

AGENDA

Garden Grove City
Council

Tuesday, January 11,
2022

6:00 PM



Meeting conducted
Telephonically - Public
attendance at 11300
Stanford Avenue, Garden
Grove, CA 92840, or by
phone at 669-900-6833
ID 82625559715 - further
instructions at
[https://ggcity.org/city-
council/meetings-
participation](https://ggcity.org/city-council/meetings-participation)

Steve Jones

Mayor

Diedre Thu-Ha Nguyen

Mayor Pro Tem - District 3

George S. Brietigam

Council Member - District 1

John R. O'Neill

Council Member - District 2

Patrick Phat Bui

Council Member - District 4

Stephanie Klopfenstein

Council Member - District 5

Kim B. Nguyen

Council Member - District 6

CLOSED SESSION

6:00 PM

ROLL CALL:

COUNCIL MEMBER BRIETIGAM, COUNCIL MEMBER O'NEILL, COUNCIL
MEMBER BUI, COUNCIL MEMBER KLOPFENSTEIN, COUNCIL MEMBER K.
NGUYEN, MAYOR PRO TEM D. NGUYEN, MAYOR JONES

1. Oral Communications
2. Adoption of a Resolution making specified findings relating to the use of teleconferencing for the City's legislative bodies meetings including City Council, Commissions, Committees, and Boards in accordance with AB 361 and Government Code 54953(e). (Action Item)
3. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1): Silvino Briceno,
et al vs. Garden Grove, et al, OCSC Case No. 30-2021-01229854
4. Adjournment

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Omar Sandoval
Dept.:	City Manager	Dept.:	General Counsel
Subject:	Adoption of a Resolution making specified findings relating to the use of teleconferencing for the City's legislative bodies meetings including City Council, Commissions, Committees, and Boards in accordance with AB 361 and Government Code 54953(e). (<i>Action Item</i>)		
		Date:	1/11/2022

OBJECTIVE

For the City Council to consider the adoption of a resolution making findings in support of holding its meetings via teleconferencing in order to protect against the spread of COVID-19.

BACKGROUND

The Brown Act requires that all meetings of the Council and the City's other legislative bodies, including the City's Commissions and Committees, be open and public. Government Code 54953(b) authorizes teleconferencing of public meetings provided that a quorum of each legislative body is present in person and that each member teleconferencing post an agenda and allow public testimony at each teleconferencing location.

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 public meetings by all or a majority of members of a legislative body, without compliance with the requirements of Government Code section 54953(b), subject to the existence of certain conditions.

DISCUSSION

AB 361 requires that the Governor first declare a state of emergency. On March 4, 2020, Governor Newsom declared a State of Emergency in the State of California because of the threat of the Coronavirus (COVID-19) pandemic, and the State of Emergency is still in effect.

In addition, AB 361 authorizes the use teleconferencing with all or a majority of the members of a legislative body participating remotely during a proclaimed state of emergency when local officials

have imposed or recommended social distancing measures. Alternatively, the Council can hold a meeting during a proclaimed state of emergency to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. The Council must make the findings of an imminent risk to the health or safety of attendees every 30 days in order to continue to hold meetings via teleconference.

The attached Resolution makes the findings required by AB 361 to support teleconferencing of

...the attached Resolution makes the findings required by the Code to support teleconferencing at public meetings of the City Council and the City's Commissions and Committees.

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Resolution making specified findings relating to the use of teleconferencing for meetings of the City Council and Commissions, Committees, and Boards in accordance with AB 361 and Government Code 54953(e).

ATTACHMENTS:

Description	Upload Date	Type	File Name
Resolution	1/4/2022	Resolution	GG_Resolution_Making_AB_361_Findings_Supporting_Teleconferencing_for_Public_Meetings.DOCX

RESOLUTION NO. ____-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, MAKING SPECIFIED FINDINGS RELATING TO 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 and Committees 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 teleconferences 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, 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, notwithstanding that prior to September 16, 2021, the City Council and the City’s various Commissions, Committees and Boards were holding public meetings in person, the Omicron variant of COVID-19 is currently spreading and causing widespread transmission of COVID-19 and 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 City Council has considered the circumstances of the proclaimed State of Emergency in California and has determined that (a) at the time this Resolution was adopted, state and local officials continue to recommend measures to promote social distancing and (b) that, 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 would pose an imminent risk to the health and safety of attendees.

3. That during the effective period of this Resolution and any reaffirmation thereof, 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).

4. 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.

5. 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).