

STAFF REPORT

City Council Consent Item

DATE: December 19, 2022

TO: Honorable Mayor and Council Members

FROM: Ryan Plotz, City Attorney

THROUGH: Merritt Perry, City Manager

SUBJECT: **Authorize the City Manager to Continue Teleconferenced Public Meetings for City Council and all City Committees, Commissions and Boards Pursuant to Assembly Bill 361, Resolution 2022-25**

STAFF RECOMMENDATION:

Staff is recommending that the City Council reconsider and approve the findings adopted in *Resolution 2022-25* pursuant to Government Code Section 59453, as amended by Assembly Bill 361, and authorize the continued use of virtual meetings

EXECUTIVE SUMMARY:

Signed into law in September 2021, AB 361 amended the Brown Act to allow legislative bodies to meet via teleconference (or other virtual means) during a proclaimed state of emergency in accordance with relaxed teleconference procedures, rather than under the Brown Act's more onerous teleconference rules.

Under AB 361, the City may utilize the less onerous teleconferencing provisions when a public meeting is held during a state of emergency proclaimed by the Governor **and** the Council finds that (i) State or local health officials have imposed or recommended measures to promote social distancing, **or** (ii) the legislative body finds that meeting in person would present imminent risks to the health or safety of attendees.

As set forth in the proposed resolution, circumstances continue to exist that allow the City Council to utilize the less onerous teleconferencing provisions under AB 361. In particular, the state of emergency initially proclaimed by the Governor has not been rescinded and remain in place and the California Department of Public Health continues to recommend measures to promote social distancing.

Although the City Council has returned to in-person meetings, Staff anticipates the need to utilize virtual meetings, from time-to-time, based on changed circumstances. Accordingly, Staff recommends that the Council continue to make the required findings under AB 361 for so long as those findings can be made and to authorize the City Manager to utilize virtual meetings under AB 361 when necessary or desirable according to law. For this reason, Staff will include an agenda item on the consent calendar at least once per month for the Council to consider re-affirming the

findings in the proposed resolution to provide Staff and Council flexibility in conducting public meetings.

FISCAL IMPACT:

There is no current fiscal impact associated with approving the findings in *Resolution 2022-25*.

RECOMMENDED COUNCIL ACTION:

Reconsider and approve findings in *Resolution 2022-25*. Consent Agenda vote.

ATTACHMENTS:

- *Resolution 2022-25, A Resolution of the City Council of the City of Fortuna Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and Authorizing the Continued Use of Virtual Meetings.*