



CITY OF CLEARLAKE

City Council

STAFF REPORT	
SUBJECT: Consideration of Updates to the City Council Norms and Procedures; Resolution No. 2023-13	MEETING DATE: January 19, 2023
SUBMITTED BY: Administrative Services Director/City Clerk Melissa Swanson	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to authorize updates to the Norms and Procedures manual related to changes in the Brown Act effective February 18th, 2023.

BACKGROUND/DISCUSSION:

Prior to the pandemic, all public meetings were held in-person and the City broadcasted Council meetings and Planning Commission meetings on TV8. On March 17, 2020, Governor Gavin Newsom issued Executive Order No. N-29-20, which suspended portions of the Ralph M. Brown Act (California Government Code Sections 54950-54963) that limit the use of teleconferencing for public meetings; the Order was scheduled to sunset when the COVID-19 Pandemic ended. The Ralph M. Brown Act places strict requirements on local legislative bodies regarding the posting, access, and physical location of voting members during public meetings.

Beginning with the March 19, 2020 Council meeting, the Council has conducted public meetings utilizing teleconferencing technology to provide for members of the public, staff, and public officials (Councilmembers and board or commission members) to participate remotely. This teleconferencing technology allows the public to watch public meetings via YouTube and to provide public comment over Zoom. The City will continue to broadcast City Council meetings and Planning Commission meetings on television over TV8, YouTube, and Zoom for the foreseeable future to encourage transparency and community engagement.

On October 17, 2021, Governor Newsom announced that the COVID-19 state of emergency would end on February 18, 2023, which will remove the conditions needed to implement AB 361. This would require legislative body members to attend meetings in person unless they follow California Brown Act noticing requirements for legislative body member teleconference participation or follow new emergency provisions for teleconferenced participation contained in AB 2449 (2022) through January 1, 2026.

The Brown Act prescribes the following requirements for a legislative body member to participate in a meeting using teleconference technology:

- Legislative body may use teleconferencing for all purposes during any meeting.
- At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction.
- The agency may make additional teleconference locations available for the public.
- The meeting notice and agenda must specifically identify the teleconference location, including a full address and room number, as applicable.
- The agenda must be posted at each teleconference location 72 hours before a regular meeting, even if a hotel room or residence.
- The public must have access to each teleconference location and have technology, such as a speakerphone, to enable the public to participate.
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.
- The legislative body must vote by roll call.

AB 2449 allows a non-majority number of legislative body members to utilize teleconferencing without publicly noticing their location and making the location accessible to the public in certain circumstances:

- Just Cause: childcare needs, a contagious illness, physical or mental disability not otherwise accommodated by the ADA, travel while on official business of the legislative body or another state or local agency; or
- Emergency Circumstances: a physical or family emergency that prevents a member from attending in person.

Remote participation under AB 2449 would be contingent on request to and action by the legislative body. A member must request that the legislative body approve remote participation due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting.

The member must make a separate request for each meeting in which they seek to participate remotely. The member shall publicly disclose at the meeting, before the legislative body takes any action, whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with such individuals.

A member may participate solely through teleconference for no more than three consecutive months or 20 percent of the regular meetings of the legislative body within a calendar year or no more than two meetings if the legislative body meets fewer than ten times per calendar year.

Staff recommends continuing use of teleconference technology for all legislative body meetings to broadcast all City Council and board / commission / committee meetings, allow remote public participation in meetings and allow staff and consultants to participate in meetings via teleconference. A disruption in the teleconference technology would not stop the meeting unless a member of the

legislative body participates remotely. Based on this recommendation, staff has updated the Norms and Procedures to reflect the changes in the Brown Act.

OPTIONS:

1. Move to adopt Resolution No. 2023-13.
2. Other direction

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to adopt Resolution No. 2023-13.

- Attachments:**
- 1) Redlined Norms and Procedures
 - 2) Resolution No. 2023-13