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SPECIAL MEETING CITY COUNCIL AGENDA

CITY HALL COUNCIL CHAMBERS
78495 Calle Tampico, La Quinta

TUESDAY, SEPTEMBER 28, 2021 AT 4:45 P.M.

SPECIAL NOTICE

Teleconferencing and Telephonic Accessibility In Effect

Pursuant to Executive Orders N-60-20 and N-08-21 executed by the Governor of California, and subsequently Assembly Bill 361 (AB 361, 2021), enacted in response to the state of emergency relating to novel coronavirus disease 2019 (COVID-19) and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 *et seq.*), members of the public, the City Council, the City Manager, City Attorney, City Staff, and City Consultants may participate in this regular meeting by teleconference.

Members of the public wanting **to listen to the open session** of the meeting may do so by tuning-in live via <http://laquinta.12milesout.com/video/live>.

Members of the public wanting **to address the City Council**, either for a specific agenda item or matters not on the agenda are requested to follow the instructions listed below:

Written public comments – can be provided in-person during the meeting or emailed to the City Clerk’s Office at CityClerkMail@LaQuintaCA.gov **preferably by 2:00 p.m. on the day of the meeting**, and will be distributed to the City Council, incorporated into the agenda packet and public record of the meeting, and will not be read during the meeting unless, upon the request of the Mayor, a brief summary of any public comment is asked to be read, to the extent the City Clerk’s Office can accommodate such request.

If emailed, the email "subject line" must clearly state "**Written Comments**" and list the following:

- | | |
|----------------------|---|
| 1) Full Name | 4) Public Comment or Agenda Item Number |
| 2) City of Residence | 5) Subject |
| 3) Phone Number | 6) Written Comments |

***** TELECONFERENCE PROCEDURES *****

Verbal public comments via Teleconference – members of the public may attend and participate in the meeting by teleconference via Zoom and use the "raise your hand" feature when public comments are prompted by the Mayor; the City will facilitate the ability for a member of the public to be audible to the City Council and general public and allow him/her/they to speak on the item(s) requested. **Please note – members of the public must unmute themselves when prompted upon being recognized by the Mayor, in order to become audible to the City Council and the public.**

Only one person at a time may speak by teleconference and only after being recognized by the Mayor.

ZOOM LINK: <https://us06web.zoom.us/j/88146423364>
Meeting ID: 881 4642 3364
Or join by phone: (253) 215 – 8782

It would be appreciated that any email communications for public comments related to the items on the agenda, or for general public comment, are provided to the City Clerk's Office at the email address listed above prior to the commencement of the meeting. If that is not possible, and to accommodate public comments on items that may be added to the agenda after its initial posting or items that are on the agenda, every effort will be made to attempt to review emails received by the City Clerk's Office during the course of the meeting. The Mayor will endeavor to take a brief pause before action is taken on any agenda item to allow the City Clerk to review emails and share any public comments received during the meeting. All emails received by the City Clerk, at the email address above, until the adjournment of the meeting, will be included within the public record relating to the meeting.

CALL TO ORDER

ROLL CALL: Councilmembers: Fitzpatrick, Peña, Radi, Sanchez, Mayor Evans

PLEDGE OF ALLEGIANCE

CONFIRMATION OF AGENDA

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

At this time, members of the public may address the City Council on any matter not listed on the agenda by providing **written public comments** either in-person or via email as indicated above; or provide **verbal public comments** either in-person or via teleconference by joining the meeting virtually at <https://us06web.zoom.us/j/81325311999> and use the "raise your hand" feature when prompted by the Mayor. Members of the public attending the meeting in-person are requested to complete a **"Request to Speak"** form and submit it to the City Clerk. Please limit your comments to three (3) minutes (or approximately 350 words). The City Council values your comments; however, in accordance with State law, no action shall be taken on any item not appearing on the agenda unless it is an emergency item authorized by Government Code § 54954.2(b).

BUSINESS SESSION

1. ADOPT RESOLUTION TO AUTHORIZE THE CITY MANAGER TO IMPLEMENT TELECONFERENCE ACCESSIBILITY TO CONDUCT PUBLIC MEETINGS PURSUANT TO ASSEMBLY BILL 361 (STATS. 2021, CH. 165) [RESOLUTION NO. 2021-035]

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MAYOR'S AND COUNCIL MEMBERS' ITEMS

ADJOURNMENT

The next regular meeting of the City Council will be held on October 5, 2021 at 4:00 p.m. at the City Hall Council Chambers, 78495 Calle Tampico, La Quinta, CA 92253.

