



Item No. 4 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: OCTOBER 6, 2021

SUBJECT: ADOPT A RESOLUTION RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM (MARCH 4, 2020) AS APPLICABLE IN THE TOWN AND AUTHORIZING TELECONFERENCE MEETINGS OF LEGISLATIVE BODIES OF THE TOWN PURSUANT TO THE RALPH M. BROWN ACT

RECOMMENDATION

It is recommended that the Council adopt a Resolution to authorize teleconference meetings of legislative bodies of the Town pursuant to the Ralph M. Brown Act and Assembly Bill 361.

BACKGROUND | ANALYSIS

The State of California proclaimed the existence of a State of Emergency as a result of the threat of COVID-19, on March 4, 2020 and March 17, 2020. The Town of Atherton adopted Resolution No. 20-04 on March 18, 2020 confirming the existence of a local emergency and has continued to certify that local emergency.

In an effort to reduce the spread of COVID-19 at public meetings, on March 17, 2020, the Governor of California issued Executive Order N-29-20 which suspended and modified specified provisions of the Brown Act [Government Code Section § 54950 et seq.] and authorized local legislative bodies to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and address the local legislative body. On June 11, 2021, the Governor issued Executive Order N-08-21 which extended the teleconference provisions of EO N-29-20 for public meetings through September 30, 2021.

The Town implemented teleconference procedures and accessibility for conducting all of its public meetings while the Governor's "Stay-At-Home" order was in effect in early 2020.

On May 4, 2021, the Governor issued Executive Order N-60-20 which established a framework for a gradual, risk-based reopening of the economy; and on June 11, 2021, issued Executive Order

N-07-21, which formally rescinded the “Stay-At-Home” order imposed by Executive Order N-33-20, issued on March 19, 2020.

The Town has remained entirely virtual for all public meetings and continued to provide options for teleconference accessibility to members of the public, City Council, members of Town commissions, and committees, Town staff and consultants.

Assembly Bill (“AB 361”) was signed into law by the Governor on September 16, 2021, which went into effect immediately as urgency legislation (codified under Government Code § 54953) and waived certain provisions of the Brown Act in order to allow local agencies to continue to meet remotely. Specifically, the bill allows remote teleconference flexibility, but only when there is a state of emergency that makes it unsafe to meet in person.

In addition, AB 361 adds new procedures and clarifies the requirements for conducting remote meetings, including the following:

- **Public Comment Opportunities in Real Time** – a legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.
- **No Action During Disruptions** – in the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access is restored.
- **Periodic Findings** – Government Code § 54953(e)(1)(B) allows the legislative body to hold a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risk to the health or safety of attendees.

Council must make these findings at least every 30 days after the first teleconference meeting in order to continue to meet via teleconference pursuant to AB 361. (Government Code § 54953(e)(3).). The Town meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public:

- The Town remains under a local state of emergency
- County Health orders require that all individuals in public spaces maintain social distancing and wear masks.
- The Town would have a significant challenge in attempting to maintain social distancing requirements for the public, staff, Council Members, Committee and Commissioners in our meeting spaces.

AB 361 will sunset on January 1, 2021.

The Town has already implemented the above stated requirements for conducting public meetings and is in full compliance with AB 361, thus there will be no change of the currently established procedures. In addition to the ability to attend public meetings in-person, teleconference accessibility via call-in option or an internet-based service option (via the Zoom platform) is listed on the published agenda for each meeting as well as on the Town's website. The Town monitors attendance via teleconference as well as email correspondence (as published on the agenda) throughout each public meeting and provides access for public comment opportunities in real-time both verbally and in writing.

The attached Resolution makes the required findings under AB 361, and if adopted, it will allow the Town to continue to offer teleconference accessibility for public meetings to help mitigate the spread of COVID-19. While not applicable at this time, the Town may also use these procedures during other state-proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk.

Staff recommends adopting the resolution and 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.

POLICY FOCUS

Policy issues are limited to the continuing emergency and adoption of the Resolution.

FISCAL IMPACT

The Certification of Continuing Emergency will continue until such time as the State has lifted its emergency status. Presently there is not a timeline on the end of the emergency status for the state. The Certification of Continuing Emergency allows the Town to track expenditures related to the emergency and ensure that they qualify for reimbursement under State and Federal funding mechanisms.

There is no fiscal impact related to adopting the attached Resolution.

GOAL ALIGNMENT

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

- Goal E - Strengthen Community Engagement and Transparency
- 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

1. Resolution 21 – XX, AB 361 Teleconference Meeting
2. AB 361
3. Governor’s Executive Order N-29-20
4. Governor’s Executive Order N-08-21
5. Atherton Resolution No. 20-04

ATTACHMENT 1

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM (MARCH 4, 2020) AS APPLICABLE IN THE TOWN AND AUTHORIZING TELECONFERENCE MEETINGS OF LEGISLATIVE BODIES OF THE TOWN PURSUANT TO THE RALPH M. BROWN ACT

RECITALS

WHEREAS, the Town of Atherton ("Town") is committed to preserving and nurturing public access and participation at meetings of its City Council and other Town legislative bodies; and

WHEREAS, all meetings of the Town's legislative bodies are open and public, as required by the Ralph M. Brown Act, Government Code section 54950 et seq. ("Brown Act"), so that any member of the public may attend, participate, and watch the Town's legislative bodies conduct their business; and

WHEREAS, long-established Brown Act provisions, Government Code section 54953(b)(3), provides a legislative body may meet via teleconference if each teleconference location is listed on the agenda, open to the public with an opportunity to participate and comment, and notice is given at the location, plus a quorum of the legislative body is present in the jurisdiction; and

WHEREAS, on September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361, which, effective immediately, added Government Code section 54953(e) to the Brown Act, providing a legislative body may meet via teleconference without complying with Section 54953(b)(3) if certain conditions exist and specified procedures are followed; and

WHEREAS, Section 54953(e)(1) provides a legislative body may meet via teleconference if the Governor has proclaimed a state of emergency pursuant to Government Code section 8625 and either (i) state or local officials have imposed or recommended measures to promote social distancing, (ii) the legislative body meets to determine by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (iii) the legislative body has voted as such and is meeting pursuant to that vote; and

