



MEMORANDUM

TO: City Council

FROM: Jessica Matson, Legislative & Information Services Director/City Clerk
Timothy J. Carmel, City Attorney

SUBJECT: Consideration of a Resolution Authorizing the Continuance of Remote Teleconference Meetings of the Legislative Bodies of the City of Arroyo Grande Pursuant to Government Code Section 54953(e)(3)

DATE: February 22, 2022

SUMMARY OF ACTION:

Adoption of the Resolution will enable the City to continue to comply with the requirements of legislation, AB 361, and authorize the continued use of teleconferencing for meetings of the City's legislative bodies.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There are no direct fiscal impacts related to the proposed action.

RECOMMENDATION:

Adopt a Resolution authorizing the continuance of remote teleconference meetings pursuant to Government Code Section 54953(e)(3).

BACKGROUND:

AB 361 amended Government Code Section 54953, adding a new subsection (e) that permits legislative bodies, when there is a proclaimed State of Emergency declared by the Governor pursuant to Government Code Section 8625, to make a determination to authorize meeting remotely via teleconferencing as a result of the emergency. To do so, a resolution would need to be adopted in which the legislative body finds that meeting in person would present imminent risks to the health or safety of attendees, or that State or local officials have imposed or recommended measures to promote social distancing.

The City Council first adopted a Resolution making findings in accordance with AB 361 and Government Code Section 54953(e) at its September 28, 2021 meeting. The Resolution is valid for thirty (30) days after teleconferencing for the first time under the new regulations. If the State of Emergency remains active after that 30 day period, the local agency may act to renew its resolution authorizing remote teleconferenced meetings by passing another resolution which includes findings that the State of Emergency

City Council

Consideration of a Resolution Authorizing the Continuance of Remote Teleconference Meetings of the Legislative Bodies of the City of Arroyo Grande Pursuant to Government Code Section 54953(e)(3)

February 22, 2022

Page 2

declaration remains active, the local agency has reconsidered the circumstances of the State of Emergency, and the local agency has either identified: A) ongoing, direct impacts to the ability to meet safely in-person, or B) active social distancing measures as directed by relevant State or local officials.

ANALYSIS OF ISSUES:

A draft Resolution has been prepared for Council consideration to allow the City to continue conducting its public meetings via teleconference. The Resolution includes continued findings based upon a determination that, as a result of the proclaimed State of Emergency in California due to the COVID-19 pandemic and its continued spread in San Luis Obispo County and Arroyo Grande through the Omicron variant of SARS-CoV-2, which is far more transmissible than prior variants of the virus and, as even fully vaccinated individuals can spread the virus to others, holding meetings in person would present imminent risks to the health or safety of attendees.

While the Resolution provides authority for the City to continue conducting public meetings remotely for the next thirty (30) days, the City may determine to resume meetings in-person prior to the expiration of that thirty-day period. At this time, it is anticipated that the City Council meeting scheduled for March 8, 2022, will be conducted in-person at Council Chambers while also retaining an option for the public to participate via Zoom. It is recommended that the proposed Resolution be adopted to enable advisory body meetings scheduled between February 22, 2022, and March 8, 2022, to occur via teleconference (Zoom) and to provide flexibility for future meetings of the City Council and its advisory bodies in the event that guidance from the State or County Health Officers changes within the next thirty (30) days.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Adopt the Resolution authorizing the continuance of remote teleconference meetings pursuant to Government Code Section 54953(e)(3); or
2. Provide other direction to staff.

ADVANTAGES:

Adoption of the Resolution will satisfy the requirements of Government Code Section 54953(e)(3) and allow the City to safely continue carrying out its business in a manner that will minimize the risk of contracting COVID-19 for everyone involved.

DISADVANTAGES:

No disadvantages have been identified to adopting the Resolution.

City Council

Consideration of a Resolution Authorizing the Continuance of Remote Teleconference Meetings of the Legislative Bodies of the City of Arroyo Grande Pursuant to Government Code Section 54953(e)(3)

February 22, 2022

Page 3

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Proposed Resolution