



CITY OF INGLEWOOD

OFFICE OF THE CITY ATTORNEY

Inglewood



DATE: September 13, 2022

TO: Mayor and Council Members

FROM: City Attorney's Office

SUBJECT: Resolution Authorizing the City Council and all Other Legislative Bodies of The City to Continue to Conduct Public Meetings via Teleconference from September 13, 2022, through October 13, 2022, Pursuant to Assembly Bill 361

RECOMMENDATION:

It is recommended that the City Council adopt a resolution authorizing the City Council, and all other legislative bodies of the City, to continue to conduct public meetings via teleconference from September 13, 2022, through October 13, 2022, pursuant to Assembly Bill 361.

BACKGROUND:

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021, for public agencies to transition back to conducting public meetings held in full compliance with the Ralph M. Brown Act ("Brown Act"). Because of the ongoing COVID-19 pandemic and recent Delta variation surge, California enacted Assembly Bill 361 ("AB 361"), as an urgency measure, to immediately allow cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements that are similar but not identical to the procedures established by the Governor's expired Executive Orders. AB 361 authorizes local agencies to hold teleconference public meetings without complying with the teleconferencing requirements imposed by the Brown Act during a declared state of emergency, when state or local health officials have imposed or recommended measures to promote social distancing during the proclaimed state of emergency. On October 5, 2021, November 9, 2021, December 14, 2021, January 11, 2022, February 8, 2022, March 8, 2022, and on other dates the City Council adopted a resolution implementing teleconferencing of public meetings.

DISCUSSION:

AB 361 amended Government Code section 54953 to allow a local agency to use teleconferencing to hold a public meeting without complying with certain Brown Act requirements if the following conditions are met:

- The Governor declares a State of Emergency; *and*
 - State or local officials have imposed or recommended measures to promote social distancing; *or*
 - The legislative body may hold a meeting for the purpose of determining, by majority vote, whether as a result of the state of emergency, meeting in person would present imminent risks to the health or safety or attendees; *or*

DR-1.

Mayor and Council Members
Resolution Authorizing the City to Implement Teleconference
Public Meetings Pursuant to Assembly Bill 361
September 13, 2022

- The legislative body holds a public meeting, after making the determination by majority vote as outlined in the immediate, previous bullet point.

A legislative body of a local agency that holds a meeting under these circumstances would be required by AB 361 to follow the steps listed below, in addition to giving notice of the meeting and posting agendas, as required under the Brown Act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies. Pursuant to AB 361, local agencies are required to do all of the following in addition to meeting notice requirements under the Brown Act:

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions.
- In each instance, when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment.
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option; the legislative body needs not provide a physical location for the public to attend or provide comments.
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option or is within the local agency's control and prevents the public from submitting public comments (any actions taken during such a service disruption can be challenged under the Brown Act's existing challenge provisions).
- Not require comments be submitted in advance (though the legislative body may provide that as an option) and provide the opportunity to comment in real time.
- Provide adequate time for public comment, either by establishing a timed public comment period or by allowing a reasonable amount of time to comment.
- If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register and may not close the registration comment period until the comment period has elapsed.

AB 361 also provides that, if the state of emergency remains active for more than 30 days, a legislative body must make the following findings, which findings are provided in the attached resolution, by majority vote every 30 days to continue using Government Code section 54953(e)'s exemption to the Brown Act teleconferencing rules:

- The legislative body has reconsidered the circumstances of the emergency; and

**Mayor and Council Members
Resolution Authorizing the City to Implement Teleconference
Public Meetings Pursuant to Assembly Bill 361
September 13, 2022**

- Either of the following circumstances exist: The state of emergency continues to directly impact the ability of members to meet safely in person, or State or local officials continue to impose or recommend social distancing measures.

Finally, should the Governor or State Legislature terminate the current State of Emergency prior to the expiration date of the attached resolution, then the attached resolution will terminate concurrent with the termination of the State of Emergency.

FINANCIAL/FUNDING ISSUES AND SOURCES:

None.

