



## Legislation Details (With Text)

**File #:** 22-005  
**Type:** Resolution **Status:** Passed  
**File created:** 12/15/2021 **In control:** Town Council  
**On agenda:** 1/11/2022 **Final action:** 1/11/2022  
**Title:** Consider Adoption of Resolution to Allow for Virtual Town Council, Board and Commission Meetings in Compliance with AB 361.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Resolution

Date	Ver.	Action By	Action	Result
1/11/2022	1	Town Council	approved	Pass

**FROM:**

Carla Kacmar, Town Clerk

**SUBJECT:**

Consider Adoption of Resolution to Allow for Virtual Town Council, Board and Commission Meetings in Compliance with AB 361.

**RECOMMENDATION**

That the Town Council adopt the attached resolution making findings pursuant to AB 361 to support continued use of teleconferencing/videoconferencing to hold public meetings of the Town Council and Town boards, commissions, and committees during the continuing state of emergency proclaimed by Governor Newsom on March 4, 2020. (Attachment 1).

**BACKGROUND**

On March 4, 2020, Governor Newsom declared a state of emergency pursuant to Government Code section 8625 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, N-29-20, and N-08-21, which suspended provisions of the Brown Act. Those Orders permitted legislative bodies to hold virtual meetings; however, the relevant provisions expired on September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361, which extends the authority of public agencies to conduct meetings by teleconference, including video conference, during State-declared emergencies. Specifically, the bill provides that a legislative body may hold virtual meetings where there is a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing. (Cal. Gov. Code § 54953(e)(1)(A)).

On September 22, 2021, the Marin County Director of Health & Human Services, Benita McLarin, sent a letter to the Marin County Board of Supervisors recommending continued social distancing for local government meetings.

Local government meetings are indoor meetings that are sometimes crowded, involve many different and unfamiliar households, and can last many hours. Given those circumstances, I recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible. These measures can include using video/tele- conferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other.

On November 26, 2021, the World Health Organization classified a new variant, B.1.1.529, as a Variant of Concern and named it Omicron and on November 30, 2021, the United States also classified it as a Variant of Concern. On December 1, 2021, the California and San Francisco Departments of Public Health confirmed that a recent case of COVID-19 in California was caused by the Omicron variant. The new variant is anticipated to spread in the coming weeks.

On October 12, 2021, November 9, 2021, and December 14, 2021, the Town Council adopted resolutions with the requisite findings that the state of emergency is in effect, that measures to promote social distancing are still being recommended by local officials, and that the state of emergency directly impacts the ability of the public and the members of the Town's Council, boards, commissions and committees to meet safely indoors in person.

AB 361 requires the Town Council to make these findings every thirty days if it desires to continue meeting virtually. (Cal. Gov. Code § 54953(e)(3)). The Council is holding its first regular meeting for the month of December and staff is returning with a resolution for the Council's consideration.

## **FISCAL IMPACT**

There would be no direct fiscal impact to the Town to approve this item.

## **CEQA AND CLIMATE ACTION PLAN CONSISTENCY**

The proposed project is exempt from the California Environmental Quality Act (CEQA), under the "common sense" exemption, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs. tit. 14, § 15061).

## **CONCLUSION**

Staff respectfully requests that the Council adopt the attached resolution to allow for continued use of video/teleconferencing for public meetings.