



Agenda Item B.1
CONSENT CALENDAR
Meeting Date: August 16, 2022

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; and (2) state and local officials have imposed or recommended measures to promote social distancing in connection with COVID-19.

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 Notably, EO N-08-21 rescinded the Brown Act Orders, effective September 30, 2021.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:

Two of the 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. 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.” Accordingly, two of the above-referenced AB 361 findings currently exist.

In addition, the purpose of AB 361 is to provide equal access to meetings even when people can attend and others cannot. Currently, there still exists community spread of COVID-19 and people who are immunocompromised or infected need to socially distance, and the City’s provision of teleconferencing options for public meetings would still allow them to participate.

Continuing to allow for virtual meetings of the legislative bodies of the City will ensure social distancing, the health and safety of the public, and equal access to the City’s public meetings. Based on the foregoing, 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.

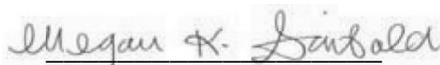
ALTERNATIVES:

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.

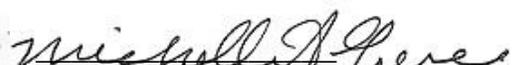
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