

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, 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, as of November 15, 2021, Johns Hopkins University reported 253,808,780 confirmed COVID-19 cases globally and 5,106,593 deaths; 47,221,549 confirmed cases in the United States, with 764,363 deaths. In California, there have been 4,740,002 confirmed cases, with 72,570 deaths. Further, as of November 15, 2021, the Los Angeles County Department of Public Health (LACDPH) reported 1,512,147 cases in Los Angeles County with 26,872 deaths, which includes 3,027 cases and 115 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 38 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, requiring 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 place outside with enough space for attendees to stay at least six-feet apart,” and to “have a virtual gathering”; and

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

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

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

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

- Providing notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option;
- Restricting the Legislative Body from taking further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency’s control which prevents members of the public from offering public comments, until public access is restored;
- Prohibiting the legislative body from requiring public comments to be 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

1 the public comment period has elapsed or until a reasonable amount of
2 time has elapsed; and

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

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

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

- 13 1. 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 the
15 City's subordinate Commissions, Boards and Committees to meet safely in
16 person; or
- 17 2. The State of California and the City of Culver City continue to impose or
18 recommend measures to promote social distancing; and

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

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

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 Resolution 2021-R100, making the required
31 findings under AB361; and

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

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

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

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

18 **SECTION 2.** Finds that City Council has reconsidered the circumstances of the
19 COVID-19 state of emergency and local emergency since its October 26, 2021 review, and that
20 one of the following circumstances exist:

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

28 **SECTION 3.** Declares that, as a result of the findings in Section 2 above, the City

1 Manager is authorized to continue to implement teleconferenced public meetings for City
2 Council and all the City's Commissions, Boards and Committees pursuant to Assembly Bill 361.

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

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

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

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

5 APPROVED and ADOPTED this _____ day of _____ 2021.
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9 ALEX FISCH, MAYOR
City of Culver City, California

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11 ATTEST:

APPROVED AS TO FORM:

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14 JEREMY GREEN
City Clerk

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for  _____
HEATHER BAKER
Acting City Attorney