WHEREAS, a legislative body's decision to meet pursuant to Section 54953(e) must be reevaluated and renewed at least every thirty (30) days, or else the body will be required to adopt new initial findings; and

WHEREAS, while a legislative body meets via teleconference pursuant to Section 54953(e), it must take actions to preserve public access and public participation and give notice of the meeting and post agendas as otherwise required, allow members of the public to access the meeting via call-in line or internet-based service line, provide details on the agenda on how to access the meeting and give public comment, give an opportunity to comment pursuant to

ATTACHMENT 1

Government Code section 54954.3 and allow a reasonable amount of time during public comment for a person to register, login, and comment, and monitor the call-in line and internet-based service line to ensure no disruption hinders access or ability to comment, if there is, take no action until public access is restored; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency pertaining to the threat to human health and safety posed by the COVID-19 virus pandemic and that proclamation remains in effect to this day in San Mateo County and statewide; and

WHEREAS, the virus has short- and long-term effects – fever and chills, cough, shortness of breath and difficulty breathing, fatigue, headache, nausea, vomiting, gastrointestinal issues, loss of taste and smell, death – and it's prolific spread is severely impacting the health care system, inhibiting access to care for COVID-19 symptoms and other ailments; and

WHEREAS, while being vaccinated significantly decreases the likelihood of contracting or dying from the virus, vaccinated and unvaccinated people alike can carry, transmit, and be affected by the virus; and

WHEREAS, the COVID-19 virus, and its variants, is spread through the air when a person who is carrying the virus, whether he or she is showing symptoms or not, is in close proximity to another person; and

WHEREAS, while the COVID-19 virus remains present in the community, allowing members of the Town's legislative bodies and members of the public to meet in person would present an imminent risk to attendee health and safety beyond the control of Town services, personnel, equipment, and facilities; and

WHEREAS, pursuant to Government Code section 8635 et seq., the Council has the authority during a state of emergency to take all actions necessary to perform its functions in the preservation of law and order, preservation of the furnishing of local services, and protection of life and property, which includes the authority to direct meetings of all Town legislative bodies to be held via teleconference pursuant to this Resolution; and

WHEREAS, the Council desires to ratify the Governor's March 4, 2020, proclamation of state of emergency related to the COVID-19 virus pandemic as it applies to the jurisdiction of the Town, proclaim a local emergency, and authorize teleconference meetings of Town legislative bodies pursuant to Section 54953(e) so long as all provisions of that section are followed to provide public access and opportunity for public comment; and

WHEREAS, the Town has taken and will continue to take measures to ensure access for the public, including by providing the public a call-in option and/or internet-based service option for all meetings of Town legislative bodies.

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES HEREBY RESOLVE AS FOLLOWS:

ATTACHMENT 1

1. The recitals set forth above are true and correct and are incorporated herein by reference as if set forth in full.
2. The Governor's March 4, 2020 proclamation of state of emergency related to the COVID-19 virus pandemic applies to the jurisdiction of the Town and is ratified by the City Council.
3. A state of emergency exists within the jurisdiction of the Town related to the COVID-19 virus pandemic and the conditions of that emergency present an imminent risk to the health and safety of attendees at Town legislative body meetings.
4. All meetings of Town legislative bodies shall be conducted in accordance with Government Code section 54953(e) and staff 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 Section 54953(e) and other applicable provisions of the Brown Act.
5. This Resolution shall take effect immediately upon its adoption and be effective for thirty (30) days, unless the Council takes action to rescind the Resolution. On or before the 30th day since adoption, the Council may take action to extend the Resolution's permissions pursuant to Government Code section 54953(e)(3).

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 6th day of October, 2021, by the following vote.

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Elizabeth Lewis, Mayor
Town of Atherton

ATTEST:

Anthony Suber, City Clerk

APPROVED AS TO FORM:

Mona Ebrahimi, City Attorney

ATTACHMENT 1

AMENDED IN SENATE SEPTEMBER 3, 2021

AMENDED IN SENATE AUGUST 30, 2021

AMENDED IN SENATE JULY 6, 2021

AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 6, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Robert Rivas

February 1, 2021

An act to *add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953* ~~of of, and to add and repeal Section 11133 of,~~ the Government Code, relating to ~~local government,~~ *open meetings*, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as amended, Robert Rivas. Open meetings: *state and local agencies*: teleconferences.

~~Existing~~

(1) *Existing* law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special

meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the 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, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a ~~state~~ *legislative* body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The

act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

This

(4) *This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.*

This

(5) *This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.*

The

(6) *The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.*

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

This

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~-yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 89305.6 is added to the Education Code,
2 to read:

3 89305.6. (a) Notwithstanding any other provision of this
4 article, and subject to the notice and accessibility requirements in
5 subdivisions (d) and (e), a legislative body may hold public
6 meetings through teleconferencing and make public meetings
7 accessible telephonically, or otherwise electronically, to all
8 members of the public seeking to observe and to address the
9 legislative body.

10 (b) (1) For a legislative body holding a public meeting through
11 teleconferencing pursuant to this section, all requirements in this
12 article requiring the physical presence of members, the clerk or
13 other personnel of the legislative body, or the public, as a condition
14 of participation in or quorum for a public meeting, are hereby
15 suspended.

16 (2) For a legislative body holding a public meeting through
17 teleconferencing pursuant to this section, all of the following
18 requirements in this article are suspended:

19 (A) Each teleconference location from which a member will be
20 participating in a public meeting or proceeding be identified in
21 the notice and agenda of the public meeting or proceeding.

22 (B) Each teleconference location be accessible to the public.

23 (C) Members of the public may address the legislative body at
24 each teleconference conference location.

25 (D) Post agendas at all teleconference locations.

1 (E) At least one member of the legislative body be physically
2 present at the location specified in the notice of the meeting.

