



**CITY OF LARKSPUR
Staff Report**

August 3, 2022, City Council Meeting

DATE: July 25, 2022

TO: Honorable Mayor Hillmer and the Larkspur City Council

FROM: Alison Foulis, City Clerk

SUBJECT: ADOPT RESOLUTION AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH ASSEMBLY BILL 361 TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS

ACTION REQUESTED

Adopt a Resolution authorizing City Council and City Advisory Body meetings to be held via teleconference for the 30-day period beginning August 10, 2022, and making related findings pursuant to Assembly Bill (“AB”) 361.

SUMMARY AND BACKGROUND

At the [October 6, 2021](#)¹, regular meeting, the City Council adopted Resolution 56/21 authorizing City Council and City Advisory Body meetings to be held via teleconference for the 30-day period beginning October 6, 2021, and making related findings pursuant to AB 361. Subsequently, at the [November 3, 2021](#)², [December 1, 2021](#)³, [December 15, 2021](#)⁴, [January 19, 2022](#)⁵, [February 16, 2022](#)⁶, [March 16, 2022](#)⁷, [April 20, 2022](#)⁸, [May 18, 2022](#)⁹, and [June 15, 2022](#)¹⁰, regular meetings, the City Council adopted Resolutions 58/21, 64/21, 70/21, 01/22, 06/22, 17/22, 24/22, 33/22, and 53/22 extending allowing meetings to be held via teleconference through August 9, 2022.

¹ <https://www.cityoflarkspur.org/DocumentCenter/View/13876/84-AB361-and-In-Person-Meetings>

² <https://www.cityoflarkspur.org/DocumentCenter/View/14035/43-AB-361>

³ <https://www.cityoflarkspur.org/DocumentCenter/View/14126/43-AB-361>

⁴ <https://www.cityoflarkspur.org/DocumentCenter/View/14176/48-AB-361>

⁵ <https://www.cityoflarkspur.org/DocumentCenter/View/14302/45-AB-361>

⁶ <https://www.cityoflarkspur.org/DocumentCenter/View/14554/44-AB-361>

⁷ <https://www.cityoflarkspur.org/DocumentCenter/View/14701/43-AB-361>

⁸ <https://www.cityoflarkspur.org/DocumentCenter/View/14831/44-AB-361>

⁹ <https://www.cityoflarkspur.org/DocumentCenter/View/14919/43-AB-361>

¹⁰ <https://www.cityoflarkspur.org/DocumentCenter/View/15081/48-AB-361>

AGENDA ITEM 4.3

In order to continue to hold remote meetings, the City Council must continue to declare every 30 days that either (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (ii) State or local officials continue to impose or recommend measures to promote social distancing.

The attached resolution makes the findings to confirm the conditions still exist to allow teleconference meetings pursuant to AB 361 for the City Council and on behalf of all of the commissions and committees created by the City Council pursuant to Government Code section 54952(b). The attached resolution anticipates and authorizes teleconference 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.

FISCAL IMPACT

Virtual meeting equipment costs approximately \$50 per month.

ENVIRONMENTAL STATUS

The recommended action is not subject to review under the California Environmental Quality Act ("CEQA").

STAFF RECOMMENDATIONS

Adopt a Resolution authorizing City Council and City Advisory Body meetings to be held via teleconference for the 30-day period and making related findings pursuant to AB 361.

Respectfully submitted,
Alison Foulis, City Clerk

Attachments

1. Resolution

**CITY OF LARKSPUR
RESOLUTION 58/22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LARKSPUR
AUTHORIZING CITY COUNCIL AND CITY ADVISORY BODY MEETINGS TO BE
HELD VIA TELECONFERENCE FOR THE 30-DAY PERIOD BEGINNING
AUGUST 10, 2022, AND MAKING RELATED FINDINGS PURSUANT TO AB 361**

WHEREAS, all meetings of the City of Larkspur’s legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City’s legislative bodies conduct their business;

WHEREAS, in addition to the City Council, the City’s legislative bodies include all boards, commissions, and committees created by the City Council pursuant to Government Code section 54952(b) (hereafter “Advisory Bodies”);

WHEREAS, on March 4, 2020, the State of California declared a statewide emergency over the COVID-19 pandemic;

WHEREAS, on March 10, 2020, the Board of Supervisors of the County of Marin ratified proclamations of health and local emergency due to COVID-19;

