. It would also require a 'round table' format, with members of the public accommodated at the side of the room, which is not conducive to video streaming and would still require a videographer). Staff has not queried the members of this committee to understand how many of the current members would continue to participate remotely, which could provide some solutions to this issue (if Option 3, hybrid is selected).

Currently, planning staff is generally assigning one staff member to committee meetings (for PAC, DRB, and CAC) instead of having two staff members at many of these meetings as was done in past physical meetings with assistance from Planning's administrative staff for setup and take down). Since this time, an additional committee (Climate Action Committee, 24 additional meetings per year) has been added to the Department's responsibilities. Planning staff are adept and can handle the Zoom format with live streaming (virtual setup) with present staffing, however would need additional assistance to handle the logistics of physical set-up/take-down of in-person or hybrid meetings and coordinating in-person and remote technologies during meetings.

Other options would be to host these meetings in one of the smaller 'side rooms' at the Youth Annex (with SCCC staff assisting with setup and technology), at the Sebastopol Center for the Arts (with SCA staff assisting with setup and technology), or another facility. The costs of these is not known at this time nor have they been discussed with either organization for availability.

If the Council chooses use of Hybrid Meetings, it is proposed that the Council approve the enclosed Resolution that makes the required findings under AB 361, and if adopted, will allow the City to continue to offer teleconference accessibility for public meetings (Council and all City Commission, Board and Committees) to help mitigate the spread of COVID-19, as well as during other state-proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk. The attached Resolution makes these required findings and if adopted will allow Council and all City Commission, Board and Committees to continue to hold public meetings by teleconference to help mitigate the spread of COVID-19. This Resolution would allow for Hybrid Meetings to follow AB 361 as well if the Council chose hybrid meetings.

City staff has reached out to the local cities surveying what they are currently providing for City meetings. Their responses are listed below.

City	In Person City Meetings Only	In Person and Hybrid (Limited Council/Staff) As well as Virtual Meeting Format (For Council/Staff and Public Participation (Such as Zoom)	In Person and Hybrid (All City Council and Staff) As well as Virtual Meeting Format for Public Participation (Such as Zoom)	Restrictions for attendees for In Person Meetings?	City Offices Open to Public (Full return to Office Hours?)	City Offices Open to Public (Limited Days/Hours?)	Continuation of any Staff for Teleworking? If so which staff members?
Cloverdale	No		Hybrid	No restrictions	City Hall is open to public.	City Hall is open 9:00-12:00 and 1:00-5:00 (closed for lunch)	Teleworking is available to staff on a flexible basis assuming coverage at city hall is available.
Cotati	No	N/A Virtual Only *Council voted to wait for the recommendation of the County Health Officer for social distancing in public meetings to be rescinded.	N.A Virtual Only		Fully Open	N/A	No one is teleworking
Healdsburg	No		Healdsburg has implemented the technology to continue to be hybrid for the foreseeable future. We will allow public comment in person and via zoom.	For our 3/21 meeting, masks will be required for all, regardless of vaccination status. TBD for future Council meetings. We still have limited the capacity in the Council Chamber to 50%.	Yes	N/A	Policy for Teleworking
Petaluma	No	N/A Virtual Only	N/A Virtual Only	N/A	No	Monday-Thursday, 10am-2pm	Working on Policy for Teleworking
Rohnert Park	Yes Streaming Meeting on Line Only			Masks are not required but strongly recommended	City Hall -open Other offices reduced	Building counter hours are reduced to 9-3 but City Hall is open M-F 8-5	Policy for Teleworking
Santa Rosa	No	Hybrid: Full Council, CM, CA, CC, in person. Public in person participation via Zoom as well as limited in person participation due to social distancing. Staff presenting via Zoom only.	Hybrid: Full Council, CM, CA, CC, in person. Public in person participation via Zoom as well as limited in person participation due to social distancing. Staff presenting via Zoom only.	Social Distancing	Yes	N/A	Yes, determined by each Dept. Mgr.
Sonoma	Yes			No	Open to public with alternating work schedules and teleworking		Yes – up to department heads

The Director of Emergency Services has the power “to proclaim the existence or threatened existence of a “local emergency” with council ratification of the proclamation of a “local emergency”. This ratification resides with the City Council and not Commission, Boards or Committees. The Council has established Commission, Boards and Committees, necessary for the effective accomplishment of municipal business and to help accomplish City business and make recommendations to City Council.

AB 361 amends Government Code Section 54953 (part of the Brown Act) to provide an alternative to permitting the public to access the locations from which City Councilmembers are teleconferencing. In order to have teleconference public meetings without providing access to City Councilmember’s remote teleconference locations (typically, their private residences), the City Council must pass a resolution stating that:

1. The City Council has reconsidered the circumstances of the COVID-19 state of emergency and that any of the following circumstances exist;
2. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City’s subordinate bodies to meet safely in person; and/or
3. State or local officials continue to impose or recommend measures to promote social distancing.

AB 361 also includes requirements intended to ensure that the public is able to watch teleconference meetings and participate by making public comments during the meetings. These requirements are already being implemented by the City, and include:

- 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 is restored.
- Periodic Findings – Government Code § 54953(e)(B) requires the legislative body to hold a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risk to the health or safety of attendees.
- Providing notice of the means by which members of the public may access teleconference meetings and offer public comment, including providing an opportunity for all persons to attend via a call-in option or an internet-based service option.
- Prohibiting the legislative body from closing the public comment period until the public comment period has lapsed or until a reasonable amount of time has elapsed.

With the use of Hybrid Meetings where City Council is not wholly in person for meetings, Under Government Code section 54953(e), if there is a disruption in the public broadcast of the call-in or internet-based meeting service being used for a teleconference meeting, the legislative body must cease and take no further action on agenda items until public access is restored. (Gov. Code § 54953(e)(2)(D).) This restriction specifically applies in situations where the Council is having a teleconference meeting during a proclaimed state of emergency and is not allowing the public to physically attend at all teleconference locations. However, while this restriction is not likely to apply where the City Council is meeting in-person and is allowing the public to appear in person, and is merely using Zoom to provide additional comment opportunities that are not legally required, the Council should consider delaying action on agenda items until connectivity is restored given public expectations regarding participation. The City currently does this for current meetings and would continue this for hybrid meetings. However, City staff cannot guarantee that the public’s access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time.

The City has already implemented the above stated requirements for conducting public meetings and is in full compliance with AB 361.

If Council chooses Hybrid Meetings or Continuation of Virtual Meetings, Staff will continue to agendize this item once a month per AB 361 or until the state of emergency is over or City Council no longer believes teleconference meetings are necessary and there are no circumstances of state of emergency that would directly impact the ability of the members of City Council and the members of the City’s subordinate Committee’s, Commission’s, and Boards to meet safely in person.

Returning to meeting in the Council Chambers or smaller conference rooms means being in an enclosed space for meetings that commonly last for one to five hours and would seem to create additional exposure for participants to a possible transmission of the virus and that although the COVID cases has reduced, it is prudent to ensure protection of our public, electeds, consultants and City staff by utilizing continuation of remote teleworking, online appointments, online permitting, and City staff would encourage continued use of remote public participation (limited in person/Hybrid) as City staff has noted increased public participation with use of the Zoom Virtual Meeting Format.

In consideration of the new norm, City Administration is reviewing return to limited office hours and continuation of teleworking and will provide information to the Council once that has been completed.

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.

Goal CIR 5: Reduce Vehicle Miles Traveled (VMT) in Order to Reduce Congestion and Help Achieve Regional Efforts to Reduce Greenhouse Gas (GHG) Emissions

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:

For City Council and Planning Commission Meetings, SCCC has stated that they will absorb these costs within their operational budget and there is no additional cost to the City. However noise cancelling ear buds/ear phones will need to be purchased.

For Other City Meetings, City staff will need to review the costs for Hybrid Meetings and return to the Council with budget information.

If Option 4 is selected, there will be higher financial costs to the City to have consultants attend in-person, as many current City-projects have experienced cost savings due to the elimination of travel time and ease for consultants to attend virtual meetings. It is likely that private development projects (being reviewed by the Planning Commission, DRB, PAC, and Council) would also experience higher costs (as well as potential higher for both applicant and their consultant attendance. Of note, although not a direct fiscal impact, there would also be higher Greenhouse Gas Emissions (GHG) associated with this option.

RECOMMENDATION:

The City Council is being asked to consider the following questions.

