

CITY COUNCIL AGENDA ITEM NO. 4

Meeting Date: January 11, 2022

Subject/Title: Resolutions approving the continued use of teleconferencing for meetings of (1) the City Council and all subsidiary City legislative bodies, (2) the Successor Agency to the Brentwood Redevelopment Agency, and (3) the Brentwood Infrastructure Financing Authority, from January 11, 2022 through February 10, 2022, per AB 361 (2021)

Prepared by: Katherine Wisinski, Assistant City Attorney
Damien Brower, City Attorney

Submitted by: Damien Brower, City Attorney
Tim Ogden, City Manager

PURPOSE AND RECOMMENDATION

As required by State law, this item extends for a period of thirty days, the ability of the City Council and its subsidiary legislative bodies, the Successor Agency to the Brentwood Redevelopment Agency, and the Brentwood Infrastructure Financing Authority to hold teleconference meetings pursuant to the emergency provisions established by Assembly Bill (AB) 361 (2021), and set forth in the Ralph M. Brown Act (Government Code Sections 54950, *et seq.*, hereafter, "the Brown Act")

It is recommended that: the City Council

1. The City Council adopt a Resolution approving the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies from January 11, 2022 through February 10, 2022, per AB 361 (2021).
2. The City Council, sitting as the Successor Agency, adopt a Resolution approving the continued use of teleconferencing for meetings of the Successor Agency to the Brentwood Redevelopment Agency from January 11, 2022 through February 10, 2022, per AB 361 (2021).
3. The City Council, sitting as the Brentwood Infrastructure Financing Authority (the "Authority"), adopt a Resolution approving the continued use of teleconferencing for meetings of the Authority from January 11, 2022 through February 10, 2022, per AB 361 (2021).

CITY COUNCIL STRATEGIC INITIATIVE

None.

PREVIOUS ACTION

On March 17, 2020, the City Council, by Resolution No. 2020-36, confirmed the Director of Emergency Services' Proclamation of the Existence of a Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by the Novel Coronavirus Designated as COVID-19.

On October 12, 2021, the City Council, by Resolution No. 2021-131, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from October 12, 2021 through November 11, 2021, per AB 361 (2021).

On October 12, 2021, the Successor Agency (the “Agency”), by Resolution No. 2021-04-SA, approved the continued use of teleconferencing for meetings of the Agency from October 12, 2021 through November 11, 2021, per AB 361 (2021).

On October 12, 2021, the Brentwood Infrastructure Financing Authority (the “Authority”), by Resolution No. BIFA-32, approved the continued use of teleconferencing for meetings of the Authority from October 12, 2021 through November 11, 2021, per AB 361 (2021).

On November 9, 2021, the City Council, by Resolution No. 21-140, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from November 9, 2021 through December 9, 2021, per AB 361 (2021).

On November 9, 2021, the Agency, by Resolution No. 2021-05-SA, approved the continued use of teleconferencing for meetings of the Agency from November 9, 2021 through December 9, 2021, per AB 361 (2021).

On November 9, 2021, the Authority, by Resolution No. BIFA-33, approved the continued use of teleconferencing for meetings of the Authority from November 9, 2021 through December 9, 2021, per AB 361 (2021).

On November 16, 2021, the City Council, by Resolution No. 2021-143, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from November 16, 2021 through December 16, 2021, per AB 361 (2021).

On November 16, 2021, the Agency, by Resolution No. 2021-06-SA, approved the continued use of teleconferencing for meetings of the Agency from November 16, 2021 through December 16, 2021, per AB 361 (2021).

On November 16, 2021, the Authority, by Resolution No. BIFA-34, approved the continued use of teleconferencing for meetings of the Authority from November 16, 2021 through December 16, 2021, per AB 361 (2021).

On December 14, 2021, the City Council, by Resolution No. 2021-153, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from December 14, 2021 through January 13, 2022, per AB 361 (2021).

On December 14, 2021, the Agency, by Resolution No. 2021-07-SA, approved the continued use of teleconferencing for meetings of the Agency from December 14, 2021 through January 13, 2022, per AB 361 (2021).

On December 14, 2021, the Authority, by Resolution No. BIFA-35, approved the continued use of teleconferencing for meetings of the Authority from December 14, 2021 through January 13, 2022, per AB 361 (2021).

BACKGROUND

The Brown Act governs the manner in which meetings of local legislative bodies are to be conducted. In September 2021, the Brown Act was amended by AB 361 to provide for the use of teleconferencing by legislative bodies in times of emergencies, such as global health pandemics, wildfires, and the like.

In order to conduct public meetings under this new teleconferencing model, legislative bodies are required to, among other things:

- ensure public comment opportunities in real time during meetings;
- discontinue action on agenda items by the legislative body in the event of a disruption that prevents the City from broadcasting the remote meeting, or in the event of a disruption within the City's control that prevents members of the public from offering public comments in real time; and
- make periodic findings regarding the ongoing need for teleconferencing.

The periodic findings required by the state must be made every 30 days. To make these findings, the City's legislative bodies must determine that:

1. the circumstances of the state of emergency have been reconsidered, and
2. either of the following circumstances continue to exist:
 - a. the state of emergency continues to directly impact the ability of the members to safely meet in person, or
 - b. state or local officials continue to impose or recommend measures to promote social distancing.

As noted in the attached resolutions, the circumstances of the state of emergency continue to exist, insomuch as the State of California's State of Emergency due to COVID-19 (issued March 4, 2020) remains in effect, as does the City's declaration of local emergency (ratified by the City Council on March 17, 2020).

In addition, on September 20, 2021, Dr. Chris Farnitano, the Health Officer of Contra Costa County, issued recommendations for safely holding public meetings, including strongly recommending teleconferencing meetings as those meetings present the lowest risk of transmission of the virus that causes COVID-19, and further recommended social distancing and face masking of all attendees if public meetings were held in person (see Exhibit 1 to the attached Resolutions). These measures and recommendations remain in effect as of this date.

As the Agency and the Authority are separate entities related to, but independent of, the City, this is a joint staff report, with separate resolutions prepared for each entity. The attached Resolutions make the required findings under AB 361 (2021). If adopted, they will allow the City and its subsidiary bodies, the Agency, and the Authority to continue to use teleconferencing and offer remote participation for public meetings for the next 30 days.

FISCAL IMPACT

None.

Attachments:

AB 361 Resolution
AB 361 Resolution Successor Agency
AB 361 Resolution BIFA
AB 361 Resolution (Exhibit 1)