

RESOLUTION NO. 2022\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, TO CONTINUE THE ABILITY TO HOLD TELECONFERENCE MEETINGS FOR CITY COUNCIL AND ALL CITY COMMISSIONS, BOARDS AND COMMITTEES, AS REQUIRED BY AB361 EVERY THIRTY DAYS, DURING THE COVID-19 PROCLAIMED LOCAL EMERGENCY AND CALIFORNIA STATE OF EMERGENCY.

**WHEREAS**, pursuant to the authority granted by Culver City Municipal Code (CCMC) Section 3.09.020, on March 14, 2020, the City Manager, as the Director of Emergency Services, issued a Proclamation of Local Emergency due to the Coronavirus (COVID-19) pandemic, which was ratified by the City Council on March 18, 2020 by Resolution No. 2020-R015. Such action followed the Los Angeles County Department of Public Health's and the Chair of the Board of Supervisor's declarations of a local health emergency and the State of California's declaration of a State of Emergency on March 4, 2020, and the declaration of a National Emergency on March 13, 2020; and

**WHEREAS**, beginning on March 16, 2020, under the authority of CCMC Section 3.09.020, the City Manager has issued an initial Public Order and 39 Supplements to Public Order, that included at various times business closures, restrictions on non-essential activities, advising residents they should remain at home, mask and distancing requirements when around persons not in one's immediate family, capacity requirements for businesses as well as refraining from social gatherings, and, at times, closing of indoor portions of non-essential businesses, and most recently, proof of vaccination to enter indoor portions of certain categories of businesses and indoor portions of City facilities; and

**WHEREAS**, the Public Orders issued by the City Manager have all been confirmed by the City Council; and

**WHEREAS**, to mitigate the spread of COVID-19 the Centers for Disease Control and Prevention recommended that people "avoid crowded spaces," "choose events that take

1 place outside with enough space for attendees to stay at least six-feet apart,” and to “have a  
2 virtual gathering”; and

3           **WHEREAS**, due to the continuing community transmission of COVID-19 in the  
4 County of Los Angeles, and the ongoing concerns about the Delta variant and the new Omicron  
5 variant, which even fully vaccinated and boosted persons who become infected can spread to  
6 others, the County of Los Angeles continues to issue Public Health Orders, with the most recent  
7 Order issued on December 31, 2021 (December 31 County Order); and

8           **WHEREAS**, the December 31 County Order was issued in light of the “drastic  
9 increases in [COVID-19] cases and resultant hospitalizations, and to lessen the severity of the  
10 Omicron and Delta variant surge in Los Angeles County.” The December 31 County Order sets  
11 out the isolation and quarantine requirements in alignment with the State Public Health Officer’s  
12 recent guidelines, and also requires employers to provide and require “well-fitted medical  
13 grade” masks, or higher; and

14           **WHEREAS**, as of January 4, 2022, the number of positive cases continues to  
15 mount, with Johns Hopkins University reporting 294,178,768 confirmed COVID-19 cases  
16 globally and 5,453,857 deaths; 56,654,195 confirmed cases in the United States, with 828,824  
17 deaths. In California, there have been 5,428,522 confirmed cases, with 75,924 deaths. Further,  
18 as of January 3, 2021, the Los Angeles County Department of Public Health (LACDPH)  
19 reported 1,757,522 cases in Los Angeles County with 27,647 deaths, which includes 4,174  
20 cases and 116 deaths in Culver City; and

21           **WHEREAS**, on March 17, 2020, California Governor Newsom issued Executive  
22 Order N-29-20, which suspended and modified the teleconferencing requirements under the  
23 Brown Act so that legislative bodies may hold public meetings via teleconference as long as the  
24 meeting agenda identifies the teleconferencing procedures to be used; and

25           **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-  
26 21, which extended the provision of N-29-20 concerning the conduct of public meetings through  
27 September 30, 2021; and

1           **WHEREAS**, California Assembly Bill 361 (AB361) was signed into law on  
2 September 16, 2021, amending Government Code Section 54953; and

3           **WHEREAS**, AB 361 has several requirements to ensure the public is able to  
4 watch public meetings and make public comments during the teleconferenced public meetings,  
5 including:

- 6           • Providing notice of the means by which members of the public may access  
7 the meeting and offer public comment, including an opportunity for all  
8 persons to attend via a call-in option or an internet-based service option;
- 9           • Restricting the Legislative Body from taking further action on agenda items  
10 when there is a disruption which prevents the public agency from  
11 broadcasting the meeting, or in the event of a disruption within the local  
12 agency's control which prevents members of the public from offering public  
13 comments, until public access is restored;
- 14           • Prohibiting the legislative body from requiring public comments to be  
15 submitted in advance of the meeting and specifying the legislative body  
16 must provide an opportunity for the public to address the legislative body  
17 and offer comment in real time;
- 18           • Prohibiting the legislative body from closing the public comment period until  
19 the public comment period has elapsed or until a reasonable amount of  
20 time has elapsed; and

21           **WHEREAS**, the City is already implementing the above public meeting  
22 requirements now codified in Government Code Section 54953(e)(2)(B-G); and

