



Folsom City Council Staff Report

MEETING DATE:	12/14/2021
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10751 – A Resolution of the City Council Making Findings to Continue Teleconferencing Options for Public Meetings Under AB 361
FROM:	City Attorney's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff respectfully recommends that the City Council pass and adopt the following Resolution:

Resolution No 10751 - A Resolution of the City Council Making Findings to Continue Teleconferencing Options for Public Meetings Under AB 361.

BACKGROUND / ISSUE

Pursuant to AB 361, the City Council passed Resolution No. 10737 on October 26, 2021 to allow public meetings to continue offer teleconferencing as an option. In order to continue offering teleconferencing as an option for public meetings, **City Council action is required every 30 days.**

The rapid spread of the novel coronavirus 2019 (COVID-19) throughout California and the United States caused Governor Newsom to declare a state of emergency on March 4, 2020. The Sacramento County Board of Supervisors ratified the declaration of a state of emergency by the County Health Officer on March 10, 2020, and the Folsom City Council made a similar declaration of a local emergency on March 16, 2020.

In an effort to promote social distancing and reduce the rapid spread of COVID-19, Governor Newsom signed Executive Order N-29-20 on March 17, 2020 to allow public meetings be conducted via teleconferencing. Pursuant to the Governor's Executive Order N-08-21 dated June 11, 2021, Executive Order N-29-20 applies through the end of September 30, 2021.

California Legislature passed Assembly Bill 361 as an urgency measure to allow local governments to continue offer teleconferencing as an option for public meetings. AB 361 was signed into law by Governor Newsom on September 16, 2021, and becomes operative on October 1, 2021.

POLICY / RULE

In order for the City to continue to offer teleconferencing as an option in public meetings, **AB 361 requires findings be made every 30 days** that the nature of the emergency continues to impact the ability to meet safely in person, or that the State or local officials continue to impose or recommend social distancing.

ANALYSIS

In light of the expiration of Executive Order N-29-20, California Legislature passed Assembly Bill 361 as an urgency measure to allow public meetings to continue to offer teleconferencing as an option, provided that the local legislative body makes findings every 30 days that the nature of the emergency continues to impact the ability to meet safely in person, or that the State or local officials continue to impose or recommend social distancing.

Notwithstanding national and local vaccination efforts, new variants of COVID-19 have continued the wide spread of COVID-19 throughout communities. The COVID-19 public health emergency continues to pose a threat to the public's health and safety, and the circumstances of the State of Emergency proclaimed by Governor Newsom on March 4, 2020 have not yet been abated.

Due to the fact that the COVID-19 public health emergency continues to impact the ability to meet safety in person, and that state and local officials continue to recommend social distancing, the City Council has the ability to make necessary findings under AB 361 to allow the City to continue offer teleconferencing as an option for City public meetings.

FINANCIAL IMPACT

Negligible.

ENVIRONMENTAL REVIEW

This action is not considered a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

ATTACHMENT

1. Resolution No. 10751 – A Resolution of the City Council Making Findings to Continue Teleconferencing Options for Public Meetings Under AB 361

Respectfully submitted,

Steven Wang, City Attorney

RESOLUTION NO. 10751

A RESOLUTION OF THE CITY COUNCIL MAKING FINDINGS TO CONTINUE TELECONFERENCING OPTIONS FOR PUBLIC MEETINGS UNDER AB 361

WHEREAS, the Governor of the State of California proclaimed on March 4, 2020 a State of Emergency to exist in California as a result of the threat from the rapid spread of a respiratory illness caused by novel coronavirus 2019 (COVID-19); and

WHEREAS, on March 10, 2020 the Sacramento County Board of Supervisors ratified the County Public Health Officer's Proclamation of Local Public Health Emergency in Sacramento County due to the threat to public health and safety from COVID-19; and

WHEREAS, on March 16, 2020, the City Council adopted Resolution No. 10408 and proclaimed the existence of a local emergency in the City of Folsom; and

WHEREAS, Sacramento County has documented community transmission of COVID-19, with multiple cases of diagnosed patients and fatalities, and the County Health Officer has recommended measures to promote social distancing to prevent rapid transmission of COVID-19; and

WHEREAS, Governor Newsom signed Assembly Bill 361 on September 16, 2021 to allow meetings of legislative bodies to be conducted via teleconference, starting October 1, 2021, provided that findings are made every 30 days to continue teleconference meetings under AB 361.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom hereby finds that it has reconsidered the circumstances of the State of Emergency, that the COVID-19 public health emergency continues to impact the ability to meet safely in person, and that State or local officials continue to impose or recommend social distancing.

BE IT FURTHER RESOLVED that public meetings of the City of Folsom may continue to offer teleconferencing as an option under AB 361.

PASSED AND ADOPTED this 14th day of December, 2021, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

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