



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 2/21/2023

ITEM NO: 4

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DATE: February 14, 2023  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Adopt a Resolution Reaffirming Resolution 2021-044 and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and, Due to Health and Safety Concerns for the Public, Authorizing the Use of Hybrid Meetings for the Town Council and the Continued Use of Virtual Meetings for Boards and Commissions While Town Staff Makes the Necessary Arrangements to Transition to In-Person Meetings for All Town Boards, Commissions, and Committees except for the Planning and Finance Commissions.

**RECOMMENDATION:**

Adopt a Resolution reaffirming Resolution 2021-044 and making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and, due to health and safety concerns for the public, authorizing the use of hybrid meetings for the Town Council and the continued use of virtual meetings for Boards and Commissions while Town staff makes the necessary arrangements to transition to in-person meetings for all Town Boards, Commissions, and Committees except for the Planning and Finance Commissions.

**BACKGROUND:**

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allowed for relaxed provisions of the Ralph M. Brown Act (Brown Act) that allowed legislative bodies to conduct meetings through teleconferencing without having to meet the strict compliance of the Brown Act. All provisions of Executive Order N-29-20 concerning the conduct of public meetings expired on September 30, 2021.

AB 361 was signed into law by the Governor on September 16, 2021, and went into effect immediately upon signing. It amends the Brown Act to allow local legislative bodies to continue

**PREPARED BY:** Wendy Wood  
Town Clerk

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Reviewed by: Town Manager, and Town Attorney

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BACKGROUND (continued):

using teleconferencing and virtual meeting technology after the September 30, 2021, expiration of the current Brown Act exemptions as long as there is a "proclaimed state of emergency" by the Governor and state or local officials recommend social distancing. Through December, the County of Santa Clara recommended social distancing at public meetings and rescinded that public health order in late December 2022. Given the continued spread of COVID-19 and variants, the Town Council recommends continued social distancing.

DISCUSSION:

The Town Council is continuing to provide a remote participation option in addition to in-person meetings. Staff is now transitioning all Town Board, Commission, and Committee meetings to in-person meetings with the exception of the Planning and Finance Commissions per the Council's recent approval of modifications to the Town Council Agenda Format Policy.

AB 361 requires public agencies to make findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter that a state of emergency still exists and that state or local officials continue to impose or recommend measures to promote social distancing. The Governor is expected to lift the state of emergency at the end of February at which time this Resolution will no longer be in effect.

Town Council adopted Resolution 2021-044 on October 5, 2021 regarding Brown Act compliance and teleconferencing pursuant to Government Code Section 54953, as amended by AB 361, and adopted resolutions on the following dates reaffirming Resolution 2021-044:

- November 2, 2021 adopted Resolution 2021-046
- November 16, 2021 adopted Resolution 2021-048
- December 7, 2021 adopted Resolution 2021-054
- December 21, 2021 adopted Resolution 2021-059
- January 18, 2022 adopted Resolution 2022-001
- February 1, 2022 adopted Resolution 2022-003
- February 15, 2022 adopted Resolution 2022-004
- March 1, 2022 adopted Resolution 2022-006
- March 15, 2022 adopted Resolution 2022-009
- April 5, 2022 adopted Resolution 2022-013
- April 19, 2022 adopted Resolution 2022-017
- May 3, 2022 adopted Resolution 2022-021
- May 17, 2022 adopted Resolution 2022-031
- June 7, 2022 adopted Resolution 2022-032
- June 21, 2022 adopted Resolution 2022-037

SUBJECT: Adopt a Resolution Regarding Brown Act Compliance and Teleconferencing

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DISCUSSION (continued):

- July 12, 2022 adopted Resolution 2022-048
- August 2, 2022 adopted Resolution 2022-050
- August 16, 2022 adopted Resolution 2022-055
- September 6, 2022 adopted Resolution 2022-056
  
- September 20, 2022 adopted Resolution 2022-059
- October 4, 2022 adopted Resolution 2022-060
- October 18, 2022 adopted Resolution 2022-065
- November 1, 2022 adopted Resolution 2022-068
- November 15, 2022 adopted Resolution 2022-070
- December 6, 2022 adopted Resolution 2022-073
- December 20, 2022 adopted Resolution 2022-076
- January 17, 2023 adopted Resolution 2023-002
- February 7, 2023 adopted Resolution 2023-008

CONCLUSION:

Staff recommends that Town Council adopt a Resolution reaffirming Resolution 2021-044 making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings. The Town Council is conducting hybrid meetings and staff is working to prepare for a transition to in-person meetings for all Town Boards, Commissions, and Committees with the exception of hybrid meetings for the Planning Commission and Finance Commission per the Council's recent approval of modifications to the Town Council Agenda Format Policy.

COORDINATION:

This report was coordinated with the Town Attorney and Town Manager's offices.

FISCAL IMPACT:

There will be no fiscal impact to the Town at this time.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. Draft Resolution