

Legislation Text

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PREPARED BY: MATT RODRIGUEZ

DATE OF MEETING: 09/20/21

SUBJECT:

CITY COUNCIL AUTHORIZATION TO RATIFY A LETTER OF SUPPORT TRANSMITTED ON SEPTEMBER 8, 2021 FROM SAN PABLO MAYOR PABON-ALVARADO TO CALIFORNIA STATE SENATOR NANCY SKINNER, 9TH DISTRICT, ON PROPOSED STATE LEGISLATION AB 361 (RIVAS, ROBERT) - OPEN MEETINGS, LOCAL AGENCIES, TELECONFERENCES (AS AMENDED ON SEPTEMBER 3, 2021)

CITY MANAGER RECOMMENDATION

Approve by Minute Order

COMPLIANCE STATEMENTS

Under Major Policy Area: Enhance Community Resilience, Policy Item #205 - Civic Engagement is an adopted policy item contained in the adopted FY 2021-23 City Council Priority Workplan, effective March 15, 2021.

CEQA Compliance Statement

This is not a project as defined by CEQA as a budget or financing mechanism pursuant to 14 Cal. Code of Regulations section 15378(b).

BACKGROUND

The City Manager's Office (CMO), in collaboration with the City's lobbyist, Townsend Public Affairs (TPA), and in direct response to an urgent request by the League of CA Cities (Cal-Cities), drafted a letter of support for recent State of California legislation, AB 361 (Rivas, Robert), last amended on September 3, 2021, which would allow local agencies to meet remotely under modified Brown Act requirements during a state of emergency to continue to provide essential local services (see Attachment).

Public access and participation remain a core value of local democracy, and the City of San Pablo has risen to this challenge and are engaging and listening to the public in a new, digital environment for all public meetings in compliance with previous Governor Executive Order N-29-20 issued on March 17, 2020. Under Executive Order No. N-29-20, the Governor suspended the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities.

On June 15, many of the COVID-19 safety provisions were lifted in California under California's "Blueprint for a Safer Economy" state-wide re-opening plan, with Executive Order No. N-29-20

scheduled to expire on September 30, 2021. In June 2021, Cal-Cities, Counties and Special Districts urged the Governor's Office and State Legislators to support a legislative solution to continue to allow local agencies to meet remotely under the modified Brown Act requirements during a state of emergency due to the COVID-19 pandemic to continue to provide essential services.

Therefore, many cities, such as City of San Pablo, urgently need for the AB 361 legislation to pass, so our City's Brown Act bodies can continue to provide essential services while prioritizing health and safety of our residents and ensuring government transparency, access, and public engagement. Additionally, with ongoing concerns over public health data managed by the Contra Costa County Health Services, the City of San Pablo still has the highest active COVID-19 case count of **14,205 (per 100,000 population)** out of all 19 incorporated cities and unincorporated areas as of September 13, 2021. See attached link: <https://www.coronavirus.cchealth.org/overview>

While our community continues to make significant progress on our vaccination rates, AB 361, if adopted, would provide the City of San Pablo necessary extended timeframe to ensure public health and safety for our residents and the ability for local government officials to conduct ongoing City business/public meetings in a remote environment until the risks of the deadly COVID-19 pandemic, and its variant, greatly subside.

Letter of Support from San Pablo Mayor

Due to the operational concerns outlined above, the AB 361 legislation was referred to the Senate Judiciary Committee during the week of September 6, 2021, with a potential hearing scheduled on the Senate Floor before the 2021 State Legislation deadline of September 10, 2021. As a result, Mayor Pabon-Alvarado transmitted a letter of support on September 8, 2021 on behalf of the City Council through our lobbyist, TPA, to State Senator Nancy Skinner urging its consideration and support (see Attachment).

Note: As of September 10, 2021, the League of CA Cities and TPA both reported to the CMO that AB 361 legislation received the necessary two-thirds support from the Senate, and was subsequently sent to the State Assembly for concurrence, and is now on the Governor's desk for potential signature.

City Manager Recommendation

This evening, the City Manager requests ratification approval by majority vote (via minute order) of the attached Letter of Support from Mayor Pabon-Alvarado transmitted on September 8, 2021 through our lobbyist, TPA, to State Senator Nancy Skinner (see Attachment).

FISCAL IMPACT

No fiscal impact associated with this agenda item.

ATTACHMENTS:

- 1) AB 361 Legislation (last amended on 09/03/21)
- 2) Letter of Support for AB 361 legislation from Mayor Pabon-Alvarado to State Senator Skinner, 9th District dated 09/08/21