

RESOLUTION NO. 2022_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, TO HOLD TELECONFERENCED MEETINGS FOR CITY COUNCIL AND ALL CITY COMMISSIONS, BOARDS AND COMMITTEES AS REQUIRED BY AB 361, PRIOR TO RESUMING IN PERSON MEETINGS IN APRIL 2022, DURING THE COVID-19 PROCLAIMED LOCAL 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 13-19, 2022 Los Angeles County averaged 824 new positive
12 cases per day, and while improving, this number of positive cases is still more than four times
13 what 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
10 access the meeting and offer public comment, including an
11 opportunity for all persons to attend via a call-in option or an internet-
12 based service option;
- 13 • Restricting the Legislative Body from taking further action on agenda
14 items when there is a disruption which prevents the public agency
15 from broadcasting the meeting, or in the event of a disruption within
16 the local agency's control which prevents members of the public from
17 offering public comments, until public access is restored;
- 18 • Prohibiting the legislative body from requiring public comments to be
19 submitted in advance of the meeting and specifying the legislative
20 body must provide an opportunity for the public to address the
21 legislative body and offer comment in real time;
- 22 • Prohibiting the legislative body from closing the public comment
23 period until the public comment period has elapsed or until a
24 reasonable amount of time has elapsed; and

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

27 **WHEREAS**, Government Code Section 54953(b)(3) permits public meetings to be
28 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
4 directly impact the ability of the members of City Council and the
5 members of the City's subordinate Commissions, Boards and
6 Committees to meet safely in person; or
- 7 2. The State of California and the City of Culver City continue to
8 impose or recommend measures to promote social distancing; and

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

- 12 • Posting COVID-19 safety measures on the City's social media
13 pages and in City facilities;
- 14 • Placing hand sanitizer stations in City Hall and placing plastic
15 barriers at public counters to promote social distancing;
- 16 • Advertising and concurring in the County's "strong" recommendation
17 that persons continue to wear well-fitted masks when indoors
18 around other persons;
- 19 • Providing masks at no charge to employees who desire to continue
20 to wear one;
- 21 • Recommending pre-entry vaccination verification or a recent
22 negative test for patrons and employees of bars, breweries,
23 wineries, nightclubs and lounges;
- 24 • Continuing to require masks in higher risk settings;
- 25 • Urging businesses and local governmental entities to implement
26 ventilation strategies for indoor operations;
- 27 • Encouraging activities outdoors where feasible because there is
28 generally less risk of COVID-19 transmission outdoors as opposed
to indoors.

29 **WHEREAS**, the City held its first meeting pursuant to AB 361 on October 11,
30 2021, and on October 26, 2021 the City adopted a Resolution to make the required findings
31 under AB361, and further reconsidered the local emergency on November 18, 2021, December

1 13, 2021, January 10, 2022, and February 14, 2022, and adopted a Resolution each time,
2 making the required findings; and

3 **WHEREAS**, the City desires to hold the March 28, 2022 City Council meeting by
4 teleconference, as well as any remaining March 2022 Commission, Board or Committee
5 meetings, to mitigate against the spread of COVID-19; and

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

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

19
20 **NOW, THEREFORE**, the City Council of the City of Culver City, California, **DOES**
21 **HEREBY RESOLVE** as follows:

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

24 **SECTION 2.** Finds that City Council has reconsidered the circumstances of the
25 COVID-19 state of emergency and that one of the following circumstances exist:

- 26
- 27 • The state of emergency as a result of COVID-19 continues to
28 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 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.

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SECTION 6. City Council directs staff to agendize City Council's reconsideration of the circumstances of the state of emergency and findings of Section 2 either in 30 days or if the Local Emergency circumstances warrant that future meetings should be held via teleconference to protect the health and safety of the community.

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 BOCCHINO
City Clerk

HEATHER BAKER
City Attorney