



Administrative Report

P.2., File # 21-2930

Meeting Date: 9/7/2021

To: MAYOR AND CITY COUNCIL
From: ELEANOR MANZANO, CITY CLERK

TITLE

DISCUSSION AND POSSIBLE ACTION TO APPROVE COUNCIL PARTICIPATION IN PUBLIC MEETINGS VIA TELECONFERENCE UNDER THE BROWN ACT

EXECUTIVE SUMMARY

The City Council is asked to consider parameters of the Brown Act that provides for Councilmembers to participate in publicly noticed meetings via teleconference methods after the Governor's COVID-era Executive Order expires effective October 2, 2021, and to determine if it is permissible for this Council to do so and, if so, to determine any applicable procedures to be included in the Rules of Conduct.

BACKGROUND

On July 20th, the City Council reviewed and discussed provisions of the Governor's Executive order relaxing certain Brown Act provisions to allow for all-teleconference meetings which, currently, is scheduled to expire October 1, 2021 and the more stringent provisions of the Brown Act (Government Section 54953) pertaining to the allowance of teleconferencing. As with many other California cities, Redondo Beach implemented ZOOM to allow for legislative members to meet electronically via video teleconference while providing continuity of governing with safe public meetings per City Charter.

Upon expiration of the Governor's Executive order, when all meetings resume in Council Chambers effective October 1, Council and all persons (and all legislative bodies) that are present in the Chamber will be required to wear face coverings until such time the CDC updates their guidelines. A quorum of Council and legislative bodies must be present in person in the Chamber.

As reviewed by the City Attorney in July, the Brown Act (GC 54953) already allows for teleconferencing-members are in different locations, connected by electronic means through audio and/or video, but with posting and public access requirements; and, all votes during a teleconference meeting must be conducted by roll call.

Council provided direction to proceed with further research of other cities' teleconferencing procedures, and to return with examples and/or questions that must be addressed to move forward. A Clerks' list serve inquiry, direct contact with other cities and RBUSD found no specific policy documents (except for RBUSD bylaws; attached), but rather that they generally follow Brown Act

stipulations in terms of appropriate agendaing and posting procedures for teleconferencing.

The following is a list of logistical considerations that need to be answered to formulate future direction for teleconferencing.

1. Priority of whom may participate by teleconference outside of the City.

During the teleconference, per the Brown Act, at least a quorum (three members) of the City Council shall participate either in the Chamber or from locations within City limits. However, it is important to note that the City Charter (Section 9.4; attached) requires that all meetings be convened in the Chamber unless there is a public emergency and it becomes unsafe or impractical to hold a meeting in the Chamber; thus, a quorum--three members of Council--must be present in the Chamber to call a meeting to order, essentially only allowing for two (2) members of the Council to participate by remote location under normal or regular circumstances.

Council is asked to determine how they will prioritize which two Council members may participate by remote location. Council may consider a first-come, first-served method whereby priority is set in the order of email notification received by the City Clerk's office.

2. Advanced notice required for Councilmembers to advise the City Clerk's Office of their planned remote location.

The City Clerk's office must post the Agenda for Regular Meetings a minimum of 72 hours in advance (24 hours for Special Meetings) of the scheduled meeting, which generally is on Thursdays preceding the Tuesday City Council meeting when City Hall is closed on "Flex" Fridays, or on Fridays preceding the Tuesday City Council meeting when City Hall is scheduled to be open. At time of notification, the City Clerk's office will require the name and address of the facility and the information shall be included on the face of the published agenda. By the same token, teleconferencing participation from home must include public access and the ability for the members of the public to participate.

3. Agendas must be posted and proof of posting required at all remote locations.

Agendas must be posted by the Councilmember at each remote location upon publication of the Agenda (or a minimum 72 hours in advance of a Regular meeting, or 24 hours in advance of a Special Meeting, whichever comes first). The City Clerk will confirm verbally at the meeting with the Councilmembers who are participating remotely that the agenda has been posted according to law.

Additional logistics to be determined:

Technology: Is the Councilmember's cell phone speaker sufficient, or, if at a hotel, does the hotel room telephone have a speaker function? Any member of the public in attendance at the remote location must be provided opportunity to speak.

If public accessibility to member's location is not practical, who bears any associated costs to provide for publicly accessible meeting space and/or equipment, e.g., conference room and/or speaker

phone?

Closed Session: When Council recesses into Closed Session, can the Councilmember make certain, as practicable, that public members present during Open Session cannot hear discussions while in Closed Session?

COORDINATION

The City Attorney and IT Department have provided input into this report.

FISCAL IMPACT

None

ATTACHMENTS

RBUSD BYLAWS - Excerpt pertaining to teleconferencing
City Charter - Section 9.4 Place of meetings.