

# Agenda Report

May 23, 2022

**TO:** Honorable Mayor and City Council

**FROM:** City Attorney's Office

**SUBJECT: CONSIDERATION OF A RESOLUTION TO CONTINUE 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**

## **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 May 23, 2022 to June 22, 2022.

## **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. In recognition that the pandemic is ongoing, on September 16, 2021 the Governor signed AB 361, which amends the Brown Act and

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

authorizes teleconferenced public meetings under certain circumstances where public participation is remote. AB 361 went into effect October 1, 2021 and expires on January 1, 2024.

On October 4, 2021, pursuant to Government Code Section 54953, the City Council adopted "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." Section 54953 requires that, if after adoption of that initial resolution authorizing remote teleconference meetings for a 30-day period, the legislative body wishes to continue meeting remotely, it must find that it has reconsidered the circumstances of the state of emergency, and either: (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (ii) state or local officials continue to impose or recommend measures to promote social distancing. The City Council subsequently adopted substantially similar resolutions authorizing remote teleconference meetings from November 1 to November 30, 2021 (the time periods necessarily overlap because the Council does not meet on the exact 30<sup>th</sup> day following expiration of the prior resolution), November 29 to December 22, 2021, December 13, 2021 through January 12, 2022, January 10 through February 8, 2022, February 7 through March 9, 2022, February 28 through March 30, 2022, March 21, 22 through April 20, 2022, April 11 through May 11, 2022, and May 9 through June 8, 2022. Such findings for a further extension are set forth in the resolution proposed herewith, and would permit meetings pursuant to Section 54953 for another 30 days. If the Council desires to continue using the teleconference exception beyond that 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.

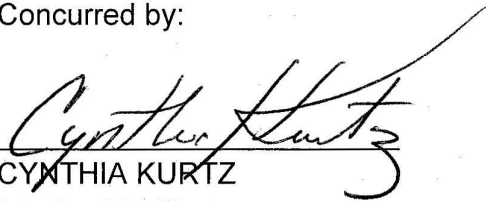
Respectfully submitted,

  
\_\_\_\_\_  
MICHELE BEAL BAGNERIS  
City Attorney

Prepared by:

  
\_\_\_\_\_  
THERESA FUENTES  
Assistant City Attorney

Concurred by:

  
\_\_\_\_\_  
CYNTHIA KURTZ  
Interim City Manager