



## Item No. 15 Town of Atherton

### CITY COUNCIL STAFF REPORT – REGULAR AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GEORGE RODERICKS, CITY MANAGER**

**DATE: MARCH 16, 2022**

**SUBJECT: CERTIFICATION OF CONTINUING EMERGENCY; MAKE SUCH FINDINGS AS REQUIRED UNDER GOVERNMENT CODE SECTION 54953(E)(3); AND RATIFY SUCH RULES AND REGULATIONS ENACTED BY THE DIRECTOR OF EMERGENCY SERVICES IN RESPONSE TO COVID-19**

### **RECOMMENDATION**

It is recommended that the Council –

- 1) Certify the continuing emergency and ratify such rules and regulations enacted by the Director of Emergency Services in response to COVID-19; and
- 2) Make such findings as required under Government Code Section 54953(e)(3) to meet remotely to ensure the continued health and safety of the public.
- 3) Provide staff with direction regarding Hybrid Meetings for the Council, Commission, and Committees.

### **BACKGROUND | ANALYSIS**

On October 6, 2020, the City Council adopted a Resolution pursuant to AB 361 (Government Code Section 54953(e)(3)) and made such findings as required to hold meetings remotely in order to ensure the health and safety of the public. The City Council last met on January 19, 2022, ratified findings pursuant to AB 361 and certified the continuing emergency ratifying such rules and regulations enacted by the Director of Emergency Services in response to COVID-19.

Staff recommends continuation of the Certification of Continuing Emergency until such time as the State lifts its Emergency Declaration. Maintaining the local certification will ensure that any actions that the Town takes in response to a local COVID-19 Outbreak (organization or community) qualify for financial reimbursement under State OES and FEMA guidance.

AB 361 (Government Code Section 54953(e)(3))

In order to continue to meet remotely without complying with the posting and quorum requirements of paragraph (3) of subdivision (b) of Government Code Section 54953, the City Council must make/confirm the following findings:

- The Town has reconsidered the circumstances of the local state of emergency and remains under a local state of emergency. (CONFIRMED)
- State, County and local officials recommend measures to promote social distancing. (CONFIRMED)

#### Vaccination Requirements for Staff and Contract Personnel

**All vaccinated employees and contract personnel** must provide proof of vaccination status. If the individual cannot provide proof of vaccination (in any acceptable form) the individual will be treated as non-vaccinated. **All non-vaccinated employees and contract personnel**, including those "treated" as non-vaccinated, are required to provide proof of a negative COVID-19 test every 10 days.

#### Hybrid Meetings

With the completion of the Town's Council Chambers, the Town can now reliably meet in a hybrid format that allows members of the Council, staff, and public to participate remotely as well as in person. The March 16 Regular Meeting of the City Council is the first test of that ability.

Traditional Brown Act requirements dictate that when participating remotely, a quorum of the Council must participate from locations within the boundaries of the Town, the location of such remote participation must be posted on the agenda, and those locations must allow for full public access. The continuing COVID emergency lifts those requirements to allow more than a quorum of the body to participate remotely from undisclosed locations outside the jurisdiction. Absent the emergency, the Brown Act requirements will revert to the traditional requirements. However, staff anticipates that if the technology and flow is seamless, staff will recommend the continuation of all meetings in a hybrid format (albeit in compliance with the Brown Act quorum and posting requirements).

The Council's continuing emergency findings allow the Council, Commission and Committees to conduct full remote meetings. With the exception of the Park & Recreation Committee, the Commission and Committees would meet in the Council Chambers. With the opening of the Chambers to hybrid meetings, staff is seeking policy direction from the Council as to whether the Council wishes to require that the Commission and Committees meet in a hybrid format as well; or, so long as the emergency continues, allow them the option to choose between hybrid or full remote.

At this time, technology in the Main House makes it difficult, but not impossible, to host a hybrid Park & Recreation Committee Meeting.

**FISCAL IMPACT**

The Certification of Continuing Emergency will continue until such time as the State has lifted its emergency status. The Town is required to make the AB 361 findings every 30 days in order to continue to meet remotely. It is anticipated that there will be sufficient social distancing spacing and the ability to provide remote meeting capabilities once the Town is able to utilize its new facilities in the Town Center. Until that time, staff will return this Certification and Findings Report to the City Council each month at the Regular Meeting for adoption.

**POLICY FOCUS**

Policy issues are limited to the continuing emergency.

**GOAL ALIGNMENT**

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

- Goal F – Be Forward-Thinking, Well-Managed, and Well-Planned
- Goal G – Emergency Preparedness – Be Prepared

**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 District, service providers (water, power, and sewer), and regional elected officials.

**COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item \_\_\_ has or X has not been before a Town Committee or Commission.

- \_\_\_ Audit/Finance Committee (meets every other month)
- \_\_\_ Bicycle/Pedestrian Committee (meets as needed)
- \_\_\_ Environmental Programs Committee (meets every other month)
- \_\_\_ Park and Recreation Committee (meets each month)
- \_\_\_ Planning Commission (meets each month)
- \_\_\_ Rail Committee (meets every other month)
- \_\_\_ Transportation Committee (meets every other month)

**ATTACHMENTS**

None.