

INDIAN WELLS CITY COUNCIL

November 28, 2022



To: City Council
From: City Attorney
Prepared by: Todd Leishman, City Attorney
Subject: **Findings to Hold Remote Teleconference/Virtual Meetings and Hybrid Meetings for All City Legislative Bodies, in Accordance with Assembly Bill 361**

RECOMMENDED ACTION:

Council **APPROVES** remote teleconference/virtual and hybrid meetings for all City legislative bodies by finding that a statewide state of emergency is currently in place and that state and local officials have imposed or recommended measures to promote social distancing in connection with COVID-19; and

AUTHORIZES City Manager to implement teleconference/virtual or hybrid public meetings as needed in accordance with Assembly Bill 361.

BACKGROUND:

All meetings legislative bodies of the City are subject to the Ralph M. Brown Act (Gov. Code §§ 54950 *et seq.*), and must be open and public so that any member of the public may attend and participate in the meetings. Commencing in March of 2020, Governor Newsom issued a series of executive orders aimed at preventing the spread of a respiratory disease that came to be known as the novel coronavirus, "COVID-19." Among these were Executive Orders ("EO") N-25-20, N-29-20, and N-35-20 (collectively, the "Brown Act Orders") that waived the teleconferencing requirements of the Brown Act to allow legislative bodies to meet virtually.

On June 11, 2021, the Governor issued EO N-08-21 to begin winding down some of the prior measures that were adopted to respond to COVID-19. Notably, EO N-08-21 rescinded the Brown Act Orders, effective September 30, 2021. On September 16, 2021, Governor Newsom signed AB 361, which became effective October 1, 2021, and amended the Brown Act to allow legislative bodies to meet virtually, without following the Brown Act's standard teleconferencing rules, provided that the legislative body makes specific findings, which include the following: (1) a statewide state of emergency is currently in

place; and (2) state or local officials have imposed or recommended measures to promote social distancing in connection with COVID-19.

Continued compliance with AB 361 will require the City Council to approve the action making the required findings every 30 days (or at the next Council meeting, if greater than 30 days).

Analysis:

The Governor has proclaimed a state of emergency in response to the ongoing COVID-19 pandemic. The state of emergency currently remains in effect. Further, State officials — including the California Department of Public Health — and local officials have recommended measures to promote social distancing in connection with COVID-19, which are currently in place. Accordingly, both of the above-referenced findings required by AB 361 exist.

The City Council recognizes that a person's ability to attend and participate in person might change suddenly, depending on the person's exposure to the virus, or changes in the person's own health and vulnerability to infection. The Council recognizes that members of the public, and from time-to-time, members of the Council and of other City legislative bodies, as well as City staff might need to or might feel more comfortable attending meetings virtually in light of the ongoing COVID-19 pandemic and the manner in which circumstances surrounding the pandemic, including the impact on individual and public health, may rapidly change. Accordingly, the City Council thus desires to allow for virtual or hybrid (in-person and virtual) meetings of all the City's legislative bodies in order to both ensure the health and safety of the public, City officials, and City staff, as well as continuity of government in allowing regularly scheduled meetings to continue to occur without unanticipated interruption.