3 (c) A legislative body that holds a meeting through
4 teleconferencing and allows members of the public to observe and
5 address the meeting telephonically or otherwise electronically,
6 consistent with the notice and accessibility requirements in
7 subdivisions (d) and (e), shall have satisfied any requirement that
8 the legislative body allow members of the public to attend the
9 meeting and offer public comment. A legislative body need not
10 make available any physical location from which members of the
11 public may observe the meeting and offer public comment.

12 (d) If a legislative body holds a meeting through
13 teleconferencing pursuant to this section and allows members of
14 the public to observe and address the meeting telephonically or
15 otherwise electronically, the legislative body shall also do both of
16 the following:

17 (1) Implement a procedure for receiving and swiftly resolving
18 requests for reasonable modification or accommodation from
19 individuals with disabilities, consistent with the federal Americans
20 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and
21 resolving any doubt whatsoever in favor of accessibility.

22 (2) Advertise that procedure each time notice is given of the
23 means by which members of the public may observe the meeting
24 and offer public comment, pursuant to paragraph (2) of subdivision
25 (e).

26 (e) Except to the extent this section provides otherwise, each
27 legislative body that holds a meeting through teleconferencing
28 pursuant to this section shall do both of the following:

29 (1) Give advance notice of the time of, and post the agenda for,
30 each public meeting according to the timeframes otherwise
31 prescribed by this article, and using the means otherwise
32 prescribed by this article, as applicable.

33 (2) In each instance in which notice of the time of the meeting
34 is otherwise given or the agenda for the meeting is otherwise
35 posted, also give notice of the means by which members of the
36 public may observe the meeting and offer public comment. As to
37 any instance in which there is a change in the means of public
38 observation and comment, or any instance prior to the effective
39 date of this section in which the time of the meeting has been
40 noticed or the agenda for the meeting has been posted without

1 also including notice of the means of public observation and
2 comment, a legislative body may satisfy this requirement by
3 advertising the means of public observation and comment using
4 the most rapid means of communication available at the time.
5 Advertising the means of public observation and comment using
6 the most rapid means of communication available at the time shall
7 include, but need not be limited to, posting such means on the
8 legislative body's internet website.

9 (f) All legislative bodies utilizing the teleconferencing
10 procedures in this section are urged to use sound discretion and
11 to make reasonable efforts to adhere as closely as reasonably
12 possible to the otherwise applicable provisions of this article, in
13 order to maximize transparency and provide the public access to
14 legislative body meetings.

15 (g) This section shall remain in effect only until January 31,
16 2022, and as of that date is repealed.

17 SEC. 2. Section 11133 is added to the Government Code, to
18 read:

19 11133. (a) Notwithstanding any other provision of this article,
20 and subject to the notice and accessibility requirements in
21 subdivisions (d) and (e), a state body may hold public meetings
22 through teleconferencing and make public meetings accessible
23 telephonically, or otherwise electronically, to all members of the
24 public seeking to observe and to address the state body.

25 (b) (1) For a state body holding a public meeting through
26 teleconferencing pursuant to this section, all requirements in this
27 article requiring the physical presence of members, the clerk or
28 other personnel of the state body, or the public, as a condition of
29 participation in or quorum for a public meeting, are hereby
30 suspended.

31 (2) For a state body holding a public meeting through
32 teleconferencing pursuant to this section, all of the following
33 requirements in this article are suspended:

34 (A) Each teleconference location from which a member will be
35 participating in a public meeting or proceeding be identified in
36 the notice and agenda of the public meeting or proceeding.

37 (B) Each teleconference location be accessible to the public.

38 (C) Members of the public may address the state body at each
39 teleconference conference location.

40 (D) Post agendas at all teleconference locations.

1 (E) At least one member of the state body be physically present
2 at the location specified in the notice of the meeting.

3 (c) A state body that holds a meeting through teleconferencing
4 and allows members of the public to observe and address the
5 meeting telephonically or otherwise electronically, consistent with
6 the notice and accessibility requirements in subdivisions (d) and
7 (e), shall have satisfied any requirement that the state body allow
8 members of the public to attend the meeting and offer public
9 comment. A state body need not make available any physical
10 location from which members of the public may observe the
11 meeting and offer public comment.

12 (d) If a state body holds a meeting through teleconferencing
13 pursuant to this section and allows members of the public to
14 observe and address the meeting telephonically or otherwise
15 electronically, the state body shall also do both of the following:

16 (1) Implement a procedure for receiving and swiftly resolving
17 requests for reasonable modification or accommodation from
18 individuals with disabilities, consistent with the federal Americans
19 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and
20 resolving any doubt whatsoever in favor of accessibility.

21 (2) Advertise that procedure each time notice is given of the
22 means by which members of the public may observe the meeting
23 and offer public comment, pursuant to paragraph (2) of subdivision
24 (e).

25 (e) Except to the extent this section provides otherwise, each
26 state body that holds a meeting through teleconferencing pursuant
27 to this section shall do both of the following:

28 (1) Give advance notice of the time of, and post the agenda for,
29 each public meeting according to the timeframes otherwise
30 prescribed by this article, and using the means otherwise
31 prescribed by this article, as applicable.

32 (2) In each instance in which notice of the time of the meeting
33 is otherwise given or the agenda for the meeting is otherwise
34 posted, also give notice of the means by which members of the
35 public may observe the meeting and offer public comment. As to
36 any instance in which there is a change in the means of public
37 observation and comment, or any instance prior to the effective
38 date of this section in which the time of the meeting has been
39 noticed or the agenda for the meeting has been posted without
40 also including notice of the means of public observation and

1 *comment, a state body may satisfy this requirement by advertising*
2 *the means of public observation and comment using the most rapid*
3 *means of communication available at the time. Advertising the*
4 *means of public observation and comment using the most rapid*
5 *means of communication available at the time shall include, but*
6 *need not be limited to, posting such means on the state body's*
7 *internet website.*

8 *(f) All state bodies utilizing the teleconferencing procedures in*
9 *this section are urged to use sound discretion and to make*
10 *reasonable efforts to adhere as closely as reasonably possible to*
11 *the otherwise applicable provisions of this article, in order to*
12 *maximize transparency and provide the public access to state body*
13 *meetings.*

14 *(g) This section shall remain in effect only until January 31,*
15 *2022, and as of that date is repealed.*

16 **SECTION 4.**

17 **SEC. 3.** Section 54953 of the Government Code is amended
18 to read:

19 54953. (a) All meetings of the legislative body of a local
20 agency shall be open and public, and all persons shall be permitted
21 to attend any meeting of the legislative body of a local agency,
22 except as otherwise provided in this chapter.

