



# Agenda Report

October 4, 2021

**TO:** Honorable Mayor and City Council

**FROM:** City Attorney's Office

**SUBJECT: CONSIDERATION OF A RESOLUTION TO ALLOW THE CITY COUNCIL, ALL OF ITS SUBORDINATE BODIES, AND ALL OF ITS NON-PROFIT CORPORATION BOARDS AND THEIR SUBORDINATE BODIES, TO MEET REMOTELY PURSUANT TO THE BROWN ACT AS AMENDED BY AB 361**

**RECOMMENDATION:**

It is recommended that the City Council:

1. Find that this action is exempt from review pursuant to the California Environmental Quality Act (CEQA) in accordance with State CEQA Guidelines Section 15061(b)(3), the "common sense" exemption that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and
2. Adopt A Resolution of the City Council of the City of Pasadena Authorizing Remote Teleconference Meetings of the City Council, all City subordinate bodies, and all City non-profit corporation Boards and their subordinate bodies, for the period October 4-November 3, 2021.

**BACKGROUND:**

Since March of 2020 and because of the COVID-19 pandemic, the City Council of the City of Pasadena, all of its subordinate bodies, and all of its non-profit corporation boards and their subcommittees<sup>1</sup>, have been meeting remotely pursuant to the Governor's Executive Order N-29-20, which suspended certain teleconference requirements of the Brown Act. On June 11, 2021, the Governor issued Executive Order N-08-21, which rescinds these suspensions effective September 30, 2021. In

<sup>1</sup> The Rose Bowl Operating Company, The Pasadena Center Operating Company, and The Pasadena Community Access Corporation.

recognition of the fact that the pandemic is ongoing, on September 16, 2021 the Governor signed AB 361, an urgency measure, which amends the Brown Act and authorizes teleconferenced public meetings under certain circumstances where the participation is from a remote location. AB 361 went into effect October 1, 2021 and expires on January 1, 2024. If the City Council desires to continue to meet remotely, it must comply with AB 361.

AB 361 applies to meetings during a state of emergency as declared by the Governor. There must also be either imposed or recommended measures to promote social distancing by state or local officials, or a finding by the legislative body that meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency.

AB 361 requires several procedural safeguards to protect public participation during a remote meeting, key ones of which are summarized as follows: The public must have the ability to address the legislative body directly, and must be given information on how to address the body. The public must be provided either a call-in or internet-based service option. The body must stop the meeting if the call-in or internet-based option fails. The legislative body cannot require that public comments be submitted in advance (although this option can be provided). Speakers cannot be required to pre-register (except as required by an independent call-in or internet platform). Members of the public must be given a reasonable time to register to provide public comment. Agencies that provide a timed public comment period shall not close the public comment period until that timed period has expired.

Accordingly, if the Council wishes for itself, all of its subordinate bodies, and all of its non-profit corporation boards and their subcommittees to be able to meet remotely during the current declared state of emergency, it should adopt a resolution finding that measures to promote social distancing by state or local officials, and/or meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency. This resolution would permit meetings pursuant to AB 361 for a maximum period of 30 days. If the Council desires to continue using the teleconference exception beyond that initial 30-day period, it must confirm the circumstances of the state of emergency and make required findings at least 30 days after adoption of that resolution and every 30 days thereafter.

**ENVIRONMENTAL REVIEW:**

The California Environmental Quality Act (CEQA), State CEQA Guidelines Section 15061(b)(3) provides a “common sense” exemption to environmental review that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the

activity in question may have a significant effect on the environment, the activity is not subject to review. The action proposed herein, the continuance of holding meetings remotely during a declared state of emergency, does not have the potential for causing a significant effect on the environment.

**FISCAL IMPACT:**

The recommended action will have no immediate fiscal impact.

Respectfully submitted,

  
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