



## Item No. 14 Town of Atherton

### CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GEORGE RODERICKS, CITY MANAGER

**DATE:** JULY 20, 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.

### 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 June 15, 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))

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

The Town is now hosting public meetings in a hybrid format that allows members of the Council, staff, and public to participate remotely as well as in person. 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.

#### 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 to continue to meet remotely under the more relaxed Brown Act requirements.

#### 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 provides (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.