DECLARATION OF POSTING

I, Monika Radeva, City Clerk, of the City of La Quinta, do hereby declare that the foregoing Agenda for the Special Meeting of the La Quinta City Council was posted on the City's website, near the entrance to the Council Chambers at 78495 Calle Tampico, and the bulletin boards at the Stater Brothers Supermarket at 78630 Highway 111, and the La Quinta Cove Post Office at 51321 Avenida Bermudas, on September 24, 2021.

DATED: September 24, 2021

MONIKA RADEVA, City Clerk
City of La Quinta, California

Public Notices

- The La Quinta City Council Chamber is handicapped accessible. If special equipment is needed for the hearing impaired, please call the City Clerk's office at (760) 777-7092, twenty-four (24) hours in advance of the meeting and accommodations will be made.
- If special electronic equipment is needed to make presentations to the City Council, arrangements should be made in advance by contacting the City Clerk's office at (760) 777-7092. A one (1) week notice is required.
- If background material is to be presented to the Councilmembers during a City Council meeting, please be advised that eight (8) copies of all documents, exhibits, etc., must be supplied to the City Clerk for distribution. It is requested that this take place prior to the beginning of the meeting.
- Any writings or documents provided to a majority of the City Council regarding any item(s) on this agenda will be made available for public inspection at the Community Development counter at City Hall located at 78495 Calle Tampico, La Quinta, California, 92253, during normal business hours.

City of La Quinta

CITY COUNCIL SPECIAL MEETING: September 28, 2021

STAFF REPORT

AGENDA TITLE: ADOPT RESOLUTION TO AUTHORIZE THE CITY MANAGER TO IMPLEMENT TELECONFERENCE ACCESSIBILITY TO CONDUCT PUBLIC MEETINGS PURSUANT TO ASSEMBLY BILL 361 (STATS. 2021, CH. 165)

RECOMMENDATION

Adopt a Resolution to authorize the City Manager to implement and utilize teleconference accessibility to conduct public meetings pursuant to Assembly Bill 361 (Stats. 2021, ch. 165).

EXECUTIVE SUMMARY

- The State of California and the City have proclaimed the existence of a State of Emergency as a result of the threat of novel coronavirus disease 2019 (COVID-19).
- In an effort to reduce the spread of COVID-19 at public meetings, the Governor of California issued an executive order authorizing local legislative bodies to hold public meetings via teleconferencing; these provisions expire on September 30, 2021.
- On September 16, 2021, the Governor signed into law Assembly Bill 361 (Stats. 2021, ch. 165) (AB 361) which waived certain provisions of the Ralph M. Brown Act (Brown Act) in order to allow local agencies to continue to meet remotely during a state of emergency that makes it unsafe to meet in person.

FISCAL IMPACT – None.

BACKGROUND/ANALYSIS

The State of California and the City of La Quinta proclaimed the existence of a State of Emergency as a result of the threat of COVID-19, on March 4, 2020 and March 17, 2020, respectively.

In an effort to reduce the spread of COVID-19 at public meetings, on March 17, 2020, the Governor of California issued Executive Order N-29-20 which suspended and modified specified provisions of the Brown Act [Government Code Section § 54950 *et seq.*] and authorized local legislative bodies to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and address the local legislative body. On June 11, 2021, the Governor issued Executive Order N-08-21 which extended the teleconference provisions of EO N-29-20 for public meetings through September 30, 2021.

The City implemented teleconference procedures and accessibility for conducting all of its public meetings while the Governor's "Stay-At-Home" order was in effect in early 2020.

On May 4, 2021, the Governor issued Executive Order N-60-20 which established a framework for a gradual, risk-based reopening of the economy; and on June 11, 2021, issued Executive Order N-07-21, which formally rescinded the "Stay-At-Home" order imposed by Executive Order N-33-20, issued on March 19, 2020.

Following the established state framework for reopening the economy, the City has resumed limited in-person public meetings while also offering teleconference accessibility to members of the public, City Council, members of City boards, commissions, and committees, City staff and consultants.

AB 361 was signed into law by the Governor on September 16, 2021, which went into effect immediately as urgency legislation (codified under Government Code § 54953), and waived certain provisions of the Brown Act in order to allow local agencies to continue to meet remotely. Specifically, the bill allows remote teleconference flexibility, but only when there is a state of emergency that makes it unsafe to meet in person.

In addition, AB 361 adds new procedures and clarifies the requirements for conducting remote meetings, including the following:

- Public Comment Opportunities in Real Time – a legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.

- No Action During Disruptions – in the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access is restored.
- Periodic Findings – Government Code § 54953(e)(B) requires the legislative body to hold a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risk to the health or safety of attendees.

Council must make these findings no later than 30 days after the first teleconferenced meeting is held after September 30, 2021 and must also make these findings every 30 days thereafter, in order to continue to allow teleconference accessibility for conducting public meetings (Government Code § 54953(e)(3)).

