

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 (LACDPH) 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**, in January 2022 the County, state and the country experienced a  
4 significant surge of positive cases and hospitalizations, due to the rapid community  
5 transmission of the Omicron variant, where even fully vaccinated and boosted persons became  
6 infected, and unvaccinated persons experienced a rate of infection and hospitalization multiple  
7 times higher than those vaccinated, and during the highest peaks in the surge there were over  
8 40,000 cases per day in Los Angeles County, to wit, 45,584 new cases on January 9, 2022;  
9 and

10           **WHEREAS**, although the daily new case numbers have dropped significantly  
11 since January, between March 1<sup>st</sup> through 7th, Los Angeles County averaged 1258 new  
12 positive cases per day, and while improving, this number of positive cases is still six times what  
13 it was at the June 2021 baseline of 200 cases per day; and

14           **WHEREAS**, as of its March 3, 2022 Public Order, although the universal mask  
15 mandate has been lifted, LACDPH still strongly recommends wearing a well-fitted mask in  
16 indoor public settings, especially if a person or someone they live with is unvaccinated or is at  
17 elevated risk for serious illness from COVID-19, masks continue to be required for indoor  
18 settings with higher risk of transmission such as public transit and healthcare settings, and  
19 employers are required to offer, for voluntary use, medical grade masks and respirators to  
20 employees working indoors in close contact with other workers, customers, and/or members of  
21 the public; and

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

1           **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-  
2 21, which extended the provision of N-29-20 concerning the conduct of public meetings through  
3 September 30, 2021; and

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

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

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

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

26           **WHEREAS**, Government Code Section 54953(b)(3) permits public meetings to be  
27 conducted by teleconference but requires agendas be posted at all teleconference locations,  
28 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  
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. Either requiring or strongly recommending 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, December 13, 2021, January 10, 2022, and February 14, 2022, 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

1           **WHEREAS**, the City Council has considered all information related to this matter,  
2 as presented at the public meetings of the City Council identified herein, including any  
3 supporting reports by City Staff, and any information provided during public meetings.  
4

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

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

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

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

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

23           **SECTION 4.** Finds that the proposed action is exempt from the requirements of  
24 the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section  
25 15378(b)(5), in that adopting a Resolution to authorize the City to conduct teleconferenced  
26 public meetings for 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.

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

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

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

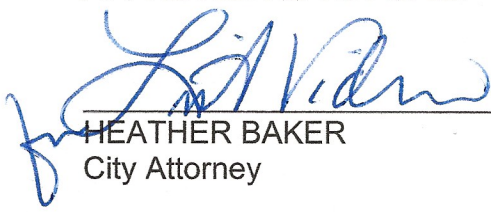
APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
DR. DANIEL LEE, MAYOR  
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JEREMY GREEN  
City Clerk

  
\_\_\_\_\_  
HEATHER BAKER  
City Attorney