23 (b) (1) Notwithstanding any other provision of law, the
24 legislative body of a local agency may use teleconferencing for
25 the benefit of the public and the legislative body of a local agency
26 in connection with any meeting or proceeding authorized by law.
27 The teleconferenced meeting or proceeding shall comply with all
28 otherwise applicable requirements of this chapter and all otherwise
29 applicable provisions of law relating to a specific type of meeting
30 or proceeding.

31 (2) Teleconferencing, as authorized by this section, may be used
32 for all purposes in connection with any meeting within the subject
33 matter jurisdiction of the legislative body. All votes taken during
34 a teleconferenced meeting shall be by rollcall.

35 (3) If the legislative body of a local agency elects to use
36 teleconferencing, it shall post agendas at all teleconference
37 locations and conduct teleconference meetings in a manner that
38 protects the statutory and constitutional rights of the parties or the
39 public appearing before the legislative body of a local agency.
40 Each teleconference location shall be identified in the notice and

1 agenda of the meeting or proceeding, and each teleconference
2 location shall be accessible to the public. During the teleconference,
3 at least a quorum of the members of the legislative body shall
4 participate from locations within the boundaries of the territory
5 over which the local agency exercises jurisdiction, except as
6 provided in subdivisions (d) and (e). The agenda shall provide an
7 opportunity for members of the public to address the legislative
8 body directly pursuant to Section 54954.3 at each teleconference
9 location.

10 (4) For the purposes of this section, “teleconference” means a
11 meeting of a legislative body, the members of which are in different
12 locations, connected by electronic means, through either audio or
13 video, or both. Nothing in this section shall prohibit a local agency
14 from providing the public with additional teleconference locations.

15 (c) (1) No legislative body shall take action by secret ballot,
16 whether preliminary or final.

17 (2) The legislative body of a local agency shall publicly report
18 any action taken and the vote or abstention on that action of each
19 member present for the action.

20 (3) Prior to taking final action, the legislative body shall orally
21 report a summary of a recommendation for a final action on the
22 salaries, salary schedules, or compensation paid in the form of
23 fringe benefits of a local agency executive, as defined in
24 subdivision (d) of Section 3511.1, during the open meeting in
25 which the final action is to be taken. This paragraph shall not affect
26 the public’s right under the California Public Records Act (Chapter
27 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
28 inspect or copy records created or received in the process of
29 developing the recommendation.

30 (d) (1) Notwithstanding the provisions relating to a quorum in
31 paragraph (3) of subdivision (b), if a health authority conducts a
32 teleconference meeting, members who are outside the jurisdiction
33 of the authority may be counted toward the establishment of a
34 quorum when participating in the teleconference if at least 50
35 percent of the number of members that would establish a quorum
36 are present within the boundaries of the territory over which the
37 authority exercises jurisdiction, and the health authority provides
38 a teleconference number, and associated access codes, if any, that
39 allows any person to call in to participate in the meeting and the

1 number and access codes are identified in the notice and agenda
2 of the meeting.

3 (2) Nothing in this subdivision shall be construed as
4 discouraging health authority members from regularly meeting at
5 a common physical site within the jurisdiction of the authority or
6 from using teleconference locations within or near the jurisdiction
7 of the authority. A teleconference meeting for which a quorum is
8 established pursuant to this subdivision shall be subject to all other
9 requirements of this section.

10 (3) For purposes of this subdivision, a health authority means
11 any entity created pursuant to Sections 14018.7, 14087.31,
12 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
13 and Institutions Code, any joint powers authority created pursuant
14 to Article 1 (commencing with Section 6500) of Chapter 5 of
15 Division 7 for the purpose of contracting pursuant to Section
16 14087.3 of the Welfare and Institutions Code, and any advisory
17 committee to a county-sponsored health plan licensed pursuant to
18 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
19 Health and Safety Code if the advisory committee has 12 or more
20 members.

21 (e) (1) A local agency may use teleconferencing without
22 complying with the requirements of paragraph (3) of subdivision
23 (b) if the legislative body complies with the requirements of
24 paragraph (2) of this subdivision in any of the following
25 circumstances:

26 (A) The legislative body holds a meeting during a proclaimed
27 state of emergency, and state or local officials have imposed or
28 recommended measures to promote social distancing.

29 (B) The legislative body holds a meeting during a proclaimed
30 state of emergency for the purpose of determining, by majority
31 vote, whether as a result of the emergency, meeting in person
32 would present imminent risks to the health or safety of attendees.

33 (C) The legislative body holds a meeting during a proclaimed
34 state of emergency and has determined, by majority vote, pursuant
35 to subparagraph ~~(B)~~ (B), that, as a result of the emergency, meeting
36 in person would present imminent risks to the health or safety of
37 attendees.

38 (2) A legislative body that holds a meeting pursuant to this
39 subdivision shall do all of the following:

1 (A) The legislative body shall give notice of the meeting and
2 post agendas as otherwise required by this chapter.

3 (B) The legislative body shall allow members of the public to
4 access the meeting and the agenda shall provide an opportunity
5 for members of the public to address the legislative body directly
6 pursuant to Section 54954.3. In each instance in which notice of
7 the time of the teleconferenced meeting is otherwise given or the
8 agenda for the meeting is otherwise posted, the legislative body
9 shall also give notice of the means by which members of the public
10 may access the meeting and offer public comment. The agenda
11 shall identify and include an opportunity for all persons to attend
12 via a call-in option or an internet-based service option. This
13 subparagraph shall not be construed to require the legislative body
14 to provide a physical location from which the public may attend
15 or comment.

