

Jeanie O’Laughlin
Mayor

Nick Lessenevitch
Mayor Pro Tem

Jim Creighton
Councilmember

Kelly Kulikoff
Councilmember

Karen Macedonio
Councilmember



AGENDA

CITY OF CALIFORNIA SPECIAL CITY COUNCIL/HOUSING AUTHORITY/ SUCESSOR AGENCY

THURSDAY, JUNE 23, 2022

SPECIAL MEETING @ 4:00 PM

**COUNCIL CHAMBERS & VIA ZOOM
21000 HACIENDA BLVD., CALIFORNIA CITY, CA
93505**

If you need special assistance to participate in this meeting, please contact the City Clerk at (760)373-7140 or via email at tcarter@californiacity-ca.gov . We request a 72-hour notification prior to the meeting in order for the City to make reasonable arrangements to ensure accessibility. (28 CFR 35.102-35.104 American Disabilities ACT Title II)

Zoom instructions and notes:

1. Web Link : <https://us06web.zoom.us/j/85819530193>
 2. Meeting ID: 858 1953 0193
 3. Public can dial into the Zoom line:
 - a. One tap mobile: +17207072699,,85819530193# US (Denver)
 - b. Dial the following number: +1 720 707 2699 US (Denver)
 4. Comments
 - a. Public must join Zoom meeting to comment
 - b. Keep your mic on **Mute** until you are requested to speak
 - c. Use the “Raise your Hand” button to request to speak or,
 - d. Send a chat request to City Clerk for request to speak
 - e. When requested to speak state your name for the record
 - f. Re-mute when your time to speak has ended
-

Public is urged to listen to the meeting in a quiet place, to avoid background noise.

We also request public to **MUTE** your audio device when not commenting to avoid disruption during meeting.

SPECIAL MEETING 4:00 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE/INVOCATION

ROLL CALL

Councilmembers: Creighton, Kulikoff, Macedonio, Mayor Pro Tem Lessenevitch, Mayor O’Laughlin

ADOPT AGENDA

PUBLIC BUSINESS FROM THE FLOOR

The portion of the meeting is reserved for public who desire to address the City Council on any matter not on this agenda and over which the City Council has jurisdiction. Please state your name for the record and limit your comments to (3) three minutes.

CONSENT CALENDAR

All items on the consent calendar are considered routine, non-controversial and will be approved by (1) one motion if no member of the council, staff, or public wishes to comment or ask questions. Public comments to be limited to (3) three minutes. Roll call vote required.

CC 1. Adopt “RESOLUTION NO. 06-22-2930, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, RATIFYING THE PROCLAMATION OF STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE “TELEPHONIC” MEETINGS DURING THE STATE OF EMERGENCY, FOR THE PERIOD FROM JUNE 23, 2022, THROUGH JULY 23, 2022” – City Manager Dunford

COUNCILMEMBER COMMENTS, AGENDA REQUESTS, AND AB1234 REPORTS

This portion of the meeting is reserved for council members to present information, announcements, and items that have come to their attention. The Brown Act precludes Council, staff or public discussion. Short staff responses are appropriate. The Council will take no formal action. A Council member may request the City Clerk to calendar an item for consideration at a future meeting or refer an item to staff.

ADJOURNMENT

AFFIDAVIT OF POSTING: This agenda was posted on all official City bulletin boards and the City website at least 24 hours prior to the Council Meeting. ***Tiffany Carter, Deputy City Clerk***



COUNCIL AGENDA ITEM

JUNE 23, 2022

Prepared By: Doug Dunford, City Manager

Subject: Adoption of Resolution No. 05-22-2921, a Resolution of the City Council Ratifying the Proclamation of State of Emergency by Governor Newsom on March 4, 2020, and Making the Legally Required Findings to Continue to Authorize the Conduct of Remote “Telephonic” Meetings During the State of Emergency for the Period from June 23, 2022, through July 23, 2022

BACKGROUND

Since March 12, 2020, Executive Orders from the Governor have relaxed various Brown Act meeting requirements to allow remote meetings and to temporarily suspend the Brown Act provisions requiring the physical presence of Councilmembers at public meetings. Those authorizations expired on September 30, 2021.

On September 16, 2021, the Governor signed AB 361. AB 361 allows local agencies to continue to conduct remote (“Zoom”) meetings during a declared State of Emergency, provided local agencies make specified findings by Resolution. Absent this legislation, local agencies would have had to return to traditional meetings beginning on October 1, 2021, and traditional methods of remote participation by Councilmembers including the requirements of Government code 54953(b)(3).

Government Code 54953(b)(3) provides:

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to

address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

To utilize the exemption of AB 361 there must be a Proclamation from the Governor of a State of Emergency. On March 4, 2020, the Governor declared a State of Emergency which continues to this date. In addition, to utilize AB 361, one of the following must also be true:

- 1) “[S]tate or local officials have imposed or recommended measures to promote social distancing”¹; or

¹ It is important to distinguish social distancing recommendations (e.g., stay 6 feet apart) from other safety protocols such as masking and vaccines.

- 2) The legislative body is holding a meeting for the purpose of determining “whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.” That is, the legislative body will be determining whether there is such risk; or
- 3) By “majority vote”² the legislative body determined that “*as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.*” That is, the legislative body already determined there is such risk.

