



## **Item No. 5 Town of Atherton**

### **CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GEORGE RODERICKS, CITY MANAGER**

**DATE: NOVEMBER 16, 2022**

**SUBJECT: CONSIDERATION OF RESOLUTION RATIFYING  
PROCLAMATION OF A STATE OF EMERGENCY IN THE TOWN  
AND AUTHORIZING TELECONFERENCE MEETINGS OF  
TOWN LEGISLATIVE BODIES PURSUANT TO THE BROWN  
ACT GOVERNMENT CODE SECTION 54953(E)**

### **RECOMMENDATION**

It is recommended that the Town Council adopt the attached Resolution No. 22-XX, finding a proclamation of the state of emergency to apply within the Town, conditions of which pose an imminent threat to the health and safety to attendees of in-person public meetings, and authorizing teleconference meetings of Town legislative bodies pursuant to Government Code section 54953(e).

### **BACKGROUND**

The Town Council adopted Resolution 2021 – 15 pursuant to AB 361 to meet via teleconference on October 6, 2021. The City Council last met on September 21, 2022, ratified findings pursuant to AB 361 and certified the continuing emergency ratifying such rules and regulations. That Resolution has expired, and now, the Town Council must reevaluate its decision. The Governor's Proclamation of State of Emergency related to the COVID-19 virus pandemic remains in effect to this day in San Mateo County and statewide. The virus, and its variants, are highly transmissible when in close proximity to an infected person, no matter if the infected person is showing symptoms or not. Further, new variants of varying community impact and transmissibility are revealed each month the pandemic continues, most recently the Omicron/BA.2 subvariant.

Meeting in person imminently risks attendees' health and safety by necessitating attendees – Town officers, staff, and members of the public – be in close proximity to a potentially infected person, no matter if he or she is showing symptoms or not.

The proposed Resolution makes requisite findings to allow Town legislative body meetings to be held via teleconference pursuant to Government Code section 54953(e). Specifically, the resolution resolves for meetings to be conducted in either in a hybrid format or solely

via teleconference, as determined by the legislative body in consideration of risks to attendee health and safety. In either option, the teleconference option is to be offered in conformity with requirements of Section 54953(e) to preserve public access and participation. The Council is to make the following findings as part of the resolution:

- The Governor proclaimed a state of emergency on March 4, 2020 related to the COVID-19 virus pandemic and that state of emergency remains active within the jurisdiction of the Town.
- The Town Council has reconsidered the circumstances of the state of emergency.
- The state of emergency continues to directly impact the ability of attendees to safely meet safely in person.
- To decrease the risk to the health and safety of attendees, all meetings of Town legislative bodies shall be conducted in either a hybrid format with options for meeting attendees to appear in person, social distancing permitting, and via teleconference in accordance with Government Code section 54953(e) or in a solely teleconference format.

### **ANALYSIS**

It is recommended that the Town Council pass the resolution and direct staff to take all actions necessary to effectuate its intent to hold all Town legislative body meetings in compliance with Section 54953(e).

If the Council does not pass the proposed resolution, all Town legislative bodies will be required to meet pursuant to traditional teleconference requirements – e.g. opening teleconference locations to the public, listing addresses on meeting agendas, quorum of members in the Town – because the Town's most recent resolution to meet via Section 54953(e) has expired as a matter of law.

### **FISCAL IMPACT**

None.

### **GOAL ALIGNMENT**

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal Area E – Strengthen Community Engagement and Transparency
- Goal Area F – Be Forward-Thinking, Well-Managed, and Well-Planned

### **POLICY FOCUS**

The policy issues are limited to the continuing emergency.

### **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders –to include, but be not limited to, media outlets, school districts, Menlo Park Fire Protection District, service providers (water, power, and sewer), and regional elected officials.

**COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item has not been before a Town Committee or Commission

**ATTACHMENTS**

1. AB 361 Resolution No. 22-XX