



## Legislation Text

---

**File #:** 22-482, **Version:** 1

---

**FROM:**

Serge Avila, Town Clerk

Megan H. Acevedo, Town Attorney

**SUBJECT:**

Consider Adoption of Resolution to Allow for Virtual Town Council and Committee 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 legislative bodies 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/teleconferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other.

Ms. McLarin has confirmed that these recommendations remain in place, including in her letter to the Board on December 6, 2022.

On November 26, 2021, the World Health Organization (WHO) 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. Omicron is more contagious than previous variants and spread rapidly. On January 10, 2022, the U.S. reported 1,400,000 positive COVID cases in a single day. On February 22, 2022, the World Health Organization identified a second Omicron variant as a variant of concern and case rates have risen as a result of its spread.

On October 12, 2021, November 9, 2021, December 14, 2021, January 11, 2022, February 8, 2022, March 8, 2022, and April 12, 2022, May 10, 2022, June 14, 2022, July 26, 2022, August 23, 2022, September 13, 2022, September 27, 2022, October 11, 2022, October 25, 2022, November 15, 2022, and December 13, 2022, 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 Council and legislative bodies to meet safely indoors in person.

On September 27, 2022, Council discussed format options for public meetings. On October 11, 2022, the Council decided to continue to utilize a hybrid meeting format for Town Council and committee meetings and to allow the public to join those meetings in-person and/or virtually.

This option allows for in-person public participation with capacity limits. The Council requested that staff arrange the seating for the public so that there is space between the seats that allows no more than 50% of the legal occupancy of the room at one time. It was noted that the lobby and adjacent outdoor space under the arbor have speakers and the meeting can be viewed through windows. The Council also requested that the microphone to be used for in-person public input be placed in the center aisle towards the back of the room and that any queue that is formed be in the lobby. The Council directed that Town Council members be seated with one seat space between them and for staff to place HEPA-filtered air purifiers in the Council Chambers to be operated during meetings.

Finally, the Council directed the new meeting format policy be instituted for all Town commissions and committees beginning in November of 2022. For meeting taking place in the Historical Museum, it is recommended that only 50% of the seating for public participation be available.

## **FISCAL IMPACT**

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

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

Adopting a resolution to establish the format for public meetings during a state of emergency is not a “project” under the California Environmental Quality Act (CEQA), because it does not involve an activity that has the potential to cause a

direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

## **CONCLUSION**

Staff respectfully requests that the Council adopt the attached resolution to allow for continued use of video/teleconferencing in a hybrid meeting format.

Attachment 1- Resolution