State officials continue to impose and recommend social distancing and indoor masking measures supporting an appropriate finding. The Kern County Public Health Services news release from March 8, 2022, outlined the latest COVID-19 facts and guidelines, including referencing the State’s continued recommendation for indoor masking.

The Council has the option to either return to the traditional Brown Act provisions or continue to pass the required AB 361 Resolution and avail themselves of the modified Brown Act provisions. So long as the declared State of Emergency by Governor Newsom remains in place, along with the local recommendations by Kern County, the Council will have the necessary findings to continue holding meetings under the modified Brown Act rules made available under AB 361. While the Council is not obligated to pass the attached resolution, failure to do so will require the Council, along with all boards and commissions of the City to return to traditional Brown Act requirements.

At the May 24, 2022, City Council meeting, the Council approved Resolution No. 05-22-2924 that made the findings to authorize the conduct of remote “telephonic” meetings during the State of Emergency. However, the findings only last for a period of thirty days. To continue this exemption, the Council must adopt a new resolution making such findings every thirty days to continue to utilize the exemptions of AB 361. Given that Resolution Number 05-22-2924 expires on June 23, 2022, staff recommends the City Council adopt the attached resolution before the existing resolution lapses.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 06-22-2930 reaffirming that the aforementioned conditions continue to be true and extend the exemption from the requirements of the Government Code Section 54953(b)(3) for an additional thirty days.

ENVIRONMENTAL REVIEW

This Action is exempt pursuant to Section 15061(b)(3) of Title 14 the California Code of Regulations.

ATTACHMENTS

Resolution No. 06-22-2930

² This would include a majority of a quorum. If, for example, there are 5 members of a legislative body, but only 3 are in attendance at a meeting, then 2 would constitute a majority of those in attendance, and therefore may vote to conduct the meeting remotely.

RESOLUTION NO. 06-22-2930

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, RATIFYING THE PROCLAMATION OF STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE “TELEPHONIC” MEETINGS DURING THE STATE OF EMERGENCY, FOR THE PERIOD FROM JUNE 23, 2022, THROUGH JULY 23, 2022

WHEREAS, Coronavirus, also known as COVID-19, was first reported in China in December 2019, it has now spread throughout the state of California, including throughout the City of California City (“City”);

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the rising cases of COVID-19 throughout the state of California, which continues to this date;

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the continued spread and the effects of COVID-19;

WHEREAS, on March 16, 2020, a local emergency related to the Coronavirus, was declared by the Kern County Administrative Office, this declaration was subsequently ratified by the Kern County Board of Supervisors on March 17, 2020;

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allowed local governments meet remotely without adherence to the traditional teleconferencing rules set forth in the Ralph M. Brown Act (“Brown Act”), this waiver was extended through September 30, 2021, by Executive Order N-08-21;

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, which went into immediate effect as urgency legislation;

WHEREAS, AB 361 added subsection (e) to Section 54953 authorizing legislative bodies to telephonically participate in meetings without compliance with the requirements of Government Code section 54953(b)(3) provided the legislative body makes specified findings;

WHEREAS, a required condition is that 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;

WHEREAS, a further condition of AB 361 if one of the following is true:

- 1) “[S]tate or local officials have imposed or recommended measures to promote social distancing”; or
- 2) The legislative body is holding a meeting for the purpose of determining “whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees”; or
- 3) By “majority vote” the legislative body determined that “*as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.*” That is, the legislative body already determined there is such risk.

WHEREAS, the Kern County Public Health Services news release from March 8, 2022, outlined the latest COVID-19 facts and guidelines as well as current State recommendations that public indoor masking for unvaccinated individuals is no longer required, but continues to be strongly recommended;

WHEREAS, within the last 30 days, on May 24, 2022, the City Council of the City of California City adopted a Resolution finding that the circumstances of the State of Emergency declared by the Governor and (1) the State of Emergency directly impacts the ability of the members of this legislative body to meet safely in person; and (2) state or local officials continue to impose or recommend measures to promote social distancing;

WHEREAS, the City Council, by this Resolution herein authorizes, for an additional thirty (30) days, exemption from the requirements of Government code section 54953(b)(3) for telephonic participation by Councilmembers in Council meetings from June 23, 2022, through July 23, 2022.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of California City 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 finds that local officials, specifically, the Kern County Public Health Services, continues to reference State recommendations regarding recommended masking measures to ensure the safety of residents.

3. The City Council hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.
4. The City Manager or designee and legislative bodies of the City are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
5. This Resolution shall take effect immediately upon its adoption and shall be effective starting June 23, 2022, until the earlier of July 23, 2022, or such time as the City Council adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of California City may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.
6. All portions of this Resolution are severable. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.
7. The acting City Clerk shall attest and certify to the passage and adoption of this Resolution and enter it into the book of original resolutions, and it shall become effective immediately upon its approval.

PASSED, APPROVED AND ADOPTED this 23rd day of June 2022 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Jeanie O'Laughlin, Mayor

Marie Stowers, Acting City Clerk

STATE OF CALIFORNIA)
COUNTY OF KERN) SS
CITY OF CALIFORNIA CITY)

I, Marie Stowers do hereby certify that I am the duly appointed acting City Clerk of the City of California City, and that the foregoing Resolution was duly adopted at a regular meeting of the Mayor and City Council of the City of California City held on the 23rd day of June 2022.

Marie Stowers, Acting City Clerk

APPROVED AS TO FORM

Victor Ponto, City Attorney

