

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, MAKING SPECIFIED FINDINGS AND RE-AUTHORIZING THE USE OF TELECONFERENCING FOR MEETINGS OF THE CITY COUNCIL, COMMISSIONS, COMMITTEES AND BOARDS IN ACCORDANCE WITH ASSEMBLY BILL 361 AND GOVERNMENT CODE SECTION 54953(E)

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AS FOLLOWS:

WHEREAS, the City Council, Commissions, Committees and Boards hold regular and special public meetings pursuant to the Ralph M. Brown Act (the "Brown Act"), Government Code section 54950, et seq.

WHEREAS, pursuant to Government Code section 54953(b)(3), the Brown Act permits members of legislative bodies to teleconference into public meetings subject to certain conditions, including that the place from which a member teleconfereces be open to the public, that an agenda be posted on the site, and that the teleconference location be noticed in the agenda.

WHEREAS, on September 16, 2021, Governor Newsom signed into law Assembly Bill ("AB") 361, an urgency measure which added subsection (e) to Government Code section 54953 and makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions.

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625.

WHEREAS, on March 4, 2020 Governor Newsom declared a State of Emergency in the State of California pursuant to Government Code section 8625 as a result of the threat of the Coronavirus (COVID-19) pandemic, and the State of Emergency is still in effect.

WHEREAS, on January 11, 2022, the City Council adopted Resolution No. 9722-22 making findings in accordance with AB 361 and Government Code section 54953(e) and authorizing members of the legislative bodies of the City to participate in meetings subject o the Brown Act by way of teleconference in accordance with AB 361 and Government Code section 54953(e).

WHEREAS, sustained COVID-19 community transmission continues to occur in Orange County and within the City's jurisdiction, and various state and local officials continue to recommend measures to promote social distancing to protect public health and safety and minimize community transmission of COVID-19.

WHEREAS, as a result of the State of Emergency in California due to the COVID-19 pandemic, and its continued spread in Orange County and within the City's jurisdiction, meeting in person may pose an imminent risk to the health and safety of some attendees, including members of the City's legislative bodies, who due to age or health conditions and/or being unvaccinated, have a higher risk of contracting COVID-19 and are more likely to get severely ill and in some cases, die from COVID-19.

WHEREAS, there may be situations in the future in which a member of the City Council, a Commission, Committee or Board, decides not to attend in person due to a particular health or safety risk posed by such attendance and as such, it is the Council's desire to permit members of the City Council and its Commissions and Committees to attend by way of teleconference pursuant to Assembly Bill 361 due to health and safety concerns associated with COVID-19.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

1. The Recitals above are hereby incorporated as the findings of the City Council herein.

2. The findings and determinations set forth in Resolution No. 9722-22 are hereby reaffirmed.

3. The City Council has reconsidered the circumstances of the proclaimed State of Emergency in California and has determined that (a) the State of Emergency continues to directly impact the ability of the members of the City's legislative bodies to meet safely in person and (b) at the time this Resolution was adopted, state and local officials continue to recommend measures to promote social distancing.

4. That during the effective period of this Resolution, members of the City Council and the City's Commissions, Committees and Boards may participate in meetings subject to the Brown Act by way of teleconference in accordance with Assembly Bill 361 and Government Code section 54953(e).

5. The City Manager is authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

6. This Resolution shall take effect immediately upon its adoption and shall be effective until such time as the City Council adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the City Council and the City's Commissions and Committees may continue to hold virtual or teleconferenced meetings without complying with Government Code Section 54953(b)(3).