



STAFF REPORT

CITY of YORBA LINDA

ADMINISTRATION DEPARTMENT

DATE: JULY 19, 2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

SUBJECT: TELECONFERENCED MEETINGS PURSUANT TO GOVERNMENT CODE § 54953(e)

RECOMMENDATION

It is recommended that the City Council adopt Resolution No. 2022-5816 authorizing teleconferenced meetings pursuant to the requirements of Government Code § 54953(e).

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 That executive order was recently rescinded.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) which added Government Code § 54953(e) to the Brown Act. Government Code § 54953(e) 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.

Government Code § 54953(e) 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 virtual meeting, certain enumerated findings authorizing teleconferenced meetings pursuant to Government Code § 54953(e); 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.

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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 declaration to date has not been lifted by the Governor. The California Department of Public Health’s (“CDPH”) current guidance strongly recommends all persons, regardless of vaccination status, wear masks in indoor public settings. Furthermore, based on the number and location of recent positive COVID-19 cases at City Hall, the City meets the Cal/OSHA definition of a “workplace outbreak” and the City is taking additional measures in accordance with the Cal/OSHA regulations to mitigate the outbreak.

The current state of emergency authorizes local agencies to conduct meetings under Government Code § 54953(e) with the adoption of the attached resolution containing the findings required by Government Code § 54953(e). In order to continue to conduct meetings, the City has to readopt the findings every 30 days.

FISCAL IMPACT

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

ALTERNATIVES

Not approve Resolution No. 2022-5816 and either conduct meetings in person or pursuant to the normal teleconferencing requirements of the Brown Act.

ATTACHMENTS

1. Resolution No. 2022-5816.
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