



Staff Reports

File #: 41-2022, **Version:** 1

To: Honorable Mayor and Members of City Council

From: Tiffany Carranza, City Clerk

Prepared By: Tiffany Carranza, City Clerk

TITLE:

Requirements for Remote Public Meetings

RECOMMENDED ACTION:

- (1) Find that the circumstances resulting from the COVID-19 emergency, including governmental requirements and recommendations to promote social distancing, continue to directly impact the ability of the members to meet safely in person; and
- (2) Authorize City staff to schedule and implement future City Council of the City of Napa Meetings using teleconferencing procedures in compliance with California Government Code Section 54953(e).

DISCUSSION:

On September 16, 2021, Governor Newsom signed into law AB 361, extending the authority of public agencies to conduct meetings by teleconference (video and/or audio) during the COVID-19 pandemic, as documented in California Government Code Section 54953(e). Effective October 1, 2021, AB 361 provides an alternative to the teleconferencing requirements of Government Code Section 54953(b)(3) as long as there is a state of emergency and the legislative body makes certain factual findings regarding the state of emergency.

On January 7, 2022, the City Manager signed Proclamation P2022-001 authorizing the City Clerk to prepare for meetings of the City Council, the Board of Commissioners of the Housing Authority of the City of Napa, and Planning Commission to be held via teleconference in compliance with Government Code Section 54953(e) through February 8, 2022.

At the February 1, 2022 City Council Meeting, Council approved the continuation of the Proclamation of Local Emergency authorizing the City Manager to take actions necessary to respond to the Coronavirus (COVID-19); and ratify actions taken by the City Manager in implementation of the Proclamation of Local Emergency. Such actions included the continuation of teleconference meetings through February 15, 2022.

A Proclamation of Local Emergency to Respond to the Coronavirus (Proclamation No. P2020-001) was first ratified by City Council on March 16, 2020 and the ongoing impacts of COVID-19 on the community and the City's operations have been documented and described in public reports to support the City Council's continuation of the Local Emergency on March 31, 2020, and at every regular Council meeting thereafter, most recently on February 1, 2022. The February 1, 2022 staff

report for the Proclamation of Local Emergency to Respond to the Coronavirus (COVID-19) is included as Attachment 1.

If the City Council does not adopt the recommended action by majority vote, then traditional Brown Act rules for teleconferencing will apply. If the City Council approves this item to implement AB 361 (which is codified at California Government Code Section 54953(e)), then the following teleconferencing requirements will apply:

1. Since no physical location is required for public attendance at the meeting, the City must provide an opportunity for the public to access and participate in the meeting through a call-in or an internet-based (video and/or audio) service, and instructions for how to participate must be included in the posted meeting notice;
2. If there is any disruption of the call-in or internet-based service the City Council must take no further action on meeting agenda items until the problem is fixed;
3. The City Council may allow public comments to be submitted prior to a meeting, but must also allow the public to participate in real time through call-in or internet-based service;
4. If an internet-based service requires registration through a third-party, individuals can be required to register with the third-party to participate in the meeting;
5. When providing a timed period for public comment, the City Council must allow reasonable time for members of the public to comment, and must also include reasonable time for members to register with a third-party host, if applicable; and
6. The City must protect the statutory and constitutional rights of the parties and the public.

FINANCIAL IMPACTS:

None

CEQA:

The City Clerk has determined that the recommended action described in this agenda report is not subject to CEQA, pursuant to CEQA Guidelines Section 15060(c).

DOCUMENTS ATTACHED:

ATCH 1 - February 1, 2022 City Council Staff Report - Proclamation of Local Emergency

NOTIFICATION:

None