



Staff Report

TO: City Council
FROM: Nicole Wheelwright, Deputy City Clerk
DATE: December 6, 2022
SUBJECT: Consideration of Re-Authorizing the Use of Teleconferencing to Conduct Public Meetings

Description To continue the use of teleconferencing for a 30-day period through December 31, 2022.

Background and Analysis:

On November 15, 2022, City Council adopted a resolution re-ratifying that certain conditions exist that necessitate the need to implement the Ralph M. Brown Act provisions provided by Government Code Section 54953.

As of September 13, 2022, Governor Newsom approved Assembly Bill 2449 to provide adopted provisions of teleconferencing usage for legislative bodies. Government Code Section 54953 and 54954.2 have been amended to provide provisions to facilitate teleconferenced meetings during a declared state of emergency. These provisions can only be used in an active gubernatorial state of emergency, and state or local officials have imposed or recommended measures to promote social distancing. On October 17, 2022, Governor Gavin Newsom announced that the COVID-19 State of Emergency will end February 28, 2023.

In the meantime, if the above conditions and measures still exists, teleconferencing can be used if the legislative body, not later than 30 days after teleconferencing for the first time and every 30 days thereafter, make the following findings by majority vote:

- A. The legislative body has reconsidered the circumstances of the state of emergency.
- B. Any of the following circumstances exist:
 - i. The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - ii. State or local officials continue to impose or recommend measures to promote social distancing.

Effective January 1, 2023, AB 2449 provides that a resolution is no longer required for the use of teleconferencing, however the following provisions will now be in effect:

- A majority (quorum) of the body members must participate in person from a singular physical location identified on the agenda and open to the public.
- A member may only teleconference for publicly disclosed “just clause” as defined in AB 2449 and must be approved by the legislative body.
- A member may only teleconference under a just clause provision no more than two meetings per calendar year.
- An additional provision of “emergency circumstances” can be requested for approval by the members.

The new provisions are in addition to those allowed by AB 361 so long as there is a state of emergency in place.

Fiscal Impact:

City staff estimates the cost to prepare this staff report to be \$110.

Recommended Action:

Waive the full reading and adopt by title only, “A Resolution of the City Council of the City of Beaumont Proclaiming a Local Emergency Persists, Re-Ratifying the Proclamation of a State of Emergency by Executive Order N-09-21, and Re-Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Beaumont for the Period of December 6, 2022, through December 31, 2022, Pursuant to Provisions of the Ralph M. Brown Act.”

Attachments:

- A. Resolution