



CITY MANAGER'S OFFICE

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: October 5, 2021

Subject

Consider adopting a resolution authorizing remote teleconference meetings of the legislative bodies of the City of Cupertino for the period October 5, 2021 through November 4, 2021 pursuant to Brown Act provisions

Recommended Action

Adopt Resolution No. 21-___ authorizing remote teleconference meetings of the legislative bodies of the City of Cupertino for the period October 5, 2021 through November 4, 2021 pursuant to Brown Act provisions

Background

On March 2, 2020, Governor Newsom declared a state of emergency due to the public health threat posed by COVID-19. On March 4, 2020, Governor Newsom issued Executive Order No-29-20, which suspended certain elements of the Brown Act and specifically allowed legislative bodies to hold meetings entirely electronically with no physical meeting. In accordance with the Executive Order, the City held its first teleconference meeting on March 24, 2020, to help stop the spread of COVID-19. On June 11, 2021, Governor Newsom issued Executive Order No-08-21, which stated that the provisions in Executive Order No-29-20, suspending certain elements of the Brown Act, would continue to apply through September 30, 2021. To date, the City has continued to hold teleconference meetings in order to protect its residents and staff from the risk of infection.

On September 15, 2021, Governor Newsom signed AB 361 into law, which allows state and local agencies to continue using teleconferencing during certain state-declared emergencies under modified Brown Act requirements. AB 361 became effective immediately after signing due to its emergency clause and is set to sunset on January 1, 2024. Under AB 361, teleconference meetings may be held during a state of emergency if (1) state or local officials have imposed or recommended measures to promote social distancing, or (2) a legislative body determines by a majority vote that meeting in person would present imminent risks to the health or safety of attendees. (Gov. Code, § 54953(e)(1).)

Discussion

AB 361 allows the City Council and other City legislative bodies to continue meeting exclusively via teleconference so long as a state emergency declaration remains in place and the statute's conditions for permitting remote meetings are met. To continue meeting remotely, the City Council must find that state or local officials have imposed or recommend measures to support social distancing, or that an in-person meeting format would pose health and safety risks to attendees. This determination must be reviewed every 30 days to continue teleconference meetings.

Council may make either or both of the permitted findings to allow teleconference meetings to continue. The Santa Clara County Health Officer continues to recommend that governmental entities limit indoor activities to protect participants who are not fully vaccinated. ([Health Officer Order, June 21, 2021](#).) In addition, state Department of Industrial Relations [Emergency Temporary Standards](#) continue to require or recommend social distancing in certain circumstances. These measures are required or recommended based on evidence that indoor activities continue to present imminent health and safety risks, particularly for unvaccinated individuals. It is therefore recommended that Council adopt the Draft Resolution authorizing teleconference meetings for the City of Cupertino's legislative bodies in order to protect the health and safety of all attendees and participants, particularly those who are unvaccinated (Attachment A).

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

Prepared by: Astrid Robles, Management Analyst

Reviewed by: Dianne Thompson, Assistant City Manager

Katy Nomura, Deputy City Manager

Approved for Submission by: Greg Larson, Interim City Manager

Attachments:

A – Draft Resolution