

STOCKTON CITY COUNCIL

ADOPT A RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF STOCKTON IN ACCORDANCE WITH ASSEMBLY BILL 361

WHEREAS, on March 4, 2020, the Governor of the State of California (the “Governor”) proclaimed a statewide state of emergency due to COVID-19; and

WHEREAS, on March 12, 2020, the San Joaquin County Health Officer (the “Health Officer”) declared a Local Health Emergency due to COVID-19; and

WHEREAS, on March 17, 2020, the Director of Emergency Services of the City of Stockton (the “Director”) proclaimed the existence of a local emergency due to COVID-19; and

WHEREAS, on March 17, 2020, the City Council ratified the City Manager’s Local Emergency Proclamation; and

WHEREAS, all meetings of the City of Stockton’s legislative bodies are open and public, as required by the Brown Act (Cal. Gov. Code sections 54950 et seq.), so that any member of the public may attend, participate, and watch the City’s legislative bodies conduct their business; and

WHEREAS, beginning in March 2020, the Governor issued a series of Executive Orders, N-25-20, N-29-20, and N-35-20, that waived certain Brown Act requirements to allow legislative bodies to continue meeting while slowing the spread of COVID-19; and

WHEREAS, N-29-20 allowed the City’s legislative bodies to meet via teleconference without complying with certain Brown Act requirements; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, extending the Brown Act provisions of N-29-20 through September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 (“AB 361”) into law, allowing the City’s legislative bodies to continue to meet via teleconference during proclaimed states of emergency under modified Brown Act requirements; and

WHEREAS, AB 361, at Government Code section 54953(e), provides for 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; and

WHEREAS, AB 361 allows legislative bodies to continue to meet via teleconference when a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, AB 361 further requires that state or local officials have imposed or recommended measures to promote social distancing, or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Governor's proclaimed state of emergency, the San Joaquin County Health Officer's declared local health emergency, and the Director's and City Council's proclaimed local emergency remain in effect; and

WHEREAS, the City's COVID-19 Comprehensive Policy and Protocol imposes measures to promote social distancing; and

WHEREAS, meetings of the City's legislative bodies are broadcast on Channel 97 and <http://www.stocktonca.gov/government/Meetings/councilMeetings.html>; and

WHEREAS, on October 4, 2021, the Health Officer informed the public that San Joaquin County's case rate is 23.7, which is still considered widespread community transmission by the Centers for Disease Control and Prevention and the California Department of Public Health; and

NOW, THEREFORE, the City Council of the City of Stockton resolves as follows:

1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The City Council hereby ratifies its proclamation that a local emergency still exists throughout the City, and that in-person meetings of the City's legislative bodies would present imminent risks to the health or safety of attendees.
3. The staff and legislative bodies of the City of Stockton are hereby 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.
4. In the event of a disruption which prevents a legislative body of the City of Stockton from broadcasting a meeting using a call-in option or internet based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comment using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on a meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. However, if any of the Broadcast Options are disrupted, but any of the other Broadcast Options is still available to the public, the legislative body may take further action on items appearing on a meeting agenda without waiting for the disrupted Broadcast Option(s) to be restored.
5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 5, 2021, or such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to

PASSED, APPROVED, and ADOPTED October 12, 2021

ATTEST:

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