



REPORT to the MAYOR and MEMBERS of the CITY COUNCIL
From the CITY MANAGER

DATE: February 22, 2022

SUBJECT: Discussion regarding returning to in-person meetings and possible adoption of Resolution making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings of the legislative bodies of the City of La Mesa for the 30-day period beginning March 1, 2022 through March 31, 2022

ISSUING DEPARTMENT: City Manager/City Clerk

SUMMARY:

Issue:

1. Should the City return to in-person meetings of the legislative bodies?
2. Should the City Council adopt the Resolution making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, to allow for hybrid meetings of the legislative bodies?

Recommendation:

1. Provide direction to staff regarding in-person City Council and Board and Commission meetings.
2. Discuss and consider adopting the Resolution making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, to allow for hybrid meetings.

Fiscal Impact:

There is no fiscal impact associated with the recommended actions.

Strategic Goals:

- Maintain a financially sound and affordable City government

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. On September 28, 2021, the City Council adopted Resolution No. 2021-115 to allow continued remote teleconference meetings of the legislative bodies of the City of La Mesa for the month of October 2021. Subsequently, the City Council adopted Resolution Nos. 2021-129, 2021-153, and 2022-006 to allow continued remote teleconference meetings of the legislative bodies of the City of La Mesa for the months of November and December 2021 and January and February 2022.

At the Council meeting of January 11, 2022, it was the consensus of the Council to direct staff to bring back the discussion of returning to in-person meetings at the second meeting in February.

DISCUSSION:

City Council meetings are currently conducted pursuant to the provisions of California Government Code section 54953(e), added by Assembly Bill 361, which allows the City to use teleconferencing and provide the public an opportunity to address the City Council via a call-in option or an internet-based service option. The City Council recently requested an opportunity to discuss how the City would provide members of the public with the option of attending City Council meetings in person while adhering to the public health order. Staff surveyed neighboring cities in San Diego County that have been hosting in-person meetings and found these cities generally implement the following measures to protect public health:

- Reducing the amount of seating in the city council chambers
- Recommending wearing of masks regardless of vaccination status
- Posting signage with updated guidance from the California Public Health Department

Staff did not find cities in the region requiring proof of vaccination to attend a public meeting. In such cases, members of the public entering a city council chamber without a face covering are self-certifying that they are fully vaccinated.

The December 15, 2021, mask mandate by the California Department of Public Health expired on February 15, 2022. Fully vaccinated individuals are no longer required to wear a mask indoors, in most situations. Those who are not fully vaccinated are required to continue wearing a face covering while indoors. There are no other specific regulations for in-person meetings at this time.

A city may meet remotely or use a combination of in-person/virtual (hybrid) platform under AB 361 during a declared state of emergency by the Governor via Government Code § 54953(e) *et seq.* The attached Resolution (**Attachment A**) would need to be adopted by Council to allow for hybrid meetings, in which Councilmembers and/or Board and Commission Members may choose to continue to attend meetings virtually while still allowing the public to attend in-person.

Before returning to in-person meetings, staff will need to work with Lightwerks Communication Systems, Inc., the City's broadcast and audio visual systems contractor, to test the Council Chamber equipment to ensure a smooth transition to in-person meetings. In addition, additional staff will need to be trained to implement some of the new changes to in-person meetings (i.e. new voting software, live audio comments, etc.).

Staff recommends that the City Council provide direction on:

1. Should the City Council and all boards and commissions begin to meeting in person?
2. If the City Council determines that all meetings should be in person, should those meetings allow for hybrid (virtual) participation by members of the Council, Boards and/or Commissions?

Reviewed by:



Greg Humora
City Manager

Respectfully submitted by:



Megan Wiegelman
City Clerk

Attachment(s):

- A. Resolution

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA MAKING FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, AND RE-AUTHORIZING THE CONTINUED USE OF VIRTUAL MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF LA MESA FOR THE 30-DAY PERIOD BEGINNING MARCH 1, 2022 THROUGH MARCH 31, 2022

WHEREAS, as a result of the COVID-19 pandemic, the Governor issued Executive Order Nos. N-08-21, N-25-20 and N-29-20, which suspended certain provisions of the Ralph M. Brown Act to allow legislative bodies to conduct public meetings without strict compliance with the teleconferencing provisions of the Brown Act;

WHEREAS, Assembly Bill 361, which was signed into law on September 16, 2021, amended Government Code section 54953, to provide relief from the teleconferencing provisions of the Brown Act under certain circumstances provided the legislative body makes certain findings;

WHEREAS, as a result of the COVID-19 pandemic, the Governor proclaimed a state of emergency on March 4, 2020, in accordance with the section 8625 of the California Emergency Services Act, and the state of emergency remains in effect; and

WHEREAS, as a result of the COVID-19 pandemic, the California Department of Health and County of San Diego Public Health Services continue to recommended measures to promote social distancing.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of La Mesa as follows:

1. That the Council has reconsidered the circumstances of the previously declared and existing state of emergency arising from the COVID-19 pandemic;
2. That the state of emergency continues to directly impact the ability of the members of the Council to meet safely in person, and further that local officials continue to impose or recommend measures to promote social distancing;
3. That the legislative bodies of the City may continue to conduct public meetings in accordance with Government Code section 54953(e); and
4. That the Council will reconsider the above findings within 30-days of this Resolution.

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 22nd day of February 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF THE CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2022-__, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)