1. Continuation of Virtual Only Meetings;
2. Return to in person meetings only. This decision would be to require all City Council, Boards, Commissions, Committees, City Staff, Consultants and members of the public to attend City Meetings in person only (only use of Live Stream or You Tube Video Format will be used for Streaming Purposes Only);
3. Hybrid Meetings with Limited Personnel: Return with In Person Meetings with Limited City Councilmembers, Board Members, Commissioners, Committee Members; City Staff Members; Consultants and members of the public in attendance and Use of Zoom Virtual Meeting Format (This would allow limited in person attendance but continue to allow for public participation with use of Zoom Virtual Meeting Format);

4. Hybrid Meetings with Requirement for all City Council, Boards, Commissions, Committees, City Staff, Consultants and members of the public to attend City Meetings in person as well as Providing Public Participation by use of Zoom Virtual Meeting Format. This would require that all City members and consultants would be in person and public members could be in person or participate by use of Zoom.

City staff is recommending that the City Council:

1. Approve Option #3 with the First Limited Hybrid Meeting to be held June 7, 2022 to allow SCCC to conduct a Trial City Meeting to ensure all Audio/Visual equipment and Staffing meets the needs of the City Meetings and re-assess full Council, Staff and Consultant Participation (Option 4 above) at a future City Council Meeting. Option 3 is in alignment with the General Plan Action to Reduce Vehicle Miles Traveled (VMT) in Order to Reduce Congestion and Help Achieve Regional Efforts to Reduce Greenhouse Gas (GHG) Emissions
2. If Hybrid is approved (Option 3 or 4) City staff is recommending the public comment protocol for Hybrid Meetings in the following order:
 - a. Public Comment for In Person Attendees
 - b. Public Comment for Zoom Virtual Meeting Attendees
3. Further Direct City staff to review costs and accommodations for other City meetings for Hybrid format and return to the Council with budgetary information; and
4. If Hybrid is approved (Option 3 or 4), Approve Resolution Authorizing Continued Use of Teleconference Meetings Based on Circumstances of the COVID-19 state of emergency and that the following circumstances exist:
 - a. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City's subordinate Committee's, Commission's, and Boards to meet safely in person; and
 - b. The State of California and the City of Sebastopol continue to impose or recommend measures to promote social distancing.

Continuation of AB 361 - Next Action required within 30 days of the date of this meeting or May 17, 2022 Council Meeting; and Authorizing the City Manager To Continue to Implement Teleconferenced Public Meetings For All City's Committees, Commissions, and Boards Pursuant To Assembly Bill 361 and finds that during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing, the City Council and all commission and committee meetings will be held by videoconference.

Attachment:

Proposed Resolution Continuing Use of Virtual City Meetings

Resolution Number XXXX-2022

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTINUE TO IMPLEMENT TELECONFERENCED PUBLIC MEETINGS PURSUANT TO ASSEMBLY BILL 361

WHEREAS, COVID-19 (also known as the “Coronavirus Disease”) is a respiratory disease which was first detected in China and has now spread across the globe, with multiple confirmed cases in California, including the City of Sebastopol; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by COVID-19, and the President of the United States issued a Proclamation Declaring a National Emergency Concerning COVID-19 beginning March 1, 2020; and

WHEREAS, in response to COVID-19, the Governor of the State of California issued a Proclamation of a State of Emergency on in response to COVID-19 on March 4, 2020; and

WHEREAS, the California Emergency Services Act (California Government Code sections 8630, 8550 et seq.) empowers the City Council to designate by ordinance a local official with the power to proclaim the existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven days; and

WHEREAS, Section 2.36.050 of the Sebastopol Municipal Code identifies the Fire Chief as the Director of Emergency Services; and

WHEREAS, based on said Novel Coronavirus COVID-19 Global Pandemic, the Fire Chief, Acting as Director of Emergency Services, of the City of Sebastopol declared the existence of a local emergency within the City on March 12, 2020; and

WHEREAS, the City Council ratified that Proclamation on March 17, 2020; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 et seq.) so that legislative bodies can hold public meetings via teleconference (with audio or video communications, without a physical meeting location), as long as the meeting agenda identifies the teleconferencing procedures to be used; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which extended the provision of N-29-20 concerning the conduct of public meetings through September 30, 2021; and

WHEREAS, California Assembly Bill 361 was signed into law on September 16, 2021 and amended Government Code Section 54953; and

