



## Legislation Details (With Text)

**File #:** 22-319  
**Type:** Report **Status:** Agenda Ready  
**File created:** 8/18/2022 **In control:** Town Council  
**On agenda:** 9/27/2022 **Final action:**  
**Title:** Discuss ongoing format for public meetings  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Staff Report

Date	Ver.	Action By	Action	Result
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**FROM:**

David P. Donery, Town Manager

**SUBJECT:**

Discuss ongoing format for public meetings

**RECOMMENDATION**

That Council discuss the ongoing format for Town public meetings and provide direction to staff.

**BACKGROUND**

On March 17, 2020, the County of Marin issued a Shelter in Place Order due to COVID-19. Recognizing the need to promote social distancing while allowing local legislative bodies to continue operating during the emergency, Governor Newsom signed Executive Orders N-25-20 <<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>> and N-29-20 <<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf>>, which suspended provisions of the Brown Act and similar rules regarding teleconferencing and electronic meetings. Under these orders all members of a legislative body were permitted to participate in a meeting electronically or by phone from any location without posting agendas or opening those locations to the public.

On April 14, 2020, the Town started holding virtual public meetings using the Zoom meeting format to allow for transparency and public participation during the COVID-19 pandemic.

On May 25, 2021, Council voted to work towards holding a Hybrid Format for Town Council meeting that would combine a virtual online component which allows continued virtual public participation and an in-person component.

On September 16, 2021, Governor Newsom signed AB 361

<[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB361](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB361)>, extending the authority of public agencies to conduct meetings by teleconference, including video conference, during the COVID-19 pandemic. AB 361 is effective through January 1, 2024.

Beginning in October of 2021, each month the Council voted to continue holding a Virtual Format for Town Council and Town Commission and Committee meetings and to return at a later date to discuss implementing a Hybrid Meeting option.

At the March 22, 2022 Town Council meeting, the Council voted to begin holding meetings using a hybrid format in which Councilmembers could choose to attend either in-person or virtually with public participation limited to virtual participation. At that meeting, Council directed staff to work with each of the Town's boards, commissions and committees to establish the meeting format that the group would prefer.

## DISCUSSION

At the March meeting, staff was asked to return to Council after three months to review the meeting format to decide whether to continue the current hybrid meeting format or choose a new format.

### A. Meeting Options

The options available to the Council are as follows:

1. Continue to utilize a hybrid meeting format which allows for participation by elected/appointed officials and staff either in-person or virtually, with public participation remaining virtual.
2. Continue to utilize a hybrid meeting format for both elected/appointed officials and allow the public to participate in-person and virtually.
3. Return to in-person meetings only for elected/appointed officials and allow the public to participate in-person and virtually.

For options 1 and 2, the Council would need to determine that there would be an imminent risk for some Council members to attend in person and not for others for AB 361 to apply.

If the Council wants to utilize Option 3, but not cite imminent risk, normal Brown Act teleconferencing rules would apply. This means that a Council Member would need to post the agenda outside of the location where they would be attending the meeting and allow the public to join them during the meeting time. This location includes but is not limited to a residence, a hospital room, hotel room or family home, even if the location is outside of Town limits. This location would have to be printed on the agenda that is posted 72 hours before the meeting begins. Also, a majority of the Council will need to be present in the Council Chambers in order to conduct the meeting.

### Boards, Commissions and Committees

AB 361 applies to all local legislative bodies, which include Town Commissions and Committees. The Council may choose to continue to allow each legislative body to make its own determination under the bill regarding virtual meetings or the Council may make the determination for those bodies.

## B. Neighboring Jurisdictions

Staff requested information from the surrounding jurisdictions and as of the date this report was written:

- Mill Valley is conducting in-person meetings
- Corte Madera and Ross are conducting in-person meetings with a virtual participation option
- San Rafael is conducting meetings in-person and virtual with a 50% capacity limit (90 people)
- Larkspur is conducting hybrid meetings (Council choice to come to Council Chambers or attend virtually) with virtual public participation
- Belvedere, Fairfax, Novato, Sausalito and Tiburon are conducting meetings virtually.

## FISCAL IMPACT

There would be no fiscal impact for this item.

## CEQA AND CLIMATE ACTION PLAN CONSISTENCY

Discussing the Town Council meeting formats is not a “project” under the California Environmental Quality Act, because it does not involve an activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

## CONCLUSION

In summary, staff will continue to strive to provide transparency and open meetings to Town residents. Staff recommends that the Town Council review the options above and if necessary, make the determination under AB 361 for future Town Council meetings and for all Boards, Commissions and Committees.