16 (C) The legislative body shall conduct teleconference meetings
17 in a manner that protects the statutory and constitutional rights of
18 the parties and the public appearing before the legislative body of
19 a local agency.

20 (D) In the event of a disruption which prevents the public agency
21 from broadcasting the meeting to members of the public using the
22 call-in option or internet-based service option, or in the event of
23 a disruption within the local agency's control which prevents
24 members of the public from offering public comments using the
25 call-in option or internet-based service option, the body shall take
26 no further action on items appearing on the meeting agenda until
27 public access to the meeting via the call-in option or internet-based
28 service option is restored. Actions taken on agenda items during
29 a disruption which prevents the public agency from broadcasting
30 the meeting may be challenged pursuant to Section 54960.1.

31 (E) The legislative body shall not require public comments to
32 be submitted in advance of the meeting and must provide an
33 opportunity for the public to address the legislative body and offer
34 comment in real time. This subparagraph shall not be construed
35 to require the legislative body to provide a physical location from
36 which the public may attend or comment.

37 (F) Notwithstanding Section 54953.3, an individual desiring to
38 provide public comment through the use of an internet website, or
39 other online platform, not under the control of the local legislative
40 body, that requires registration to log in to a teleconference may

1 be required to register as required by the third-party internet
2 website or online platform to participate.

3 (G) (i) A legislative body that provides a timed public comment
4 period for each agenda item shall not close the public comment
5 period for the agenda item, or the opportunity to register, pursuant
6 to subparagraph (F), to provide public comment until that timed
7 public comment period has elapsed.

8 (ii) A legislative body that does not provide a timed public
9 comment period, but takes public comment separately on each
10 agenda item, shall allow a reasonable amount of time per agenda
11 item to allow public members the opportunity to provide public
12 comment, including time for members of the public to register
13 pursuant to subparagraph (F), or otherwise be recognized for the
14 purpose of providing public comment.

15 (iii) A legislative body that provides a timed general public
16 comment period that does not correspond to a specific agenda item
17 shall not close the public comment period or the opportunity to
18 register, pursuant to subparagraph (F), until the timed general
19 public comment period has elapsed.

20 (3) If a state of emergency remains active, or state or local
21 officials have imposed or recommended measures to promote
22 social distancing, in order to continue to teleconference without
23 compliance with paragraph (3) of subdivision (b), the legislative
24 body shall, not later than 30 days after teleconferencing for the
25 first time pursuant to subparagraph (A), (B), or (C) of paragraph
26 (1), and every 30 days thereafter, make the following findings by
27 majority vote:

28 (A) The legislative body has reconsidered the circumstances of
29 the state of emergency.

30 (B) Any of the following circumstances exist:

31 (i) The state of emergency continues to directly impact the
32 ability of the members to meet safely in person.

33 (ii) State or local officials continue to impose or recommend
34 measures to promote social distancing.

35 (4) For the purposes of this subdivision, “state of emergency”
36 means a state of emergency proclaimed pursuant to Section 8625
37 of the California Emergency Services Act (Article 1 (commencing
38 with Section 8550) of Chapter 7 of Division 1 of Title 2).

39 (f) This section shall remain in effect only until January 1, 2024,
40 and as of that date is repealed.

1 ~~SEC. 1.1.~~

2 *SEC. 3.1.* Section 54953 of the Government Code is amended
3 to read:

4 54953. (a) All meetings of the legislative body of a local
5 agency shall be open and public, and all persons shall be permitted
6 to attend any meeting of the legislative body of a local agency in
7 person, except as otherwise provided in this chapter. Local agencies
8 shall conduct meetings subject to this chapter consistent with
9 applicable state and federal civil rights laws, including, but not
10 limited to, ~~the any applicable language access and other~~
11 ~~nondiscrimination obligations of Section 11135 and Subchapter~~
12 ~~V (commencing with Section 2000d) of Chapter 21 of Title 42 of~~
13 ~~the United States Code.~~ *obligations.*

14 (b) (1) Notwithstanding any other provision of law, the
15 legislative body of a local agency may use teleconferencing for
16 the benefit of the public and the legislative body of a local agency
17 in connection with any meeting or proceeding authorized by law.
18 The teleconferenced meeting or proceeding shall comply with all
19 otherwise applicable requirements of this chapter and all otherwise
20 applicable provisions of law relating to a specific type of meeting
21 or proceeding.

22 (2) Teleconferencing, as authorized by this section, may be used
23 for all purposes in connection with any meeting within the subject
24 matter jurisdiction of the legislative body. All votes taken during
25 a teleconferenced meeting shall be by rollcall.

26 (3) If the legislative body of a local agency elects to use
27 teleconferencing, it shall post agendas at all teleconference
28 locations and conduct teleconference meetings in a manner that
29 protects the statutory and constitutional rights of the parties or the
30 public appearing before the legislative body of a local agency.
31 Each teleconference location shall be identified in the notice and
32 agenda of the meeting or proceeding, and each teleconference
33 location shall be accessible to the public. During the teleconference,
34 at least a quorum of the members of the legislative body shall
35 participate from locations within the boundaries of the territory
36 over which the local agency exercises jurisdiction, except as
37 provided in subdivisions (d) and (e). The agenda shall provide an
38 opportunity for members of the public to address the legislative
39 body directly pursuant to Section 54954.3 at each teleconference
40 location.

1 (4) For the purposes of this section, “teleconference” means a
2 meeting of a legislative body, the members of which are in different
3 locations, connected by electronic means, through either audio or
4 video, or both. Nothing in this section shall prohibit a local agency
5 from providing the public with additional teleconference locations.

6 (c) (1) No legislative body shall take action by secret ballot,
7 whether preliminary or final.

8 (2) The legislative body of a local agency shall publicly report
9 any action taken and the vote or abstention on that action of each
10 member present for the action.

11 (3) Prior to taking final action, the legislative body shall orally
12 report a summary of a recommendation for a final action on the
13 salaries, salary schedules, or compensation paid in the form of
14 fringe benefits of a local agency executive, as defined in
15 subdivision (d) of Section 3511.1, during the open meeting in
16 which the final action is to be taken. This paragraph shall not affect
17 the public’s right under the California Public Records Act (Chapter
18 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
19 inspect or copy records created or received in the process of
20 developing the recommendation.

