



MEMORANDUM

TO: City Council

FROM: Whitney McDonald, City Manager
Isaac Rosen, Interim City Attorney

SUBJECT: Consideration of Adoption of a Resolution Declaring a Continued Local Emergency Related to the COVID-19 Pandemic and Authorizing the Continuance of Remote Teleconference Meetings of the Legislative and Advisory Bodies Pursuant to Government Code Section 5

SUMMARY: Adopting the Resolution continuing a local emergency is not a project subject to the California Environmental Quality Act ("CEQA") because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

DATE: February 14, 2023

SUMMARY OF ACTION:

Adoption of the Resolution will continue the declared local emergency related to the COVID-19 pandemic and will also enable the City to continue to comply with the requirements of legislation, AB 361, to authorize the continued use of teleconferencing for meetings of the City's legislative and advisory bodies.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

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

RECOMMENDATION:

Adopt a Resolution declaring a continued local emergency related to the Coronavirus (COVID-19) pandemic and authorizing the continuance of remote teleconference meetings pursuant to Government Code Section 54953(e)(3).

BACKGROUND:

As the City Council is aware, in accordance with Section 8.12.060 of the Arroyo Grande Municipal Code, the former City Manager, in his capacity as the Director of Emergency Services, proclaimed a local emergency on March 16, 2020, regarding the COVID-19 pandemic. The City Council ratified the proclamation at its regular meeting on March 24,

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2020, and adopted resolutions declaring a continued local emergency since that time as the pandemic has persisted.

In addition, 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 initiate the process to hold meetings remotely via teleconferencing as a result of the emergency. After that initial authorization, a resolution needs to be adopted every 30 days, in which the legislative body makes finding 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.

It is anticipated that Governor Newsom will rescind the State of Emergency Declaration related to COVID-19 on February 28, 2023. After this time and in addition to AB 361, new legislation, AB 2449 (adopted in September 2022), permits legislative bodies to continue meeting remotely via teleconferencing, subject to restrictions that differ from AB 361. The difference in findings necessary under AB 361 versus AB 2449 will be described for the City Council on a later date.

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 legislative body seeks to continue to hold teleconference meetings under AB 361 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 under the Brown Act that the local agency has reconsidered the circumstances of the emergency, and the local agency has either identified: A) ongoing, direct impacts to the ability to meet safely in-person, or B) based on social distancing measures recommended by relevant State or local officials.

In the past, the City has adopted separate resolutions related to the continuing emergency declaration and the continuance of remote teleconference meetings pursuant to Government Code Section 54953(e)(3). Staff has combined the two items into one resolution to eliminate the need for separate agenda items.

ANALYSIS OF ISSUES:

Arroyo Grande Municipal Code Section 8.12.065(C) provides that the City Council is to “Review the need for a continuing emergency declaration at regularly scheduled meetings at least every twenty-one (21) days until the emergency is terminated.” Accordingly, the City Council has adopted the appropriate Resolutions declaring a continued local

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emergency related to the COVID-19 pandemic within the required 21-day time period since the ratification of the proclamation at its March 24, 2020 meeting.

This item is being presented to the City Council to satisfy the requirements of Section 8.12.065(C) given the ongoing State of Emergency proclaimed by the Governor, the ongoing public health orders issued by the State, and the ongoing work required of City staff to respond to the pandemic and these proclamations and orders. In addition, the Resolution will allow City Councilmembers and advisory body members to attend meetings remotely as needed while impacts from the pandemic continue. 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, BA2 and other variants of SARS-CoV-2, which are highly transmissible and, as even fully vaccinated individuals can spread the virus to others, holding meetings solely 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 has also determined to resume meetings in-person prior to the expiration of that thirty-day period, and conducted the City Council meetings beginning on March 8, 2022, as in-person meetings at Council Chambers while also retaining an option for the public, staff, and consultants to participate via Zoom. It is recommended that the proposed Resolution be adopted to continue 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. This flexibility will also allow members of the City Council or advisory bodies to attend meetings remotely if they also desire or if they are required to quarantine due to exposure to COVID-19.

Based upon the foregoing, it is recommended that the City Council adopt the Resolution declaring the need to continue the emergency declaration and also authorizing the continuance of remote teleconference meetings pursuant to Government Code Section 54953(e)(3).

ALTERNATIVES:

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

1. Adopt the Resolution declaring the need to continue the declared local emergency and authorizing the continuance of remote teleconference meetings;
2. Do not adopt the Resolution; or
3. Provide other direction to staff.

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ADVANTAGES:

Adoption of the Resolution will satisfy the requirement of the Arroyo Grande Municipal Code regarding the periodic review of the declared local emergency related to the COVID-19 pandemic. It will also 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.

ENVIRONMENTAL REVIEW:

Adopting the Resolution continuing a local emergency is not a project subject to the California Environmental Quality Act ("CEQA") because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

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