WHEREAS, on November 17, 2021, California Governor Gavin Newsom has extended his state's COVID-19 state of emergency declaration through March 2022 as well as the City of Sebastopol’s Extension of Emergency Proclamation of Local Emergency (COVID-19) issued by the Director of Emergency Services; and

WHEREAS, On October 19, 2021, the City of Sebastopol City Council adopted Resolution 6380-2021, Resolution Authorizing the City Manager To Direct Continued Use of Teleconferenced Public Meetings For All City’s Committees, Commissions, and Boards Pursuant To Assembly Bill 361; and

WHEREAS, On November 16, 2021, the City of Sebastopol City Council adopted Resolution 6383-2021, Resolution Authorizing the City Manager To Direct Continued Use of Teleconferenced Public Meetings For All City's Committees, Commissions, and Boards Pursuant To Assembly Bill 361; and

WHEREAS, On December 7, 2021, the City of Sebastopol City Council adopted Resolution 6387-2021, Resolution Authorizing the City Manager To Direct Continued Use of Teleconferenced Public Meetings For All City's Committees, Commissions, and Boards Pursuant To Assembly Bill 361; and

WHEREAS, On January 4, 2022, the City of Sebastopol City Council adopted Resolution 6394-2021, Resolution Authorizing the City Manager To Direct Continued Use of Teleconferenced Public Meetings For All City's Committees, Commissions, and Boards Pursuant To Assembly Bill 361; and

WHEREAS, On February 1, 2022, the City of Sebastopol City Council adopted Resolution 6398-2021, Resolution Authorizing the City Manager To Direct Continued Use of Teleconferenced Public Meetings For All City's Committees, Commissions, and Boards Pursuant To Assembly Bill 361; and

Whereas, On March 1, 2022, the City of Sebastopol City Council adopted Resolution 6407-2021, Resolution Authorizing the City Manager To Direct Continued Use of Teleconferenced Public Meetings For All City's Committees, Commissions, and Boards Pursuant To Assembly Bill 361; and

Whereas, On March 15, 2022, the City of Sebastopol City Council adopted Resolution 6407-2021, Resolution Authorizing the City Manager To Direct Continued Use of Teleconferenced Public Meetings For All City's Committees, Commissions, and Boards Pursuant To Assembly Bill 361; and

Whereas, On April 5, 2022, the City of Sebastopol City Council adopted Resolution 6407-2021, Resolution Authorizing the City Manager To Direct Continued Use of Teleconferenced Public Meetings For All City's Committees, Commissions, and Boards Pursuant To Assembly Bill 361; and

WHEREAS, AB 361 has several requirements to make sure that the public is able to watch and make public comments during the teleconferenced public meetings, including:

- 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 City is already implementing the above public meeting requirements now codified in Government Code Section 54953(e)(2)(B-G); and

WHEREAS, Government Code Section 54953(b)(3) permits public meetings by teleconference but requires agendas be posted at all teleconference locations, each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public; and

WHEREAS, Government Code Section 54953(e)(3)(A-B) provides an alternative to having public meetings in accordance with Government Code Section 54953(b)(3) when:

1. The City Council has reconsidered the circumstances of the COVID-19 state of emergency and that any of the following circumstances exist;
2. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City's subordinate bodies to meet safely in person; and/or
3. State or local officials continue to impose or recommend measures to promote social distancing.

WHEREAS, Sebastopol remains under State, County and City declarations of emergency due to the continuing COVID-19 pandemic; and

WHEREAS, pursuant to Government Code Section 54953(f), Government Code Section 54953 remains in effect until January 1, 2024; and

WHEREAS, The Sonoma County Health Officer is continuing to require social distancing, and the City's has implemented or is the Health Officer's orders:

- Effective February 15, 2022 at 11:59PM, the local face covering order (Order C19-25) is rescinded.
- All individuals in Sonoma County must continue to comply with the State's Guidance for the Use of Face Masks issued by the CDPH on February 7, 2022 including any future amendment or revision to the Guidance, until the Guidance is rescinded or withdrawn by the State.
- All employers in Sonoma County must continue to comply with any applicable Cal/OSHA COVID-19 Emergency Temporary Standards and/or the Cal/OSHA Aerosol Transmissible Diseases Standards. Employers may also require their employees to wear personal protective equipment (e.g. face masks, gloves, or gowns) designed to reduce the transmission of COVID-19 in accordance with California Department of Fair Employment and Housing Guidance
- Furthermore, all Employers of Law Enforcement, Fire, Emergency Medical Services, Pharmacies, Dental Offices, operators of Temporary Disaster Shelters in Sonoma County, as well as public and private schools serving students in Transitional Kindergarten through grade 12, must continue to enforce the Face Covering Requirements (Section 6 of Orders C19-32 & C19-33) for Personnel or Workers who do not produce satisfactory evidence that they are Fully Updated against COVID-19.

