



Staff Report

TO: City Council
FROM: Nicole Wheelwright, Deputy City Clerk
DATE: March 1, 2022
SUBJECT: **Re-Ratification of Local Emergency and Re-Authorizing the Use of Teleconferencing to Conduct Public Meetings**

Background and Analysis:

On February 1, 2022, City Council adopted a resolution finding that certain conditions exist that necessitate the need to implement the Ralph M. Brown Act provisions provided by Government Code Section 54953. The recent amendment to Section 54953 allows the use of teleconferencing to conduct meetings of Beaumont's legislative bodies with exemptions to the process and procedure. These provisions are listed in full detail in the table below.

Assembly Bill 361 (AB361) was signed by Governor Newsom with an effective date of October 1, 2021, which provides exemptions to the procedures of conducting public meetings with the use of teleconferencing. Prior to AB361, the City of Beaumont conducted teleconferenced and hybrid public meetings in accordance with Executive Order N-08-21. That order held an expiration date of September 30, 2021.

AB361 amends Government Code Section 54953 to provide provisions to facilitate teleconferenced meetings during a declared state of emergency. These provisions can only be used in an active gubernatorial state of emergency. The provisions from this amendment are listed in the table below.

| Brown Act Requirements | Provisions in AB361 Amendment |
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| If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the | Agendas not required to be posted at all teleconference locations. Meeting must still be conducted in a manner that protects the statutory and constitutional rights of the parties or the |

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| <p>parties or the public appearing before the legislative body of a local agency.</p> | <p>public appearing before the legislative body of a local agency.</p> |
| <p>If the legislative body of a local agency elects to use teleconferencing, each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.</p> | <p>Agendas are not required to identify each teleconference location in the meeting notice/agenda. Local agencies are not required to make each teleconference location accessible to the public.</p> |
| <p>If the legislative body of a local agency elects to use teleconferencing, during the teleconferenced meeting, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.</p> | <p>No requirement to have a quorum of board members participate from within the territorial bounds of the local agency's jurisdiction.</p> |
| <p>If the legislative body of a local agency elects to use teleconferencing, the agenda shall provide an opportunity for members of the public to address the legislative body directly at each teleconference location.</p> | <p>In each instance in which notice of the time of the teleconferenced meeting is given or the agenda for the meeting is posted, the legislative body shall also give notice of the manner by which members of the public may access the meeting and offer public comment.</p> <p>The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.</p> <p>The legislative body shall allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the legislative body directly.</p> <p>In the event of a disruption which prevents the local agency from broadcasting the meeting to members of the public using the call-in option or</p> |

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| | <p>internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored.</p> <p>Written/remote public comment must be accepted until the point at which the public comment period is formally closed; registration/sign-up to provide/be recognized to provide public comment can only be closed when the public comment period is formally closed.</p> |
| <p>A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance. If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.</p> | <p>An individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body that requires registration to log in to a teleconference, may be required to register as required by the third-party internet website or online platform to participate.</p> |

In order for a local agency to use the provisions provided by AB361, the agency must determine by majority vote that meeting in-person would present imminent risks to

health or safety of attendees and adopt a resolution stating such with a maximum period of thirty days. Thereafter, on a thirty-day basis, City Council could then consider the continuance of teleconferenced public meetings by way of resolution after a re-evaluation of the state of emergency circumstances. In order to continue to facilitate meetings of the City's legislative bodies, City Council would affirm the following findings:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

Fiscal Impact:

City staff estimates the cost to prepare this staff report to be \$1,040.

Recommended Action:

Waive the full reading and adopt by title only, "A Resolution of the City Council of the City of Beaumont Proclaiming a Local Emergency Persists, Re-Ratifying the Proclamation of a State of Emergency by Executive Order N-09-21, and Re-Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Beaumont for the Period of March 1, 2022, through April 5, 2022, Pursuant to Provisions of the Ralph M. Brown Act."

Attachments:

A. Resolution