21 (d) (1) Notwithstanding the provisions relating to a quorum in
22 paragraph (3) of subdivision (b), if a health authority conducts a
23 teleconference meeting, members who are outside the jurisdiction
24 of the authority may be counted toward the establishment of a
25 quorum when participating in the teleconference if at least 50
26 percent of the number of members that would establish a quorum
27 are present within the boundaries of the territory over which the
28 authority exercises jurisdiction, and the health authority provides
29 a teleconference number, and associated access codes, if any, that
30 allows any person to call in to participate in the meeting and the
31 number and access codes are identified in the notice and agenda
32 of the meeting.

33 (2) Nothing in this subdivision shall be construed as
34 discouraging health authority members from regularly meeting at
35 a common physical site within the jurisdiction of the authority or
36 from using teleconference locations within or near the jurisdiction
37 of the authority. A teleconference meeting for which a quorum is
38 established pursuant to this subdivision shall be subject to all other
39 requirements of this section.

1 (3) For purposes of this subdivision, a health authority means
2 any entity created pursuant to Sections 14018.7, 14087.31,
3 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
4 and Institutions Code, any joint powers authority created pursuant
5 to Article 1 (commencing with Section 6500) of Chapter 5 of
6 Division 7 for the purpose of contracting pursuant to Section
7 14087.3 of the Welfare and Institutions Code, and any advisory
8 committee to a county-sponsored health plan licensed pursuant to
9 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
10 Health and Safety Code if the advisory committee has 12 or more
11 members.

12 (e) (1) A local agency may use teleconferencing without
13 complying with the requirements of paragraph (3) of subdivision
14 (b) if the legislative body complies with the requirements of
15 paragraph (2) of this subdivision in any of the following
16 circumstances:

17 (A) The legislative body holds a meeting during a proclaimed
18 state of emergency, and state or local officials have imposed or
19 recommended measures to promote social distancing.

20 (B) The legislative body holds a meeting during a proclaimed
21 state of emergency for the purpose of determining, by majority
22 vote, whether as a result of the emergency, meeting in person
23 would present imminent risks to the health or safety of attendees.

24 (C) The legislative body holds a meeting during a proclaimed
25 state of emergency and has determined, by majority vote, pursuant
26 to subparagraph ~~(B)~~ (B), that, as a result of the emergency, meeting
27 in person would present imminent risks to the health or safety of
28 attendees.

29 (2) A legislative body that holds a meeting pursuant to this
30 subdivision shall do all of the following:

31 (A) The legislative body shall give notice of the meeting and
32 post agendas as otherwise required by this chapter.

33 (B) The legislative body shall allow members of the public to
34 access the meeting and the agenda shall provide an opportunity
35 for members of the public to address the legislative body directly
36 pursuant to Section 54954.3. In each instance in which notice of
37 the time of the teleconferenced meeting is otherwise given or the
38 agenda for the meeting is otherwise posted, the legislative body
39 shall also give notice of the means by which members of the public
40 may access the meeting and offer public comment. The agenda

1 shall identify and include an opportunity for all persons to attend
2 via a call-in option or an internet-based service option. This
3 subparagraph shall not be construed to require the legislative body
4 to provide a physical location from which the public may attend
5 or comment.

6 (C) The legislative body shall conduct teleconference meetings
7 in a manner that protects the statutory and constitutional rights of
8 the parties and the public appearing before the legislative body of
9 a local agency.

10 (D) In the event of a disruption which prevents the public agency
11 from broadcasting the meeting to members of the public using the
12 call-in option or internet-based service option, or in the event of
13 a disruption within the local agency's control which prevents
14 members of the public from offering public comments using the
15 call-in option or internet-based service option, the body shall take
16 no further action on items appearing on the meeting agenda until
17 public access to the meeting via the call-in option or internet-based
18 service option is restored. Actions taken on agenda items during
19 a disruption which prevents the public agency from broadcasting
20 the meeting may be challenged pursuant to Section 54960.1.

21 (E) The legislative body shall not require public comments to
22 be submitted in advance of the meeting and must provide an
23 opportunity for the public to address the legislative body and offer
24 comment in real time. This subparagraph shall not be construed
25 to require the legislative body to provide a physical location from
26 which the public may attend or comment.

27 (F) Notwithstanding Section 54953.3, an individual desiring to
28 provide public comment through the use of an internet website, or
29 other online platform, not under the control of the local legislative
30 body, that requires registration to log in to a teleconference may
31 be required to register as required by the third-party internet
32 website or online platform to participate.

33 (G) (i) A legislative body that provides a timed public comment
34 period for each agenda item shall not close the public comment
35 period for the agenda item, or the opportunity to register, pursuant
36 to subparagraph (F), to provide public comment until that timed
37 public comment period has elapsed.

38 (ii) A legislative body that does not provide a timed public
39 comment period, but takes public comment separately on each
40 agenda item, shall allow a reasonable amount of time per agenda

1 item to allow public members the opportunity to provide public
2 comment, including time for members of the public to register
3 pursuant to subparagraph (F), or otherwise be recognized for the
4 purpose of providing public comment.

5 (iii) A legislative body that provides a timed general public
6 comment period that does not correspond to a specific agenda item
7 shall not close the public comment period or the opportunity to
8 register, pursuant to subparagraph (F), until the timed general
9 public comment period has elapsed.

10 (3) If a state of emergency remains active, or state or local
11 officials have imposed or recommended measures to promote
12 social distancing, in order to continue to teleconference without
13 compliance with paragraph (3) of subdivision (b), the legislative
14 body shall, not later than 30 days after teleconferencing for the
15 first time pursuant to subparagraph (A), (B), or (C) of paragraph
16 (1), and every 30 days thereafter, make the following findings by
17 majority vote:

18 (A) The legislative body has reconsidered the circumstances of
19 the state of emergency.

20 (B) Any of the following circumstances exist:

21 (i) The state of emergency continues to directly impact the
22 ability of the members to meet safely in person.

