



AGENDA

Special Meeting of the Scotts Valley City Council

Date: October 26, 2021

Time: 2:00 pm

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	The agenda was posted 10-25-21 at City Hall and on the Internet at www.scottsvalley.org .

CALL TO ORDER 2:00 PM

ROLL CALL

ROLL CALL

ELECTED OFFICIALS:
Derek Timm, Mayor
Jim Reed, Vice Mayor
Jack Dilles, Council Member
Randy Johnson, Council Member
Donna Lind, Council Member

CITY STAFF MEMBERS:
Kirsten Powell, City Attorney
Tracy Ferrara, City Clerk

PUBLIC COMMENT TIME

This is the opportunity for individuals to make and/or submit written or oral comments to the Council on any items within the purview of the Council, which are NOT part of the Agenda. No action on the item may be taken, but the Council may request the matter be placed on a future agenda.

SPECIAL SET MATTER – CONSENT AGENDA ITEM

- A. Approve Resolution No. 2007 authorizing the continued use of teleconference meetings, pursuant to Assembly Bill 361

CONVENE TO CLOSED SESSION

CLOSED SESSION SUBJECT

(1)	Public Employment	
	Legal Authority:	Government Code Section 54957
	Position:	City Manager
	Staff Present:	City Attorney, Consultant

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKE DURING CLOSED SESSION

ADJOURNMENT

**City of Scotts Valley
CITY COUNCIL STAFF REPORT**

DATE: October 26, 2021
TO: Honorable Mayor and City Council
FROM: Kirsten M. Powell, City Attorney
SUBJECT: CONTINUED VIRTUAL MEETINGS FOR CITY COUNCIL AND APPOINTED BOARDS

SUMMARY OF ISSUE

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. Following that Proclamation, on March 17, 2020, the Governor issued Executive Order N-29-20, which included a provision suspending the traditionally strict provisions of the Ralph M. Brown Act (“Brown Act”) relating to holding and participating in meetings via teleconferencing in order to enable safe public meetings while health orders were in place.

On June 11, 2021, the Governor issued Executive Order N-08-21, which stated that the Brown Act teleconferencing suspensions were to expire on September 30, 2021. On September 16, 2021, the Governor signed Assembly Bill 361 (“AB 361”), an urgency measure effective upon signing, which amended the Brown Act to allow legislative bodies to meet via teleconferencing provided that particular conditions are met.

Pursuant to AB 361, legislative bodies may use teleconferencing to conduct public meetings during a proclaimed State of Emergency, as defined under the California Emergency Services Act, if one of the following circumstances apply: (A) State or local officials have imposed or recommended measures to promote social distancing; (B) The legislative body is meeting to determine whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (C) The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The State of Emergency the Governor proclaimed on March 4, 2020 is still in effect today. Moreover, state and local officials continue to recommend measures to promote social distancing, as demonstrated by both the California Department of Public Health and the Santa Cruz County Health Officer recommending that individuals continue to wear face coverings in indoor settings.

Additionally, since early August, the highly contagious Delta Variant has caused an increase in positive cases and hospitalization rates throughout the community. While the CDC has indicated community transmission in Santa Cruz County is moderate, COVID-19 transmission rates are unpredictable and have the potential to rapidly increase. As a result, holding public meetings of the City Council or other appointed bodies in person would present imminent risks to the health and safety of attendees.

Should community transmission decline such that members of the public may safely attend public meetings indoors, hybrid meetings would give members of the public the option of attending meetings in person or remotely, while also allowing individuals who may be at higher risk of severe COVID-19 illness to continue participating in public meetings remotely. Staff is currently researching what would be required to hold hybrid meetings in the City Council Chambers. Due to aging infrastructure and limited technology, this process may take several months and significant funds.

In the meantime, for the City Council and other appointed bodies to continue teleconferenced meetings under AB 361, the City Council will need to declare every thirty (30) days that it has reconsidered the circumstances of the State of Emergency, and either (i) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (ii) state or local officials continue to impose or recommend measures to promote social distancing.

FISCAL IMPACT

There is no fiscal impact associated with continuing virtual meetings.

STAFF RECOMMENDATION

It is recommended that the City Council adopt Resolution No. 2007 authorizing the continued use of teleconference meetings, pursuant to Assembly Bill 361.

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RESOLUTION NO. 2007

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY
AUTHORIZING THE CONTINUED USE OF TELECONFERENCED MEETINGS
PURSUANT TO ASSEMBLY BILL 361**

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency, pursuant to the Emergency Services Act, in response to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain requirements of Government Code section 54950 *et seq.*, the Ralph M. Brown Act (“Brown Act”), in order to allow local legislative bodies to conduct meetings telephonically or electronically without a physical meeting place; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, providing that the provision suspending the Brown Act requirements in Executive Order N-29-20 would remain in effect through September 30, 2021, at which point the suspension would expire; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (“AB 361”), an urgency measure effective upon adoption, amending the Brown Act to allow legislative bodies to continue teleconferencing during a proclaimed State of Emergency, and either state or local officials have imposed or recommended measures to promote social distancing, or the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees;

WHEREAS, the State of Emergency proclaimed by the Governor on March 4, 2020, remains in effect; and

WHEREAS, state and local officials have imposed and/or recommended measures to promote social distancing, as demonstrated by both the California Department of Public Health’s and the Santa Cruz County Health Officer’s recommendations that all individuals wear masks indoors; and

WHEREAS, since early August, the highly contagious delta variant has caused increased community transmission and rates of hospitalizations within the County; and

WHEREAS, according to the CDC, community transmission of COVID-19 in Santa Cruz County is moderate, but may increase due to the unpredictable nature of the virus and potential proliferation of COVID-19 variants; and

WHEREAS, the City Council of the City of Scotts Valley hereby finds and determines that the above conditions create an imminent risk to the health and safety of attendees should they be required to attend meetings in person in a shared indoor public meeting space; and

WHEREAS, the City Council wishes to authorize remote meetings as set forth in this Resolution.

NOW THEREFORE, be it resolved by the City Council of the City of Scotts Valley as follows:

A. The City hereby acknowledges the Governor of the State of California's Proclamation of State of Emergency related to the COVID-19 pandemic remains in effect; and

B. The City finds that due to the continued threat of COVID-19 transmission in the community, holding in person meetings for the City Council and other appointed bodies of the City of Scotts Valley would present imminent risks to the health or safety of attendees.

C. The City Council and other appointed bodies of the City of Scotts Valley are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

D. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty days from the adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council and the appointed bodies of the City of Scotts Valley may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The above and foregoing Resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a special meeting held on the 26th day of October, 2021 by the following vote:

AYES:
NOES
ABSENT:
ABSTAIN:

Approved: _____
Derek Timm, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk