



Department of Information Technology

PROVIDE DIRECTION FOR RETURNING TO IN-PERSON PUBLIC MEETINGS OF CITY LEGISLATIVE BODIES

Department of Information Technology

November 21, 2022





Agenda

Department of Information Technology

PART I – Councilmember Remote Participation

- > Returning to In-Person Meetings
- > Brown Act Rules & Changes
- > No Council Action Needed

PART II – Public Comment (In-Person & Remote)

- > Discuss Options
- > Council to Provide Direction to Staff



When will in-person meetings resume?

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1. If Council does not adopt an AB 361 compliant resolution – Agenda Item #16
 - > In-person meetings return November 23
2. Governor ends the COVID-19 State of Emergency
 - > Anticipated to end on February 28, 2023
 - > In-person meetings return March 1, 2023
3. AB 361 sunsets on January 1, 2024
 - > In-person meetings return January 2, 2024
 - > AB 361 suspended the Brown Act rules for remote participation
- Zoom, or equivalent, will remain available for Council remote participation, with advanced notice



Brief Summary of Brown Act Rules

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	Brown Act (Pre-Pandemic)	AB 2449 – NEW Effective 1/1/2023
Member Remote Rules	<ul style="list-style-type: none">• Physical location of remote member noted on meeting agenda• Remote location must be made accessible to the public• Public comment must be allowed from remote location• Meeting agendas must be posted at remote location	<ul style="list-style-type: none">• Two circumstances allow a remote member to not follow Brown Act (Pre-Pandemic) remote meeting rules, subject to additional requirements and limitations:<ol style="list-style-type: none">1. Just cause - Defined as caregiving, contagious illness, disability, or travel for state/local agency business2. Emergency circumstances• Use of “emergency circumstances” requires member to make request and the legislative body to take action to approve the request• Remote member must participate using both audio and video• Before any action taken, remote member must publicly disclose whether anyone over 18 years old is in the room and relationship with that person



Brief Summary of Brown Act Rules

Department of Information Technology

	Brown Act (Pre-Pandemic)	AB 2449 – NEW Effective 1/1/2023
Other Requirements	<ul style="list-style-type: none">• Quorum of body must participate from within City limits	<ul style="list-style-type: none">• Quorum of members must be physically present in a singular location• Public comment must be allowed remotely
Limitations		<ul style="list-style-type: none">• “Just cause” limit of two occasions per year• “Emergency circumstances” limit of three consecutive months or 20% of regular meetings per year• AB 2449 sunsets 1/1/2026
Other Impacts		<ul style="list-style-type: none">• The legislative body cannot take any action if remote public participation is interrupted, e.g. technology issue



Overlapping Brown Act Rules

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1. Until January 1, 2023
 - a. Pre-Pandemic Brown Act Rules
 - b. AB 361 (resolution required)
2. January 1, 2023 to January 1, 2024
 - a. Pre-Pandemic Brown Act Rules
 - b. AB 361 (resolution required; will be inapplicable when/if Governor terminates COVID-19 state of emergency)
 - c. AB 2449 (just cause or emergency circumstances required)
3. January 1, 2024 to January 1, 2026
 - a. Pre-Pandemic Brown Act Rules
 - b. AB 2449 (just cause or emergency circumstances required)
4. January 1, 2026 and going forward
 - a. Pre-Pandemic Brown Act Rules only



PART II: Public Comment

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- Effective engagement and deliberations of Council and other legislative City bodies
- Robust local public participation from throughout the community
- Complexity of meeting management due to process and technology requirements



Public Comment History

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- In-Person Meetings (prior to March 2020)
 - > Written Correspondence
 - > **In-Person Only** Public Speakers
- Fully Remote Meetings (March 2020-Today)
 - > Written Correspondence
 - > **Remote Only** Public Speakers
- In-Person Meetings (Going Forward/TBD)
 - > Written Correspondence
 - > For Council Discussion:
 - Public Speakers: In-person only or offer remote option?
 - Remote option for City Council? Council Committees? Other bodies?



Background Included in Agenda Report

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- Six months of public comment statistics of all legislative bodies
- Survey of meeting formats of LA County cities
 - > Notable results: City of Long Beach & City of Santa Monica provide in-person public comment only
- Summary of costs and complexity of running remote meetings
 - > Current annual support costs approximately \$200,000



Staff Recommendation

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- Recommend Options 1 through 4, in order:
 - > Least to most complex to implement and manage
 - > Lowest to highest cost to support
 - > Over a 10-year horizon estimated costs \$2.5 – \$7 million
- Recommend taking incremental steps and revisit impact, effectiveness, and costs over time
- Recommend Council consider how best to apply public comment options across all legislative bodies



Council Ad Hoc Committee Review

Department of Information Technology

- Council Ad Hoc Committee to Review Return to In-person Meetings convened on November 18th
- Committee Recommendation:
 - > Option 1 – Return to In-Person Public Comment Only
 - > Revisit expanding public comment options in the future
 - > Approve AB 361 resolution (Agenda Item #16) to extend remote meetings 30 days (through December 21) to allow for other legislative bodies time to prepare for return to in-person meetings
 - > Staff to provide information on operational readiness to resume in-person on December 5th.



Staff Recommendation

Department of Information Technology

<p>1. In-person public comment only</p> <p><i>(Remote public comment required when using AB 2449 circumstances)</i></p>	<p>2. Remote public comment at City Council only</p>	<p>3. Remote public comment at City Council & Council Committees</p>	<p>4. Remote public comment for all bodies</p>
<p>Cost Reduction: \$200,000 Annually</p> <p>10-Year Cost: N/A</p>	<p>Estimated Cost: \$250,000 Annually</p> <p>10-Year Cost: \$2.5M</p>	<p>Estimated Cost: \$300,000 Annually</p> <p>10-Year Cost: \$3M</p>	<p>Estimated Cost: \$700,000 Annually</p> <p>10-Year Cost: \$7M</p> <p>\$200,000 Technology Upgrades</p>
<p>Ready to Implement</p>	<p>Ready to Implement</p>	<p>Ready to Implement</p>	<p>Available early CY 2023</p>



Appendix

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- Staff Recommendation Detail
- Brown Act Change History & Overlap
- Remote Meeting Analysis Detail



Suggested Meetings Options

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1. Return to all in-person meetings (Pre-Pandemic)
 - > Public comment available in-person only and through written correspondence
 - > City Council meetings will be broadcast live through KPAS and online streaming only
 - > **Cost Reduction \$200,000; NET Decrease \$200,000**
 - > **Ready to Implement**



Suggested Meetings Options

Department of Information Technology

2. Remote public comment at City Council only

- > City Council meetings broadcast live through Zoom, or similar virtual meeting technology (in addition to KPAS and online streaming).
- > Increased staff and technology required to support simultaneous in-person and remote meeting
- > **Estimated Cost: \$250,000; NET increase \$50,000**
- > **Ready to Implement**

Body	Total # of Public Speakers					
	April 2022	May 2022	June 2022	July 2022	Aug 2022	Sept 2022
City Council	158	66	30	72	91	79



Suggested Meetings Options

Department of Information Technology

3. Remote public comment at City Council & Council Committees
 - > City Council and Council Committee meetings broadcast live through Zoom, or similar virtual meeting technology (in addition to KPAS and online streaming).
 - > **Estimated Cost: \$300,000; NET Increase \$100,000**
 - > **Ready to Implement**

Body	Total # of Public Speakers					
	April 2022	May 2022	June 2022	July 2022	Aug 2022	Sept 2022
EdTech	0	4	7	0	8	0
Finance	2	0	7	0	0	2
Legislative Policy	1	0	3	0	0	0
Municipal Services	1	3	0	6	5	29
Public Safety	0	20	2	7	7	3



Suggested Meetings Options

Department of Information Technology

4. Remote public comment for all bodies

- > Boards and commission meetings broadcast live through Zoom, or similar virtual meeting technology.
- > City Council and Council Committee meetings broadcast live through Zoom, or similar virtual meeting technology (in addition to KPAS and online streaming).
- > **Estimated Cost: \$700,000; NET Increase \$500,000**
- > **One-time Technology Investment: \$200,000**
- > **Ready early CY 2023**

Body	Total # of Public Speakers					
	April 2022	May 2022	June 2022	July 2022	Aug 2022	Sept 2022
Community Police Oversight	8	13	3	1	0	8
Design	6	20	1	2	9	7
Planning	40	14	29	72	17	6
Transportation Advisory	37	0	14	5	22	5



Staff Recommendation

Department of Information Technology

- Recommend Options 1 through 4, in order:
 - > Least to most complex to implement and manage
 - > Lowest to highest cost to support
 - > Over a 10-year horizon estimated costs \$2.5 – \$7 million
- Recommend taking incremental steps and revisit impact, effectiveness, and costs over time
- Recommend Council consider how best to apply public comment options across all legislative bodies



Staff Recommendation Summary

Department of Information Technology

<p>1. In-person public comment only <i>(Remote public comment required when using AB 2449 circumstances)</i></p>	<p>2. Remote public comment at City Council only</p>	<p>3. Remote public comment at City Council & Council Committees</p>	<p>4. Remote public comment for all bodies</p>
<p>Cost Reduction: \$200,000 Annually</p> <p>10-Year Cost: N/A</p>	<p>Estimated Cost: \$250,000 Annually</p> <p>10-Year Cost: \$2.5M</p>	<p>Estimated Cost: \$300,000 Annually</p> <p>10-Year Cost: \$3M</p>	<p>Estimated Cost: \$700,000 Annually</p> <p>10-Year Cost: \$7M</p> <p>\$200,000 Technology Upgrades</p>
<p>Ready to Implement</p>	<p>Ready to Implement</p>	<p>Ready to Implement</p>	<p>Available early CY 2023</p>



Brown Act Change History

Department of Information Technology

- Pre-March 2020
 - > Brown Act Teleconferencing Rules (Pre-Pandemic)
- March 2020
 - > Executive Order N-29-20 suspended remote meeting requirements at the outset of COVID-19 pandemic
 - > Council and all other legislative bodies may participate remotely
- September 2021
 - > AB 361 to supersede Executive Orders through January 1, 2024, or if Governor terminates COVID-19 state of emergency
 - Requires Council to adopt resolution every 30 days to continue remote meetings
- September 2022
 - > AB 2449 goes in effect on January 1, 2023 through January 1, 2026, updating Brown Act remote rules



Statistics

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Body	Total # of Public Speakers					
	April 2022	May 2022	June 2022	July 2022	Aug 2022	Sept 2022
City Council	158	66	30	72	91	79
<i>Council Committees (All)</i>						
EdTech	0	4	7	0	8	0
Finance	2	0	7	0	0	2
Legislative Policy	1	0	3	0	0	0
Municipal Services	1	3	0	6	5	29
Public Safety	0	20	2	7	7	3
<i>Commissions (Partial List)</i>						
Community Police Oversight	8	13	3	1	0	8
Design	6	20	1	2	9	7
Historic Preservation	0	11	3	7	0	6
Planning	40	14	29	72	17	6
Transportation Advisory	3	0	14	5	22	5



Survey of Public Meeting Format

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- Survey of LA County Cities
 - > 27 cities are conducting in-person meetings
 - > 24 cities are allowing a mix of in-person and remote options (labeled as hybrid)
 - > 6 cities are still fully remote

 - > Notable results – City Council meetings in Santa Monica, Long Beach and Los Angeles are all in-person at the time of the survey

Source: City of Calabasas Initiated Survey (September 2022)



Supporting Remote Meetings

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- Supporting remote meetings requires additional resources, technology skills, and capabilities.
- Summary of resources increased/added since March 2020 to support fully remote meetings:
 - > Virtual Meeting Technology (Zoom)
 - > City Clerk Staff – Increased overtime
 - > DoIT Staff - Added two DoIT staff to run virtual meeting technology
 - > KPAS – Broadcast support for Council Committees
 - > Equipment – laptops, cameras, headsets, etc.
 - > On-demand tech support for remote participants
 - > Language translation services

 - > **Estimated costs: \$200,000 Annually**