

CONSENT CALENDAR

**BELVEDERE CITY COUNCIL
JANUARY 10, 2022**

To: Mayor and City Council

From: Beth Haener, City Clerk

Reviewed by: Craig Middleton, City Manager

Subject: A Resolution Authorizing the Continuation of Remote Public Meetings pursuant to Assembly Bill 361

RECOMMENDATION

That the City Council adopt a Resolution authorizing the continued use of remote meetings pursuant to Assembly Bill 361 and give direction to staff as necessary.

BACKGROUND

At the October 11, 2021, regular meeting, the City Council adopted Resolution 2021-41 authorizing the continuation of virtual public city meetings during the continuing state of emergency relating to the COVID1-19 pandemic for the 30-day period beginning October 11, 2021, and making the required findings pursuant to AB 361. Subsequently, at the November 8, 2021 regular meeting, and at the November 29, 2021 special meeting, the City Council adopted Resolution 2021-44 and 2021-45, allowing meetings to be held via teleconference.

In order to continue to hold remote meetings, the City Council must continue to declare every 30 days that (i) the state of emergency continues to be in place; and (ii) State or local officials continue to impose or recommend measures to promote social distancing; or (iii) as a result of the declared emergency, meeting in-person would result in an imminent risk to the health or safety of attendees.

The attached resolution makes the findings to confirm the conditions still exist to allow the continuation of virtual public meetings pursuant to AB 361 for the City Council and on behalf all lower legislative bodies in the City.

The attached resolution anticipates and authorizes remote meetings including hybrid meetings held both via teleconference and in-person. This resolution will allow members of the public to safely observe and participate in local government teleconference meetings during the continued pandemic.

ENVIRONMENTAL DETERMINATION

A meeting format determination under AB 361 is not a “project” under the California Environmental Quality Act, because it does not involve an activity that has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code § 21065).

CORRESPONDENCE

As of the writing of this report, no correspondence has been received regarding this agenda item.

RECOMMENDED ACTION

That the City Council adopt the Resolution authorizing the continued use of remote meetings pursuant to Assembly Bill 361 and give direction to staff as necessary.

ATTACHMENTS

1. Resolution.

CITY OF BELVEDERE

RESOLUTION NO. 2022-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
AUTHORIZING THE CONTINUATION OF VIRTUAL PUBLIC CITY MEETINGS
DURING THE CONTINUING STATE OF EMERGENCY RELATING TO THE COVID-
19 PANDEMIC PURSUANT TO ASSEMBLY BILL 361**

WHEREAS, on March 4, 2020 Governor Newsom declared a State of Emergency pursuant to Government Code section 8625 due to the COVID-19 pandemic, which State of Emergency remains in effect; and

WHEREAS, State Executive Orders N-25-20 and N-29-20, suspended certain provisions of the Brown Act (Gov. Code, §§ 54950 *et seq.*) to allow public meetings to be held virtually without opening a physical space to the public, which provisions expired September 30, 2021; and

WHEREAS, effective September 16, 2021, Assembly Bill 361, allows local agencies to continue to hold remote public meetings through December 31, 2023 when there is a State-declared emergency, and when state or local officials have imposed or recommended measures to promote social distancing or as a result of the declared emergency, meeting in-person would result in an imminent risk to the health or safety of attendees; and

WHEREAS, the Government Code section 8625 State of Emergency remains in effect; and

WHEREAS, state and local officials continue to impose and recommend measures to promote social distancing due to the continued rates of transmission of the COVID-19 virus and variants as follows:

- a. The July 28, 2021 California Department of Public Health Guidance for the Use of Facial Coverings recommending universal masking indoors statewide to promote social distancing is still in effect; and
- b. The Marin County Public Health Department continues to recommend the use of masking indoors.
- c. On September 22, 2021, the Marin County Director of Health and Human Services, Benita McLarin, issued a letter recommended continued social distancing for governmental meetings, including the use of video and teleconference meetings.

WHEREAS, public meetings involve many people in shared indoor spaces, in close proximity for hours, and City meetings rooms have limited mechanical and natural ventilation, creating a health risk for members of the public at this time; and

WHEREAS, as a result of the continuing declared emergency, public meetings in-person would result in an imminent risk to the health or safety of attendees.

WHEREAS, a meeting format determination under AB 361 is not a “project” under the California Environmental Quality Act, because it does not involve an activity that has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code § 21065.)

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Belvedere based on the findings set forth above and incorporated herein, that public meetings of the City’s legislative bodies shall be held using remote technology in compliance with the requirements of Government Code section 54953(e) and all other applicable laws for thirty (30) days following the date of adoption of this Resolution.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Belvedere on January 10, 2022, by the following vote:

AYES: James Campbell, Nancy Kemnitzer, James Lynch , Steve Block, and Mayor Wilkinson
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED: _____
Sally Wilkinson, Mayor

ATTEST: _____
Beth Haener, City Clerk