DESCRIPTION OF ANY ATTACHMENTS:

Attachment No. 1 – Resolution

PREPARED BY:

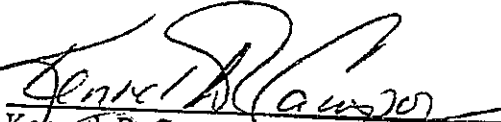
Kenneth R. Campos, City Attorney

COUNCIL PRESENTER:

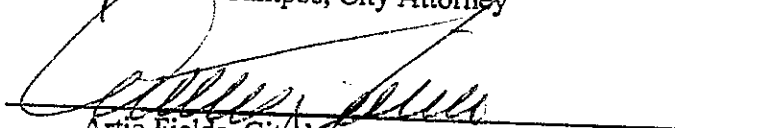
Kenneth R. Campos, City Attorney

APPROVAL VERIFICATION SHEET

DEPARTMENT HEAD APPROVAL:


Kenneth R. Campos, City Attorney

CITY MANAGER APPROVAL:


Artie Fields, City Manager

ATTACHMENT NO. 1

1 RESOLUTION NO. ____

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 INGLEWOOD, CALIFORNIA AUTHORIZING THE CITY COUNCIL
4 AND ALL OTHER LEGISLATIVE BODIES TO CONTINUE TO
5 CONDUCT PUBLIC MEETINGS VIA TELECONFERENCE FROM
6 SEPTEMBER 13, 2022, THROUGH OCTOBER 13, 2022, PURSUANT
7 TO AB 361.

8 WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of
9 Emergency in response to the COVID-19 pandemic, which remains in effect; and

10 WHEREAS, Governor Newsom issued various Executive Orders temporarily suspending
11 certain teleconference requirements of the Brown Act so as to allow public agencies to hold
12 remote teleconference meetings in accordance with social distancing measures due to COVID-
13 19; and

14 WHEREAS, Governor Newsom's Executive Orders expired in September 2021; and

15 WHEREAS, in September 2021, California enacted AB 361, effective October 1, 2021,
16 promulgating modified teleconferencing rules if a public meeting occurs during a proclaimed
17 state of emergency, and state or local officials have imposed or recommended measures to
18 promote social distancing; and

19 WHEREAS, these modified teleconferencing rules are set forth in Government Code
20 section 54953(e); and

21 WHEREAS, the California Department of Public Health continues to recommend
22 members of the public to get vaccinated and boosters shots as certain variants have appeared;
23 and

24 WHEREAS, the Los Angeles County Department of Public Health Department's
25 ("County") News Release strongly recommends masking in certain indoor settings as the
26 County continues to try to protect the public from variants of the COVID-19 virus; and

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1 **WHEREAS**, in the interest of public health and safety, the City Council deems it
2 necessary to invoke the provisions of Government Code section 54953(e).

3 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA**
4 **DOES RESOLVE AS FOLLOWS:**

5 **SECTION 1.** The recitals set forth above are true and correct and are adopted
6 as findings of the City Council.

7 **SECTION 2.** The City Council has reconsidered the circumstances of the State
8 of Emergency and finds as follows: (1) the state of emergency continues to directly impact the
9 ability of the members and the public to meet safely in person; and (2) social distancing
10 measures and masking requirements are still being recommended in response to the COVID-
11 19, or variant, pandemic.

12 **SECTION 3.** Meetings of all legislative bodies of the City, including but not
13 limited to City boards and commissions, the Successor Agency to the Former Inglewood
14 Redevelopment Agency, Inglewood Housing Authority, Inglewood Parking Authority, Joint
15 Powers Authority, and Finance Authority shall be held via modified teleconferencing
16 procedures in accordance with Government Code section 54953(e) for the period of
17 September 13, 2022, through October 13, 2022.

18 **SECTION 4.** Staff is directed to return to the City Council no later than thirty
19 (30) days after the adoption of this resolution, or at the next meeting of the City Council, if
20 later, for the City Council to consider whether to again make the findings required to hold
21 meetings under the modified teleconference procedures in Government Code section
22 54953(e).

23 **SECTION 5.** Should the Governor issue a proclamation terminating the state
24 of emergency, or the California legislature, by concurrent resolution, terminate the state of
25 emergency on or before October 13, 2022, then this Resolution shall terminate concurrently
26 with the termination of the state of emergency.

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1 **SECTION 6.** The City Clerk shall certify to the adoption of this resolution and
2 the same shall be in full force and effect immediately upon adoption.

3 **PASSED, APPROVED, AND ADOPTED** this _____ day of _____ 2022.

6 _____
7 James T. Butts, Jr., Mayor

8 **ATTEST:**

9 _____
10 Aisha L. Thompson, City Clerk

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12 N:\ALEWIS\Resolutions\Admin Teleconference Meetings AB 361 September 13 to October 13; 2022.doc