City of Culver City

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Staff Report

File #: 22-252, **Version:** 1 **Item #:** A-2.

CC - (1) Discussion of Return to In-Person City Council Meetings; (2) Consideration of an Earlier Start Time for City Council Meetings; and (3) if Approved, Adoption of a Resolution Amending the Regular Meeting Dates and Times of the City Council for the Calendar Year 2021.

Meeting Date: September 13, 2021

Contact Person/Dept: Shelly Wolfberg/City Manager's Office
Jeremy Green/City Clerk

Phone Number: (310) 253-6000 or (310) 253-5851

Fiscal Impact: Yes [] No [X] **General Fund:** Yes [] No [X]

Public Hearing: [] **Action Item:** [] **Attachments:** [X]

Commission Action Required: Yes [] No [X]

Public Notification: (E-Mail) Meetings and Agendas - City Council (09/08/2021)

Department Approval: Serena Wright, Assistant City Manager (09/07/2021)

RECOMMENDATION

Staff recommends the City Council (1) discuss the return to in-person meetings; (2) consider an earlier start time for City Council meetings; and (3) if approved, adopt a resolution amending the remaining regular meeting dates and times of the City Council for the calendar year 2021.

BACKGROUND/DISCUSSION

DISCUSSION OF THE RETURN TO IN-PERSON CITY COUNCIL MEETINGS

At the August 9, 2021 meeting, City Council directed staff to agendize a discussion of the timing for returning to in-person City Council meetings.

The Ralph M. Brown Act

The Ralph M. Brown Act (Brown Act) requires that all meetings of a legislative body of a local agency

be open and public and that all persons be permitted to attend and participate, except under specified exceptions.

Existing law authorizes the legislative body of a local agency to use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law provided that the teleconferenced meeting or proceeding complies with all otherwise applicable requirements and provisions of law as set forth in Government Code Section 54953 (Attachment 1).

Governor Newsom Executive Orders Regarding Public Meetings during the COVID-19 Pandemic

On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 (amending Executive Order N-25-20 in part), which allows local or state legislative bodies to hold meetings via teleconference and to make meetings accessible electronically without violating the open meeting laws found in the Bagley-Keene Act or the Brown Act (Attachment 2).

On June 11, 2021, Governor Newsom issued Executive Order N-08-21 to clarify the continued applicability of his previous Executive Orders related to the COVID-19 pandemic (Attachment 3). In particular, Executive Order N-08-21 extends application of Executive Order N-29-20, which allows public agencies to hold teleconference meetings until September 30, 2021. This is a guidepost to transition back to entirely in-person meetings. Executive Order N-08-21 also scheduled the repeal of other prior Executive Orders.

Pending State Legislation Regarding Virtual Meetings during a Local Emergency

Presently, California State Assembly Member Robert Rivas has introduced AB 361, an urgency measure, entitled *Open meetings: local agencies: teleconferences*. AB 361, until January 1, 2024, which would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Brown Act, when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees (Attachment 4). AB 361 is currently in the Senate Bills Third Reading File.

Los Angeles County Department of Public Health Officer Order Pertaining to Indoor Settings

The Los Angeles County Department of Public Health (Public Health) provides public health services to Los Angeles County residents. The City adopts all Public Health Officer Orders (HOO). In the August 23, 2021 HOO, it states that all individuals must follow the requirements included in the current Order and the July 28, 2021 Guidance for the use of Face Coverings issued by the California Department of Public Health. Masks are required to be worn by everyone, regardless of COVID-19 vaccination status, in locations which include all indoor public settings, venues, gatherings, public and private businesses, and state and local government offices serving the public. Additional details are provided in the attached HOO (Attachment 5). Therefore, under these requirements, all City

staff, Council Members, Commissioners, members of Boards and Committees, and members of the public would be required to wear face coverings during in-person meetings in the Mike Balkman Council Chambers.

Status of and Plans for In-Person Council Meetings in Nearby Cities

City staff reached out to three different westside cities to learn the status of their in-person meetings. The first westside city that staff checked with responded that the city will discuss in-person meetings on September 20th. That city had planned to begin hybrid meetings starting July 21st; however, the HOO was updated to require masks indoors and that particular city council elected to continue virtual meetings. It was explained that if/when that city council moves forward with a hybrid meeting format, it will be exclusively for the city council during the initial phase. That City would then move to its commissions, and its advisory boards would be the last group to be considered for hybrid meetings.

The second westside city that was contacted has returned to hybrid meetings, with council members and staff attending in-person and wearing masks, with remote public participation. That city anticipates the public coming back possibly in October or when its city hall re-opens.

The third westside city contacted indicated that it held one hybrid city council meeting in July; however, that city council has returned to completely remote meetings due to the spike in COVID-19 transmissions related to the Delta variant. Staff in that city are awaiting potential changes in the Governor's Executive Order that requires in-person meetings to resume.

City Staff Time for Hybrid Meetings

Currently with virtual meetings, the City Clerk's Office requires a minimum of two staff members to operate the programs and equipment for the city council meeting. Hybrid meetings will require a third staff person to coordinate between those attending in person and those attending virtually, during the first few hours of a meeting.