City of Sebastopol also has implemented the following:

- Posting COVID-19 safety measures on the City's social media pages;
- Closure of City Hall to the public with limited appointments;
- Continuation of Teleworking
- Placing hand sanitizer and masks at all City offices; and
- Providing on line services to allow the public to access City services, including obtaining permits, online rather than in person.

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, Returning to meeting in the Council Chambers or smaller conference rooms means being in an enclosed space for meetings that commonly last for one to five hours and would seem to create additional exposure for participants to a possible transmission of the virus. However, with restrictions easing, City staff is continuing to work with the Sebastopol Community Cultural Center (SCCC) to provide information to the City Council for a future Council discussion of in person or hybrid meetings; 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, City Council has established numerous Commission, Boards and Committees to help accomplish City business and make recommendations to City Council; and

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, the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5), in that adopting a Resolution authorizing the City Manager to conduct teleconferenced public meetings for all the City's Committees, Commissions, and Boards does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. and is exempt pursuant to Section 15269(c) of the CEQA Guidelines, as specific actions necessary to prevent or mitigate an emergency; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Sebastopol hereby:

1. Declares that the above recitals are true and correct and are incorporated into this resolution as findings of the City Council.
2. Finds that proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5), in that adopting a Resolution authorizing the City Manager to conduct teleconferenced public meetings for all the City's Committees, Commissions, and Boards does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. and is exempt pursuant to Section 15269(c) of the CEQA Guidelines, as specific actions necessary to prevent or mitigate an emergency
3. Finds that City Council has reconsidered the circumstances of the COVID-19 state of emergency and that the following circumstances exist:
 - a. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City's Commission's, Boards and Committees to meet safely in person; and
 - b. The State of California and the City of Sebastopol continue to impose or recommend measures to promote social distancing.
 - c. The state of local emergency continues to directly impact the ability of the City Council and its Commissions, Boards and Committees as well as staff and members of the public, from meeting safely in person; and
 - d. The City cannot maintain social distancing for the Councilmembers, Commissioners, staff and public in the meeting spaces.

- e. The federal government, the State of California and the Sonoma County Health Officer continue to impose or recommend measures to promote social distancing.
4. Finds and declares that City Council has reconsidered the circumstances of the COVID-19 state of emergency and that the following circumstances exist:
 - The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City’s subordinate bodies to meet safely in person; and
 - State and local officials continue to impose or recommend measures to promote social distancing;
5. Authorizes and directs the City Manager, based on the above findings, to implement teleconferenced public meetings for the City Council and all City subordinate bodies in accordance with the requirements Assembly Bill 361; City Council and All City’s Committees, Commissions, and Boards meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361, in order to better ensure the health and safety of the public.
6. Directs the City Manager to return to the City Council within 30 days so that the Council may update its findings and determinations pursuant to Government Code Section 54953(e)(3) and authorize continued teleconferenced meetings of the City Council and City subordinate bodies in accordance with the requirements of AB 361 while the state of emergency as a result of COVID-19 continues to directly impact the ability of the members of the City Council and the members of the City’s subordinate bodies to meet safely in person
7. If any section, subsection, sentence, clause, phrase or word of this resolution is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this resolution; the City Council hereby declares that it would have passed and adopted this resolution and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

This Resolution shall become effective immediately but directs staff to agendize this Resolution within 30 days for City Council to reconsider the circumstances of the state of emergency and findings of provision 3.

PASSED AND ADOPTED, by the CITY COUNCIL of THE CITY OF SEBASTOPOL, COUNTY OF SONOMA, of STATE OF CALIFORNIA on this 19th day of April, 2022.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

VOTE:

Ayes:

Noes:

Absent:

Abstain:

APPROVED: Mayor Patrick Slayter

ATTEST: Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: Larry McLaughlin, City Attorney