23           **WHEREAS**, Government Code Section 54953(b)(3) permits public meetings to be  
24 conducted by teleconference but requires agendas be posted at all teleconference locations,  
25 each teleconference location shall be identified in the notice and agenda of the meeting or  
26 proceeding, and each teleconference location shall be accessible to the public; and

27           **WHEREAS**, Government Code Section 54953(e)(3)(A-B) provides an alternative  
28 to having public meetings in accordance with Government Code Section 54953(b)(3) when City  
Council has reconsidered the circumstances of the COVID-19 state of emergency and that the  
following circumstances exist:

1. The state of emergency as a result of COVID-19 continues to directly  
impact the ability of the members of City Council and the members of the  
City's subordinate Commissions, Boards and Committees to meet safely in  
person; or
2. The State of California and the City of Culver City continue to impose or

recommend measures to promote social distancing; and

**WHEREAS**, the City of Culver City continues to impose and recommend public health protocols, including measures to promote social distancing, such as:

1. Requiring City employees to either be vaccinated or have a medical or religious exemption approved;
2. Requiring staff and the public to wear well-fitted masks in City facilities;
3. Posting COVID-19 safety measures in City facilities, and on the City's social media pages.
4. Allowing the public to conduct certain types of City business online rather than in person; and

**WHEREAS**, the City held its first meeting pursuant to AB 361 on October 11, 2021, and on October 26, 2021 the City adopted a Resolution to make the required findings under AB361, and further reconsidered the local emergency on November 18, 2021 and December 13, 2021, and adopted a Resolution each time, making the required findings; and

**WHEREAS**, the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5), in that adopting a Resolution to continue to conduct teleconferenced public meetings for city Council and all the City's Commissions, Boards and Committees does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and is exempt pursuant to Section 15269(c) of the CEQA Guidelines, as specific actions necessary to prevent or mitigate an emergency; and

**WHEREAS**, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

1                   **NOW, THEREFORE**, the City Council of the City of Culver City, California, **DOES**  
2 **HEREBY RESOLVE** as follows:

3                   **SECTION 1.** Declares that the above recitals are true and correct and are  
4 incorporated into this Resolution as findings of the City Council.

5                   **SECTION 2.** Finds that City Council has reconsidered the circumstances of the  
6 COVID-19 state of emergency and local emergency on October 26, 2021, November 18, 2021,  
7 December 13, 2021, and again on January 10, 2022, and that one of the following  
8 circumstances exist:

- 9                                 • The state of emergency as a result of COVID-19 continues to directly  
10                                impact the ability of the members of City Council and the members of  
11                                the City's subordinate Commissions, Boards and Committees to meet  
12                                safely in person; or
- 13                               • The State of California, Los Angeles County and the City of Culver City  
14                                continue to impose or recommend measures to promote social  
15                                distancing.

16                   **SECTION 3.** Declares that, as a result of the findings in Section 2 above, the City  
17 Manager is authorized to continue to implement teleconferenced public meetings for City  
18 Council and all the City's Commissions, Boards and Committees pursuant to Assembly Bill 361.

19                   **SECTION 4.** Finds that the proposed action is exempt from the requirements of  
20 the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section  
21 15378(b)(5), in that adopting a Resolution to authorize the City to conduct teleconferenced  
22 public meetings for all the City's Commissions, Boards and Committees does not meet CEQA's  
23 definition of a "project," because the action does not have the potential for resulting in either a  
24 direct physical change in the environment or a reasonably foreseeable indirect physical change  
25 in the environment, and because the action constitutes organizational or administrative  
26 activities of governments that will not result in direct or indirect physical changes in the  
27 environment. and is exempt pursuant to Section 15269(c) of the CEQA Guidelines, as specific  
28 actions necessary to prevent or mitigate an emergency.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or word of this

1 resolution is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court  
2 of competent jurisdiction or preempted by state legislation, such decision or legislation shall not  
3 affect the validity of the remaining portions of this resolution. The City Council hereby declares  
4 that it would have passed and adopted this resolution and each and all provisions thereof  
5 irrespective of the fact that any one or more of said provisions be declared unconstitutional,  
6 unlawful or otherwise invalid.

7 **SECTION 6.** City Council directs staff to continue to agendize, every 30 days, City  
8 Council's reconsideration of the circumstances of the state of emergency and findings of  
9 Section 2.

10 **SECTION 7.** This Resolution shall take effective immediately upon its adoption.

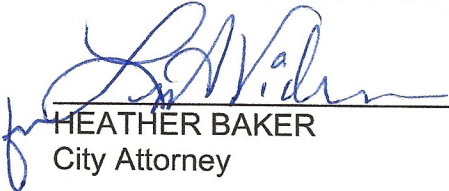
11 APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2022.  
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15 \_\_\_\_\_  
DR. DANIEL LEE, MAYOR  
City of Culver City, California

16  
17 ATTEST:

APPROVED AS TO FORM:

18  
19 \_\_\_\_\_  
JEREMY GREEN  
20 City Clerk

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22 \_\_\_\_\_  
HEATHER BAKER  
23 City Attorney  
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