CITY OF LOS ALAMITOS

Via videoconference
Participation via Phone: (301) 715-8592
Meeting ID: 852 3468 3485

AGENDA
BUDGET STANDING COMMITTEE
SPECIAL MEETING

December 12, 2022 – 8:00 a.m.

SAFETY ALERT – NOTICE REGARDING COVID-19

If you wish to attend the meeting in person, the Council Chamber located at 3191 Katella Ave., Los Alamitos, California 90720, will have seating for this meeting and the public shall have the right to observe and offer public comment at this location. The City of Los Alamitos continues to follow the Centers for Disease Control and Prevention (CDC) guidelines and these provisions are subject change with short notice.

While you may attend this meeting in person, given the health risks associated with COVID-19, please be advised that you may submit comments on any agenda item or on any item not on the agenda by email to cityclerk@cityoflosalamitos.org with the subject line "PUBLIC COMMENT". Comments **received by 3:00 p.m.** the day prior will be compiled, provided to the City Council, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Please consider carefully before attending this meeting in person and do not attend this meeting in person if you have had direct contact with someone who has tested positive for Coronavirus (COVID-19), or you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted after distribution of the agenda packet are available for public inspection on the City's website at www.cityoflosalamitos.org.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Mayor Hasselbrink
Council Member Chirco

3. CONSENT CALENDAR

A. Findings Required by AB 361 For Continued Use of Teleconferencing for Meetings

For the Budget Standing Committee to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the Budget Standing Committee to make specific findings at least every thirty (30) days.

Recommendation:

a. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;

b. The Budget Standing Committee has reconsidered the circumstances of the state of emergency; and

c. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

4. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at Los Alamitos City Hall, 3191 Katella Ave. and available on the City's website, www.cityoflosalamitos.org, not less than 24 hours prior to the meeting.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 24 hours prior to the meeting.

Windmera Quintanar, MMC, City Clerk
Dated: December 9, 2022

City of Los Alamitos
BUDGET STANDING COMMITTEE AGENDA REPORT

MEETING DATE: December 12, 2022 ITEM NUMBER: 3A

To: **Budget Standing Committee Members**

From: **Craig Koehler, Finance Director**

Subject: **Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings**

SUMMARY

For the Budget Standing Committee to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the Budget Standing Committee to make specific findings at least every thirty (30) days.

RECOMMENDATION

Make the following findings by a majority vote of the Budget Standing Committee:

a. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;
b. The Budget Standing Committee has reconsidered the circumstances of the state of emergency; and
c. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

BACKGROUND

Assembly Bill 361 (AB 361) was signed into law by the Governor on September 16, 2021. A portion of AB 361 enacted amendments to California Government Code section 54953 regarding teleconference meetings. Those amendments authorize local agencies, like the City, to continue to conduct meetings by teleconference[1] during a Governor-proclaimed state of emergency[2] provided that certain findings are made by the legislative body, and

[1] A "teleconference" occurs for purposes of AB 361 whenever one or more members of the Budget Standing Committee connect to a Budget Standing Committee meeting via electronic means. Thus, even if one member of the Budget Standing Committee meet in person, if the other joins the meeting via Zoom, the meeting will be a teleconference meeting that must be conducted in accordance with the requirements of AB 361.

[2] For purposes of AB 361 "…'state of emergency' means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act…" Cal. Gov't Code Sec. 54953(e)(4). Section 8265 of CESA in turn refers to a state of emergency proclaimed by the Governor

provided that certain procedural requirements are met regarding public access to the meetings.

A new requirement in AB 361 requires specific findings be reaffirmed at least every thirty (30) days in order for the Budget Standing Committee to continue to have the option for one (1) or more of its members to use teleconferencing.

DISCUSSION

Required Findings

The teleconference provisions in AB 361 may only be utilized as long as a Governor-proclaimed state of emergency remains active, or while state or local officials have recommended measures to promote social distancing. When either of those is the case (both are true at this time), then in order to continue to teleconference using the new provisions of AB 361, the Budget Standing Committee must make the following findings by majority vote every 30 days:

> (A) The Budget Standing Committee has reconsidered the circumstances of the state of emergency; and
>
> (B) Either of the following circumstances exist:
>
> (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[3].

To comply with that requirement, the recommended action would have the Budget Standing Committee find each of the following:

a. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;
b. The Budget Standing Committee has reconsidered the circumstances of the state of emergency; and
c. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

The "Every 30 Days Thereafter" Requirement

As noted above, AB 361 findings must be made "no later than 30 days after teleconferencing for the first time pursuant to [AB 361], and every 30 days thereafter…"

[3] Cal Gov't Code Sec. 54953(e)(3)

In order to preserve the option for the Budget Standing Committee or individual members of the Budget Standing Committee to participate in meetings during the pandemic via teleconference in the future, the Budget Standing Committee will have to adopt the required findings at least every 30 days.

Potential Consequence of Not Making the Findings Every 30 Days

AB 361 does not expressly state what happens if a legislative body fails to make the required findings "every 30 days." However, it expressly requires the timely re-approval of the findings "in order to continue to teleconference" in the manner that AB 361 authorizes.

As a result, if the Budget Standing Committee does not adopt the required findings every 30 days, then the Budget Standing Committee could be precluded from continuing to teleconference thereafter, perhaps even if the Budget Standing Committee was later willing to adopt the findings at a later date. For this reason, the City Attorney recommends that the Budget Standing Committee adopt the required findings at this time and at least every 30 days thereafter, unless the Budget Standing Committee decides as a permanent matter that it will no longer permit teleconferencing at all (e.g., regardless of whether the state of emergency worsens).

Procedural Requirements for The Conduct of Teleconference Meetings

AB 361 contains several new requirements for the conduct of teleconference meetings with which the City has prepared to comply. Specifically, each meeting must:

1. Allow members of the public to attend and comment at the meeting via call-in option or internet-based service option;

2. Protect the statutory and constitutional rights of the parties and the public appearing before the legislative body;

3. In the event of disruption which prevents broadcasting the meeting or which prevents members of the public from offering public comments via the call-in or internet-based option, the Budget Standing Committee must take no further action until the disrupted public access is restored;

4. The City may not require public comments to be submitted in advance, and must offer the opportunity for the public to offer comments "in real time" during the meeting; and

5. The public must be allowed "a reasonable amount of time per agenda item to allow members of the public to provide public comment, including time for members of the public to register [to log into the teleconference], or otherwise be recognized for the purpose of providing public comment.