

RESOLUTION NO. 2021_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, TO CONTINUE THE ABILITY TO HOLD VIRTUAL MEETINGS OR HYBRID MEETINGS FOR CITY COUNCIL AND ALL CITY COMMISSIONS, BOARDS AND COMMITTEES, PURSUANT TO AB361, 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, as of October 20, 2021, Johns Hopkins University reported 241,918,276 confirmed COVID-19 cases globally and 4,919,134 deaths; 45,189,652 confirmed cases in the United States, with 729,885 deaths. In California, there have been 4,595,382 confirmed cases, with 70,593 deaths. Further, as of October 19, 2021, the Los Angeles County Department of Public Health (LACDPH) reported 1,479,421 cases in Los Angeles County with 26,442 deaths, which includes 2,922 cases and 114 deaths in Culver City; 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 37 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

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

3 **WHEREAS**, to mitigate the spread of COVID-19 the Centers for Disease Control
4 and Prevention recommended that people “avoid crowded spaces,” “choose events that take
5 place outside with enough space for attendees to stay at least six-feet apart,” and to “have a
6 virtual gathering”; and

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

11 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-
12 21, which extended the provision of N-29-20 concerning the conduct of public meetings through
13 September 30, 2021; and

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

16 **WHEREAS**, AB 361 has several requirements to ensure the public is able to
17 watch public meetings and make public comments during the teleconferenced public meetings,
18 including:

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

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

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

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

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

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

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

26 **WHEREAS**, the proposed action is exempt from the requirements of the California
27 Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5),
28 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

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; and

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

9
10 **NOW, THEREFORE**, the City Council of the City of Culver City, California, **DOES**
11 **HEREBY RESOLVE** as follows:

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

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

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

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

24 **SECTION 4.** Finds that the proposed action is exempt from the requirements of
25 the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section
26 15378(b)(5), in that adopting a Resolution to authorize the City to conduct teleconferenced
27 public meetings for all the City's Commissions, Boards and Committees does not meet CEQA's
28

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

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

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

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

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18 APPROVED and ADOPTED this _____ day of _____ 2021.

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21 _____
ALEX FISCH, MAYOR
City of Culver City, California

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23 ATTEST:

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25 APPROVED AS TO FORM:

26 _____
JEREMY GREEN
City Clerk

27 _____
CAROL A. SCHWAB
City Attorney

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