

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 Omicron variant, where even fully
5 vaccinated and boosted persons who become infected can spread to others, the County of Los
6 Angeles continues to issue Public Health Orders, with the most recent Order issued on January
7 10, 2022 (January 10 County Order); and

8 **WHEREAS**, the January 10 County Order was issued in light of the extremely
9 high numbers of COVID cases due to the Omicron variant, to wit, 45,584 new cases on January
10 9, 2022, and the County goal “to lessen the severity of the Omicron and Delta variant surge in
11 Los Angeles County.” The January 10 County Order sets out the isolation and quarantine
12 requirements in alignment with the State Public Health Officer’s recent guidelines, and also
13 requires employers to provide and require “well-fitted medical grade” masks, or higher; and

14 **WHEREAS**, although the daily new case numbers have dropped significantly
15 since early January, on February 7, 2022 there were 4,360 new cases reported, exceedingly
16 high compared to the pre-Omicron surge; testing positivity has a 7-day average of 8.39%, while
17 the pre-Omicron low was 0.8% on October 16, 2021, and the number of persons hospitalized
18 as of February 6, 2022 was 2,841, compared to the pre-Omicron low of 588 on November 27,
19 2021; and

20 **WHEREAS**, Johns Hopkins University reporting 399,780,444 confirmed COVID-
21 19 cases globally as of February 8, 2022, and 5,758,946 deaths; 76,968,345 confirmed cases
22 in the United States, with 907,605 deaths. In California, there have been 8,127,081 confirmed
23 cases, with 80,640 deaths. Further, as of February 6, 2022, the Los Angeles County
24 Department of Public Health (LACDPH) reported a total of 2,731,409 cases in Los Angeles
25 County with 29,457 deaths, which includes 6,950 cases and 123 deaths in Culver City; and

26 **WHEREAS**, on March 17, 2020, California Governor Newsom issued Executive
27 Order N-29-20, which suspended and modified the teleconferencing requirements under the
28

1 Brown Act so that legislative bodies may hold public meetings via teleconference as long as the
2 meeting agenda identifies the teleconferencing procedures to be used; and

3 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-
4 21, which extended the provision of N-29-20 concerning the conduct of public meetings through
5 September 30, 2021; and

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

8 **WHEREAS**, AB 361 has several requirements to ensure the public is able to
9 watch public meetings and make public comments during the teleconferenced public meetings,
10 including:

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

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

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

WHEREAS, Government Code Section 54953(e)(3)(A-B) provides an alternative
to having public meetings in accordance with Government Code Section 54953(b)(3) when City

1 Council has reconsidered the circumstances of the COVID-19 state of emergency and that the
2 following circumstances exist:

- 3 1. The state of emergency as a result of COVID-19 continues to directly
4 impact the ability of the members of City Council and the members of the
5 City's subordinate Commissions, Boards and Committees to meet safely in
6 person; or
- 7 2. The State of California and the City of Culver City continue to impose or
8 recommend measures to promote social distancing; and

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

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

18 **WHEREAS**, the City held its first meeting pursuant to AB 361 on October 11,
19 2021, and on October 26, 2021 the City adopted a Resolution to make the required findings
20 under AB361, and further reconsidered the local emergency on November 18, 2021, December
21 13, 2021, and January 10, 2022, and adopted a Resolution each time, making the required
22 findings; and

23 **WHEREAS**, the proposed action is exempt from the requirements of the California
24 Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5),
25 in that adopting a Resolution to continue to conduct teleconferenced public meetings for city
26 Council and all the City's Commissions, Boards and Committees does not meet CEQA's
27 definition of a "project," because the action does not have the potential for resulting in either a
28 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.

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

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

SECTION 2. Finds that City Council has reconsidered the circumstances of the COVID-19 state of emergency and local emergency on October 26, 2021, November 18, 2021, December 13, 2021, January 10, 2022, and again on February 14, 2022, and that one of the following circumstances exist:

- 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
- The State of California, Los Angeles County and the City of Culver City continue to impose or recommend measures to promote social distancing.

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

SECTION 4. Finds that 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 authorize the City to conduct teleconferenced public meetings for 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

1 direct physical change in the environment or a reasonably foreseeable indirect physical change
2 in the environment, and because the action constitutes organizational or administrative
3 activities of governments that will not result in direct or indirect physical changes in the
4 environment. and is exempt pursuant to Section 15269(c) of the CEQA Guidelines, as specific
5 actions necessary to prevent or mitigate an emergency.

6 **SECTION 5.** If any section, subsection, sentence, clause, phrase or word of this
7 resolution is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court
8 of competent jurisdiction or preempted by state legislation, such decision or legislation shall not
9 affect the validity of the remaining portions of this resolution. The City Council hereby declares
10 that it would have passed and adopted this resolution and each and all provisions thereof
11 irrespective of the fact that any one or more of said provisions be declared unconstitutional,
12 unlawful or otherwise invalid.

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

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

17
18 APPROVED and ADOPTED this _____ day of _____ 2022.

19
20
21 _____
22 DR. DANIEL LEE, MAYOR
City of Culver City, California

23 ATTEST:

24 APPROVED AS TO FORM:

25 _____
26 JEREMY GREEN
City Clerk

27 _____
28 HEATHER BAKER
City Attorney