WHEREAS, on March 18, 2020, the City Council adopted Resolution 14/20 declaring a citywide emergency over the COVID-19 pandemic;

WHEREAS, on March 17, 2020, the Governor signed Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means;

WHEREAS, as a result of Executive Order N-29-20, staff set up teleconference meetings for all City Council meetings and all Advisory Body meetings;

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 which ended the provisions of Executive Order N-29-20 on September 30, 2021;

WHEREAS, on September 16, 2021, the Governor signed AB 361 (2021) into law allowing legislative bodies to continue to conduct meetings via teleconferencing under specified conditions, including the requirement that the legislative body make specified findings. AB 361 (2021) took effect immediately;

WHEREAS, AB 361 (2021) requires that the Governor declare a State of Emergency pursuant to Government Code section 8625;

WHEREAS, AB 361 (2021) further requires that state or local officials have imposed or recommended measures to promote social distancing, or, requires that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees;

4.3 ATTACHMENT 1

WHEREAS, such conditions now exist in the City, specifically, Governor Newsom has declared a State of Emergency due to COVID-19 and state and local officials have imposed or recommended measures to promote physical distancing;

WHEREAS, on August 3, 2021, in response to the emergence of the highly contagious Delta variant of COVID-19, which caused an increase in COVID-19 cases throughout the United States, State, and Marin County, the Marin County Health Officer issued an order for nearly all individuals to wear masks when inside public spaces;

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and Marin County continue to recommend physical distancing of at least six feet from others outside of the household;

WHEREAS, since issuance of Executive Order N-08-21, the highly contagious Delta variant of COVID-19 has emerged, causing an increase in COVID-19 cases throughout the State;

WHEREAS, because of the rise in cases due to the Delta variant of COVID-19, the City is concerned about the health and safety of all individuals who intend to attend City Council and Advisory Board meetings;

WHEREAS, the City Council hereby finds, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of each City Advisory Body created by the City Council pursuant to Government Code section 54952(b), that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, staff and members of the City Council and Advisory Bodies, should those bodies hold entirely in-person meetings;

WHEREAS, teleconference meetings may include hybrid meetings, in which all or some members of the City Council or Advisory Body meet in person while others attend by teleconference, and members of the public are either allowed to participate only by teleconference or both in person and by teleconference (“hybrid meetings”). The purpose of hybrid meetings is to allow for multiple modes of attending meetings while reducing the risks of COVID-19, including the Delta variant;

WHEREAS, the City shall ensure that all City Council and Advisory Body meetings subject to AB 361 (2021), including hybrid meetings, comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Larkspur that it hereby makes the following findings:

1. The above recitals are true and correct, and incorporated into this resolution.
2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings pursuant thereto, the City Council hereby finds that:
 - a. The City Council has considered the circumstances of the state of emergency; and
 - b. The state of emergency, as declared by the Governor, and the local emergency proclaimed by the City Council, continue to directly impact the ability of the City Council and the Advisory Bodies, as well as staff and members of the public, to safely meet in person; and

4.3 ATTACHMENT 1

- c. The CDC and Marin County continue to recommend social distancing due to COVID-19 and as a result of the presence of COVID-19 and the Delta variant, holding entirely in-person meetings would present imminent risks to the health or safety of attendees, the members of the City Council and the City’s Advisory Bodies, and staff.

BE IT FURTHER RESOLVED that city staff is directed to facilitate any teleconference meetings of the City Council and City Advisory Bodies subject to AB 361 (2021), including any hybrid meetings, pursuant to the requirements of AB 361 (2021) in order to better ensure the health and safety of the public.

BE IT FURTHER RESOLVED that this resolution shall become effective upon the expiration of Resolution 53/22, and shall be in effect for the 30 day period of August 10, 2022, through September 9, 2022. The City Council may reconsider the circumstances necessitating this resolution within 30 days of the adoption of this resolution.

IT IS HEREBY CERTIFIED that the City Council of the City of Larkspur duly introduced and regularly adopted the foregoing resolution at a regular meeting held on August 3, 2022, by the following vote:

- AYES: COUNCILMEMBER:
- NOES: COUNCILMEMBER:
- ABSENT: COUNCILMEMBER:
- ABSTAIN: COUNCILMEMBER:

Dan Hillmer, Mayor

ATTEST:

Alison Foulis, City Clerk