Staff is requesting that City Council discuss whether it wants to return to in-person or hybrid in-person/virtual City Council meetings, following the September 30, 2021 expiration of Governor Newsom's Executive Order pertaining to Brown Act Meetings, or, if AB 361 is not passed in Sacramento. If AB 361 is approved in the Senate and Assembly and signed by the Governor, it would go into effect immediately and the September 30th deadline would not apply. City Council may determine to resume in-person or hybrid in-person/virtual meetings at any time, provided all public health protocols are followed.

If the City Council decides to return to in-person meetings, Staff is recommending that, initially, the City Council and Planning Commission meetings be held in a hybrid format allowing members of the public the choice of attending in-person or virtually, while other Commissions, Boards, and Committees (CBC) continue to hold meetings virtually. This recommendation is being made due to the staff resources that would be required to hold hybrid meetings for every CBC; in addition, the Planning Commission is distinguished from other CBC's based on their delegated decision-making authority and the fiduciary responsibility assigned to them under California State Government Code 87200. Over the last few months, the CBC bodies have placed discussion items on their respective agendas to determine if they prefer to continue meeting virtually or if they would want to return to in-person meetings when it is allowable. The CBCs were not provided with a hybrid meeting option. It

should be noted that the technical components required for the hybrid meeting are currently only available in the Council Chambers. Bodies that do not meet in the Chambers would not have the ability to meet in a hybrid format.

CONSIDERATION OF AN EARLIER START TIME FOR REGULAR CITY COUNCIL MEETINGS

Charter Section 608 authorizes the Council to determine the regular meeting dates of the City Council by ordinance or resolution and adjourn any regular meeting to a date certain.

Culver City Municipal Code (CCMC) Section 3.01.100 states that "all official, regular and adjourned meetings of the City Council shall be held in the City Hall on the second and fourth Mondays of each month at 7:00 p.m., unless otherwise specified by resolution of the City Council." The CCMC goes on to state that "If any regular meeting shall fall on a legal holiday, no meeting shall be held on such holiday, but shall be held on the next succeeding day thereafter that is not a holiday at 7:00 p.m."

While the regular meeting dates historically have begun at 7:00 PM, several special meetings have commenced earlier. This has allowed for more presentations, study sessions, and provided more time for complex meeting items to be discussed without needing to continue the meeting into the early morning hours of the following day and occasionally scheduling an additional meeting the following evening to complete the meeting agenda.

An earlier start time was considered but not approved in 2019 because there was concern that the public could not end work and weekday activities in time to travel to City Hall any earlier than 7:00 PM. With COVID-19, virtual meetings have removed most attendance concerns. When City Council meetings return to in-person meetings, they will be hybrid meetings, with a continued ability for the public to virtually attend a meeting from any location.

The CCMC allows City Council to set regular meetings with an earlier start time. Staff recommends City Council consider a 5:30 PM start time for the remaining scheduled regular sessions in 2021, with closed sessions starting at 4:30 when needed.

Exhibit A of the proposed Resolution (Attachment 6) amends the start times for City Council meetings for the remainder of 2021. These dates with the new start times are presented to City Council for approval and, as discussed, may be amended upon majority approval of the City Council. Prior to adopting the proposed Resolution amending the start time for the remaining regular meetings, the City Council should select option 1 (5:30 p.m. start time) or option 2 (6 p.m. start time) to be incorporated into the motion. The selected option shall be included in the Resolution prior to the Mayor's signature.

Once the updated start times are established by adoption of the proposed Resolution, they may only be changed by adoption of a subsequent resolution at a regular meeting of the City Council.

The City Council will consider regular meeting dates and times for 2022 at a future meeting, as it is completed on an annual basis.

FISCAL ANALYSIS

Virtual meetings and hybrid meetings both require two Information Technology (IT) staff members and overtime cost, so there is no additional cost for either option. However, it should be noted that if additional CBC's move toward the hybrid meeting format, additional overtime cost for IT staff will be required. Lastly, if a hybrid meeting solution is chosen, IT staff can use existing hardware to allow for members of the public to register to speak, so there will be no additional cost to the City.

ATTACHMENTS

1. 2021-09-13__ATT__Section 54953 of the California Government Code
2. 2021-09-13__ATT__Governor Gavin Newsom Executive Order N-29-20
3. 2021-09-13__ATT__Governor Gavin Newsom Executive Order N-08-21
4. 2021-09-13__ATT__AB 361 (Rivas): *Open meetings: local agencies: teleconferences*
5. 2021-09-13__ATT__County of Los Angeles Department of Public Health Orders of the Health Officer, August 23, 2021
6. 2021-09-13_ATT__Proposed Resolution Amending Start Times for Remaining Regular Meeting Dates for 2021

MOTION

That the City Council:

1. Discuss the return to In-Person City Council Meetings and provide direction to the City Manager as deemed appropriate; and

2. Discuss and provide direction to the City Clerk regarding a new start time for the remaining regular City Council meetings for the calendar year 2021; and, if desired, adopt a Resolution consistent with such direction.