23 (ii) State or local officials continue to impose or recommend
24 measures to promote social distancing.

25 (4) For the purposes of this subdivision, “state of emergency”
26 means a state of emergency proclaimed pursuant to Section 8625
27 of the California Emergency Services Act (Article 1 (commencing
28 with Section 8550) of Chapter 7 of Division 1 of Title 2).

29 (f) This section shall remain in effect only until January 1, 2024,
30 and as of that date is repealed.

31 ~~SEC. 2.~~

32 *SEC. 4.* Section 54953 is added to the Government Code, to
33 read:

34 54953. (a) All meetings of the legislative body of a local
35 agency shall be open and public, and all persons shall be permitted
36 to attend any meeting of the legislative body of a local agency,
37 except as otherwise provided in this chapter.

38 (b) (1) Notwithstanding any other provision of law, the
39 legislative body of a local agency may use teleconferencing for
40 the benefit of the public and the legislative body of a local agency

1 in connection with any meeting or proceeding authorized by law.
2 The teleconferenced meeting or proceeding shall comply with all
3 requirements of this chapter and all otherwise applicable provisions
4 of law relating to a specific type of meeting or proceeding.

5 (2) Teleconferencing, as authorized by this section, may be used
6 for all purposes in connection with any meeting within the subject
7 matter jurisdiction of the legislative body. All votes taken during
8 a teleconferenced meeting shall be by rollcall.

9 (3) If the legislative body of a local agency elects to use
10 teleconferencing, it shall post agendas at all teleconference
11 locations and conduct teleconference meetings in a manner that
12 protects the statutory and constitutional rights of the parties or the
13 public appearing before the legislative body of a local agency.
14 Each teleconference location shall be identified in the notice and
15 agenda of the meeting or proceeding, and each teleconference
16 location shall be accessible to the public. During the teleconference,
17 at least a quorum of the members of the legislative body shall
18 participate from locations within the boundaries of the territory
19 over which the local agency exercises jurisdiction, except as
20 provided in subdivision (d). The agenda shall provide an
21 opportunity for members of the public to address the legislative
22 body directly pursuant to Section 54954.3 at each teleconference
23 location.

24 (4) For the purposes of this section, “teleconference” means a
25 meeting of a legislative body, the members of which are in different
26 locations, connected by electronic means, through either audio or
27 video, or both. Nothing in this section shall prohibit a local agency
28 from providing the public with additional teleconference locations

29 (c) (1) No legislative body shall take action by secret ballot,
30 whether preliminary or final.

31 (2) The legislative body of a local agency shall publicly report
32 any action taken and the vote or abstention on that action of each
33 member present for the action.

34 (3) Prior to taking final action, the legislative body shall orally
35 report a summary of a recommendation for a final action on the
36 salaries, salary schedules, or compensation paid in the form of
37 fringe benefits of a local agency executive, as defined in
38 subdivision (d) of Section 3511.1, during the open meeting in
39 which the final action is to be taken. This paragraph shall not affect
40 the public’s right under the California Public Records Act (Chapter

1 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
2 inspect or copy records created or received in the process of
3 developing the recommendation.

4 (d) (1) Notwithstanding the provisions relating to a quorum in
5 paragraph (3) of subdivision (b), if a health authority conducts a
6 teleconference meeting, members who are outside the jurisdiction
7 of the authority may be counted toward the establishment of a
8 quorum when participating in the teleconference if at least 50
9 percent of the number of members that would establish a quorum
10 are present within the boundaries of the territory over which the
11 authority exercises jurisdiction, and the health authority provides
12 a teleconference number, and associated access codes, if any, that
13 allows any person to call in to participate in the meeting and the
14 number and access codes are identified in the notice and agenda
15 of the meeting.

16 (2) Nothing in this subdivision shall be construed as
17 discouraging health authority members from regularly meeting at
18 a common physical site within the jurisdiction of the authority or
19 from using teleconference locations within or near the jurisdiction
20 of the authority. A teleconference meeting for which a quorum is
21 established pursuant to this subdivision shall be subject to all other
22 requirements of this section.

23 (3) For purposes of this subdivision, a health authority means
24 any entity created pursuant to Sections 14018.7, 14087.31,
25 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
26 and Institutions Code, any joint powers authority created pursuant
27 to Article 1 (commencing with Section 6500) of Chapter 5 of
28 Division 7 for the purpose of contracting pursuant to Section
29 14087.3 of the Welfare and Institutions Code, and any advisory
30 committee to a county-sponsored health plan licensed pursuant to
31 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
32 Health and Safety Code if the advisory committee has 12 or more
33 members.

34 (e) This section shall become operative January 1, 2024.

35 ~~SEC. 2.1.~~

36 *SEC. 4.1.* Section 54953 is added to the Government Code, to
37 read:

38 54953. (a) All meetings of the legislative body of a local
39 agency shall be open and public, and all persons shall be permitted
40 to attend any meeting of the legislative body of a local agency, in

1 person except as otherwise provided in this chapter. Local agencies
2 shall conduct meetings subject to this chapter consistent with
3 applicable state and federal civil rights laws, including, but not
4 limited to, ~~the any applicable~~ language access and other
5 nondiscrimination obligations of Section 11135 and Subchapter
6 V (commencing with Section 2000d) of Chapter 21 of Title 42 of
7 the United States Code. *obligations.*

8 (b) (1) Notwithstanding any other provision of law, the
9 legislative body of a local agency may use teleconferencing for
10 the benefit of the public and the legislative body of a local agency
11 in connection with any meeting or proceeding authorized by law.
12 The teleconferenced meeting or proceeding shall comply with all
13 requirements of this chapter and all otherwise applicable provisions
14 of law relating to a specific type of meeting or proceeding.

15 (2) Teleconferencing, as authorized by this section, may be used
16 for all purposes in connection with any meeting within the subject
17 matter jurisdiction of the legislative body. All votes taken during
18 a teleconferenced meeting shall be by rollcall.

