

RESOLUTION NO. 2022-5816

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, CALIFORNIA, MAKING FINDINGS NECESSARY FOR REMOTE PARTICIPATION IN PUBLIC MEETINGS OF THE CITY COUNCIL AND COMMISSIONS OF THE CITY OF YORBA LINDA, AS AUTHORIZED BY GOVERNMENT CODE § 54953(e)

WHEREAS, the Ralph M. Brown Act (Brown Act) requires, with specified exceptions, that all meetings of the City Council of the City of Yorba Linda, and its subordinate legislative bodies (collectively, "Public Bodies"), be open and public and that all persons be permitted to attend and participate; and

WHEREAS, the Brown Act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that Public Bodies notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the Public Body at each teleconference location, that the Public Body post an agenda at each teleconference location, and that at least a quorum of the Public Body participate from locations within the boundaries of the City; and

WHEREAS, during the COVID-19 pandemic and pursuant to authority provided under the California Emergency Services Act, the Governor issued Executive Order No. N-29-20, which suspended the Brown Act's requirements for teleconferencing provided that notice and accessibility requirements were met, the public members were allowed to observe and address Public Bodies at their meetings, and that the Public Body had a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities; and

WHEREAS, Executive Order No. N-29-20 has been rescinded; and

WHEREAS, on September 16, 2021 the Governor signed Assembly Bill 361 (AB 361) which adopted Government Code § 54953(e) that establishes further refinements to the procedures that may be used by the City when allowing for remote participation in meetings of Public Bodies; and

WHEREAS, Government Code § 54953(e) authorizes the City to use teleconferencing without complying with the teleconferencing requirements imposed by the Brown Act (prior to adoption of AB 361) when the City Council finds that the meeting will be held during a declared state of emergency and state or local health officials have imposed or recommended measures to promote social distancing (Remote Participation Findings); and

WHEREAS, if the Remote Participation Findings are made, Government Code § 54953(e) requires that Public Bodies give notice of the meeting and post agendas, as described in Government Code § 54953(e), to allow members of the public to access the

meeting and address the Public Body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the Public Body; and

WHEREAS, if the City exercises the option for remote participation under Government Code § 54953(e), it cannot require that public comments be submitted in advance of the meeting and body must provide an opportunity for the public to address Public Bodies and offer comment in real time; and

WHEREAS, when there is a continuing state of emergency and state or local officials have imposed or recommended measures to promote social distancing, Government Code § 54953(e) requires that the City Council make specified findings not later than 30 days after the first teleconferenced meeting pursuant to Government Code § 54953(e), and to make those findings every 30 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures specified therein; and

WHEREAS, on March 4, 2020, Governor Newsom declared a state of emergency pertaining to COVID-19 and that state of emergency has not to date been lifted; and

WHEREAS, the California Department of Public Health's ("CDPH") current guidance strongly recommends all persons, regardless of vaccination status, wear masks in indoor public settings.

WHEREAS, 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.; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Yorba Linda, California as follows:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. The City Council of the City of Yorba Linda, for itself and for each of its subordinate legislative bodies, finds and declares as follows:

- A continued state of emergency, as declared by the State of California, exists.
- The City Council of the City of Yorba Linda has reconsidered the circumstances of the state of emergency.
- The state of emergency continues to directly impact the ability of the Council members to meet safely in person and the City of Yorba Linda and State of California continue to impose or recommend measure to promote social distancing including without limitation (i) promoting and utilizing remote attendance options at City Council meetings, (ii) allowing work from home arrangements for City

employees, (iii) using barriers and other means of separating employees from one another and from the public throughout City facilities and (iv) requiring masks to be worn regardless of vaccination status in all indoor public settings.

SECTION 3. The City Council of the City of Yorba Linda, and all of its subordinate legislative bodies, shall comply with the provisions and requirements of Government Code § 54953(e) during each and every public meeting where remote participation of a Council member, board member, commissioner, or committee member (as the case may be) occurs, unless such participation complies with the Brown Act's pre-AB 361 teleconferencing requirements.

SECTION 4. The City Manager, or designee, is authorized and directed to take all action necessary to implement this Resolution.

PASSED AND ADOPTED by the City Council of the City of Yorba Linda at a regular meeting held on the 19th day of July, 2022.

CARLOS RODRIGUEZ, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER, LLP

CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF YORBA LINDA)

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, **HEREBY DO CERTIFY** that the foregoing Resolution was duly adopted at a regular meeting of the City Council of the City of Yorba Linda, held on the 19th day of July, 2022.

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA