



TO: Mayor and Councilmembers

FROM: Megan Garibaldi, City Attorney

CONTACT: Winnie Cai, Assistant City Attorney

SUBJECT: Findings to Hold Remote Teleconference/Meetings, Pursuant to Assembly Bill 361

RECOMMENDATION:

In accordance with Assembly Bill 361 (“AB 361”), authorize remote teleconference/virtual meetings of all City of Goleta legislative bodies, by finding that: (1) a statewide state of emergency is currently in place; (2) state and local officials have imposed or recommended measures to promote social distancing in connection with COVID-19; and (3) meeting in person would present imminent risks to the health or safety of attendees.

BACKGROUND:

All meetings of the City’s legislative bodies are subject to the Ralph M. Brown Act (Gov. Code §§ 54950 *et seq.*) and must be open and public so that any member of the public may attend and participate in the meetings. Commencing in March of 2020, Governor Newsom issued a series of executive orders aimed at preventing the spread of a respiratory disease that came to be known as the novel coronavirus, “COVID-19.” Among these were Executive Orders (“EO”) N-25-20, N-29-20, and N-35-20 (collectively, the “Brown Act Orders”) that waived the teleconferencing requirements of the Brown Act to allow legislative bodies to meet virtually.

On June 11, 2021, the Governor issued EO N-08-21 to begin winding down some of the prior measures that were adopted to respond to COVID-19. Notably, EO N-08-21 rescinded the Brown Act Orders, effective September 30, 2021. On September 16, 2021, Governor Newsom signed AB 361, which became effective October 1, 2021, and amended the Brown Act to allow legislative bodies to meet virtually, without following the Brown Act’s standard teleconferencing rules, provided that the legislative body makes specific findings, which include the following:

1. A statewide state of emergency is currently in place; and
2. State or local officials have imposed or recommended measures to promote social distancing in connection with COVID-19; and/or

3. Meeting in person would present imminent risks to the health or safety of attendees.

Continued compliance with AB 361 will require the City Council to approve the action making the required findings at least every 30 days.

DISCUSSION:

All three findings under AB 361 can be made given the current circumstances. The Governor has proclaimed a state of emergency in response to the ongoing COVID-19 pandemic. The state of emergency currently remains in effect. Further, State officials – including the California Department of Public Health – have recommended measures to promote social distancing in connection with COVID-19, which are currently in place. Similarly, local officials – including the County Public Health Officer – have also recommended measures to promote social distancing in connection with COVID-19. In a Recommendation dated September 28, 2021, the County Public Health Officer stated that “utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease.” Finally, the City has determined that meeting in person would present imminent risks to the health or safety of attendees. Accordingly, all of the above-referenced AB 361 findings currently exist.

If the City Council thus desires to allow for virtual meetings in order to both ensure the health and safety of the public, the legislative bodies of the City, and City staff, as well as continuity of government in allowing regularly-scheduled meetings to continue to occur without interruption, staff recommends the City Council authorize virtual/teleconference meetings by making the findings set forth above.

FISCAL IMPACTS:

There is no fiscal impact associated with taking the recommended action.

ALTERNATIVES:

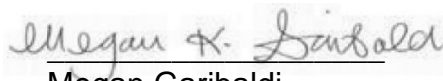
If the City Council does not make the findings pursuant to AB 361, the City would have to conduct its public meetings for the City Council and other public boards and commissions in person and not have the option of conducting its meetings via teleconferencing.

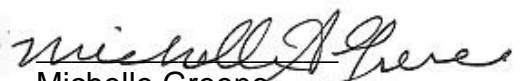
Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Megan Garibaldi
City Attorney


Michelle Greene
City Manager