

## Resolution Number 6380-2021

### RESOLUTION AUTHORIZING THE CITY MANAGER 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**, 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 City Council has reconsidered the circumstances of the COVID-19 state of emergency and that either of the following circumstances exist:

1. 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
2. The State of California and the City of Sebastopol 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**, 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**, 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. City Council and Commission 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.

5. Declares that as a result of the findings in provision 3 above, that the City Manager is authorized to implement teleconferenced public meetings for all the City's Commissions, Boards and Committees pursuant to Assembly Bill 361.
6. 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.

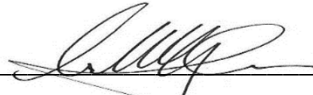
PASSED AND ADOPTED, by the CITY COUNCIL of THE CITY OF SEBASTOPOL, COUNTY OF SONOMA, of STATE OF CALIFORNIA on this 19th day of October, 2021.

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

**VOTE:**

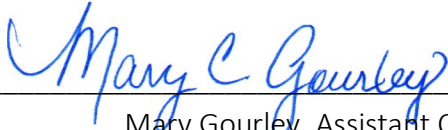
Ayes: Councilmembers Hinton, Rich, Slayter, Vice Mayor Gurney and Mayor Glass  
Noes: None  
Absent: None  
Abstain: None

APPROVED: \_\_\_\_\_



Mayor Una Glass

ATTEST: \_\_\_\_\_



Mary Gourley, Assistant City Manager/City Clerk, MMC

Approved as to Form: \_\_\_\_\_



Larry McLaughlin, City Attorney