



# STAFF REPORT

## CITY of YORBA LINDA

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### ADMINISTRATION DEPARTMENT

**DATE:** MARCH 1, 2022

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** MARK PULONE, CITY MANAGER  
**PREPARED BY:** TODD LITFIN, CITY ATTORNEY

**SUBJECT:** REAUTHORIZATION OF TELECONFERENCED MEETINGS PURSUANT TO AB 361

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### **RECOMMENDATION**

It is recommended that the City Council adopt Resolution No. 2022-5791 reauthorizing teleconferenced meetings pursuant to the requirements of AB 361.

### **BACKGROUND**

During the COVID-19 pandemic, the Governor issued Executive Order No. N-29-20, which suspended the Brown Act's requirements for teleconferencing, so long as specified requirements relating to public participation in such meetings were satisfied. That executive order was recently rescinded. In its place, the State legislature and the governor have approved Assembly Bill 361 (AB 361). AB 361 modifies the teleconferencing requirements of the Brown Act to allow a legislative body to meet without granting public access to the locations where members of the body are teleconferencing, such as their private residences, or allowing public access to public facilities as long as the public may participate electronically/telephonically in real time during the meeting.

AB 361 imposes three primary requirements for virtual public meetings:

- A proclaimed state of emergency coupled with imposed or recommended social distancing measures, or a vote that as a result of the emergency, meeting in person would present imminent health or safety risks;
- For meetings subsequent to the first AB 361 virtual meeting, certain enumerated findings authorizing teleconferenced meetings pursuant to AB 361; and
- Compliance with public notice and "real time" participation requirements either telephonically or via an internet based provider. Local agencies may not require that comments be submitted in advance, and no official action may occur if public

access to the virtual meeting is disrupted.

As to the current status of whether there is an “emergency”, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency in California due to the COVID-19 pandemic. The emergency is currently extended until March 31, 2022.

The current state of emergency authorizes local agencies to conduct meetings under AB 361 with the adoption of the attached resolution containing the findings required by AB 361. In order to continue to conduct meetings pursuant to AB 361, the City has to readopt the findings every 30 days. The City initially adopted Resolution No. 2022-5779 on January 18, 2022 authorizing teleconferenced meetings pursuant to AB 361. The City reauthorized that determination on February 1, 2022, per Resolution No. 2022-5782. The City reauthorized that determination on February 15, 2022, per Resolution No. 2022-5787. The currently proposed resolution is a reauthorization of the prior determination.

#### **FISCAL IMPACT**

Minimal costs pertaining to providing remote access to Councilmembers, City staff and the public.

#### **ALTERNATIVES**

Not approve Resolution No. 2022-5791 and either conduct meetings in person or pursuant to the normal teleconferencing requirements of the Brown Act.

#### **ATTACHMENTS**

1. Resolution No. 2022-5791
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