AB 361 will sunset on January 1, 2024.

The City has already implemented the above stated requirements for conducting public meetings and is in full compliance with AB 361, thus there will be no change to the currently established procedures. In addition to the ability to attend public meetings in-person, teleconference accessibility via call-in option or an internet-based service option (via the Zoom Webinars platform) is listed on the published agenda for each meeting as well as on the City’s website. The City monitors attendance via teleconference as well as email correspondence (as published on the agenda) throughout each public meeting and provides access for public comment opportunities in real time both verbally and in writing.

This Resolution makes the required findings under AB 361, and if adopted, it will allow the City to continue to offer teleconference accessibility for public meetings after September 30, 2021, to help mitigate the spread of COVID-19, as well as during other state-proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk.

Prepared by: Monika Radeva, City Clerk
Approved by: Jon McMillen, City Manager

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RESOLUTION NO. 2021 - XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO IMPLEMENT TELECONFERENCE ACCESSIBILITY FOR CONDUCTING PUBLIC MEETINGS PURSUANT TO ASSEMBLY BILL 361 (STATS. 2021, CH. 165)

WHEREAS, on March 4, 2020, the Governor of California proclaimed a State of Emergency to exist in California as a result of the threat of novel coronavirus disease 2019 (COVID-19); and

WHEREAS, on March 17, 2020, the City Council adopted Emergency Resolution No. EM 2020-001, proclaiming a local emergency as defined in La Quinta Municipal Code Section 2.20.020, due to the threat of the existence and spread of COVID-19; and

WHEREAS, on March 17, 2020, the Governor of California executed Executive Order N-29-20 which suspended and modified specified provisions in the Ralph M. Brown Act (Government Code Section § 54950 *et seq.*) and authorized local legislative bodies to hold public meetings via teleconferencing and to make public meeting accessible telephonically or otherwise electronically to all members of the public seeking to observe and address the local legislative body; and

WHEREAS, on June 11, 2021, the Governor of California executed Executive Order N-08-21 which extended the provisions of Executive Order N-29-20 concerning teleconference accommodations for public meetings through September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor of California signed into law Assembly Bill 361 (AB 361, Rivas) (Stats. 2021, ch. 165) amending Government Code § 54953 and providing alternative teleconferencing requirements to conduct public meetings during a proclaimed state of emergency; and

WHEREAS, AB 361 (Stats. 2021, ch. 165) imposes requirements to ensure members of the public are able to attend and participate in public meetings conducted via teleconference, including:

- Notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option;
- The legislative body shall take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency’s control which prevents members of the public from offering public comments, until public access is restored;
- Prohibits the legislative body from requiring public comments to be submitted in advance of the meeting and specifies that the legislative body must provide an opportunity for members of the public to address the legislative body and offer comments in real time;
- Prohibits the legislative body from closing the public comment period until the public comment period has elapsed or until a reasonable amount of time has elapsed; and

WHEREAS, the City has already implemented and is in full compliance with the requirements listed above when conducting public meetings via teleconference, which are now codified in Government Code § 54953(e)(2)(B-G); and

WHEREAS, pursuant to Government Code § 54953(e)(B), the legislative body shall hold a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees. The City Council must make these findings no later than 30 days after the first teleconferenced meeting is held pursuant to AB 361 (Stats. 2021, ch. 165) after September 30, 2021, and must also make these findings every 30 days thereafter, in order to continue to allow teleconference accessibility for conducting public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta, California, as follows:

SECTION 1. The City Council hereby declares that the recitals set forth above are true and correct, and incorporated into this resolution as findings of the City Council.

SECTION 2. The City Council hereby declares that a state of emergency as a result of the threat of COVID-19 still exists and continues to impact the ability of members of the public, the City Council, City Boards, Commissions, and Committees, City staff and consultants to meet safely in person.

SECTION 3. The State of California and the City of La Quinta continue to follow safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), California Department of Public Health (DPH), and/or County of Riverside, as applicable, including facial coverings when required and social distancing.

SECTION 4. The City Council hereby declares that, pursuant to the findings listed in this Resolution, the City Manager is authorized to utilize teleconferencing accessibility to conduct public meetings pursuant to AB 361 (Stats. 2021, ch. 165) and Government Code § 54953, as amended thereby.

SECTION 5. Severability: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

SECTION 6. Effective Date: This Resolution shall become effective immediately upon adoption.

PASSED, APPROVED, and ADOPTED at a regular meeting of the La Quinta City Council held on this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. 2021 – xxx
Teleconference Procedures for Conducting Public Meetings Pursuant to AB 361 (Stats. 2021, ch. 165)
Adopted: (date)
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LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:

MONIKA RADEVA, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

WILLIAM H. IHRKE, City Attorney
City of La Quinta, California