19 (3) If the legislative body of a local agency elects to use
20 teleconferencing, it shall post agendas at all teleconference
21 locations and conduct teleconference meetings in a manner that
22 protects the statutory and constitutional rights of the parties or the
23 public appearing before the legislative body of a local agency.
24 Each teleconference location shall be identified in the notice and
25 agenda of the meeting or proceeding, and each teleconference
26 location shall be accessible to the public. During the teleconference,
27 at least a quorum of the members of the legislative body shall
28 participate from locations within the boundaries of the territory
29 over which the local agency exercises jurisdiction, except as
30 provided in subdivision (d). The agenda shall provide an
31 opportunity for members of the public to address the legislative
32 body directly pursuant to Section 54954.3 at each teleconference
33 location.

34 (4) For the purposes of this section, “teleconference” means a
35 meeting of a legislative body, the members of which are in different
36 locations, connected by electronic means, through either audio or
37 video, or both. Nothing in this section shall prohibit a local agency
38 from providing the public with additional teleconference locations.

39 (c) (1) No legislative body shall take action by secret ballot,
40 whether preliminary or final.

1 (2) The legislative body of a local agency shall publicly report
2 any action taken and the vote or abstention on that action of each
3 member present for the action.

4 (3) Prior to taking final action, the legislative body shall orally
5 report a summary of a recommendation for a final action on the
6 salaries, salary schedules, or compensation paid in the form of
7 fringe benefits of a local agency executive, as defined in
8 subdivision (d) of Section 3511.1, during the open meeting in
9 which the final action is to be taken. This paragraph shall not affect
10 the public's right under the California Public Records Act (Chapter
11 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
12 inspect or copy records created or received in the process of
13 developing the recommendation.

14 (d) (1) Notwithstanding the provisions relating to a quorum in
15 paragraph (3) of subdivision (b), if a health authority conducts a
16 teleconference meeting, members who are outside the jurisdiction
17 of the authority may be counted toward the establishment of a
18 quorum when participating in the teleconference if at least 50
19 percent of the number of members that would establish a quorum
20 are present within the boundaries of the territory over which the
21 authority exercises jurisdiction, and the health authority provides
22 a teleconference number, and associated access codes, if any, that
23 allows any person to call in to participate in the meeting and the
24 number and access codes are identified in the notice and agenda
25 of the meeting.

26 (2) Nothing in this subdivision shall be construed as
27 discouraging health authority members from regularly meeting at
28 a common physical site within the jurisdiction of the authority or
29 from using teleconference locations within or near the jurisdiction
30 of the authority. A teleconference meeting for which a quorum is
31 established pursuant to this subdivision shall be subject to all other
32 requirements of this section.

33 (3) For purposes of this subdivision, a health authority means
34 any entity created pursuant to Sections 14018.7, 14087.31,
35 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
36 and Institutions Code, any joint powers authority created pursuant
37 to Article 1 (commencing with Section 6500) of Chapter 5 of
38 Division 7 for the purpose of contracting pursuant to Section
39 14087.3 of the Welfare and Institutions Code, and any advisory
40 committee to a county-sponsored health plan licensed pursuant to

1 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
2 Health and Safety Code if the advisory committee has 12 or more
3 members.

4 (e) This section shall become operative January 1, 2024.

5 ~~SEC. 3.~~

6 ~~SEC. 5.~~ Sections ~~1.1 3.1~~ and ~~2.1 4.1~~ of this bill incorporate
7 amendments to Section 54953 of the Government Code proposed
8 by both this bill and Assembly Bill 339. Those sections of this bill
9 shall only become operative if (1) both bills are enacted and
10 become effective on or before January 1, 2022, but this bill
11 becomes operative first, (2) each bill amends Section 54953 of the
12 Government Code, and (3) this bill is enacted after Assembly Bill
13 339, in which case Section 54953 of the Government Code, as
14 amended by Sections ~~1 3~~ and ~~2 4~~ of this bill, shall remain operative
15 only until the operative date of Assembly Bill 339, at which time
16 Sections ~~1.1 3.1~~ and ~~2.1 4.1~~ of this bill shall become operative.

17 ~~SEC. 4.~~

18 ~~SEC. 6.~~ It is the intent of the Legislature in enacting this act to
19 improve and enhance public access to *state and* local agency
20 meetings during the COVID-19 pandemic and future applicable
21 emergencies, by allowing broader access through teleconferencing
22 options consistent with the Governor's Executive Order No.
23 N-29-20 dated March 17, 2020, permitting expanded use of
24 teleconferencing during the COVID-19 pandemic.

25 ~~SEC. 5.~~

26 ~~SEC. 7.~~ The Legislature finds and declares that Sections ~~1 3~~
27 and ~~2 4~~ of this act, which amend, repeal, and add Section 54953
28 of the Government Code, further, within the meaning of paragraph
29 (7) of subdivision (b) of Section 3 of Article I of the California
30 Constitution, the purposes of that constitutional section as it relates
31 to the right of public access to the meetings of local public bodies
32 or the writings of local public officials and local agencies. Pursuant
33 to paragraph (7) of subdivision (b) of Section 3 of Article I of the
34 California Constitution, the Legislature makes the following
35 findings:

36 This act is necessary to ensure minimum standards for public
37 participation and notice requirements allowing for greater public
38 participation in teleconference meetings during applicable
39 emergencies.

1 *SEC. 8. (a) The Legislature finds and declares that during the*
2 *COVID-19 public health emergency, certain requirements of the*
3 *Bagley-Keene Open Meeting Act (Article 9 (commencing with*
4 *Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of*
5 *the Government Code) were suspended by Executive Order*
6 *N-29-20. Audio and video teleconference were widely used to*
7 *conduct public meetings in lieu of physical location meetings, and*
8 *public meetings conducted by teleconference during the COVID-19*
9 *public health emergency have been productive, have increased*
10 *public participation by all members of the public regardless of*
11 *their location in the state and ability to travel to physical meeting*
12 *locations, have protected the health and safety of civil servants*
13 *and the public, and have reduced travel costs incurred by members*
14 *of state bodies and reduced work hours spent traveling to and from*
15 *meetings.*

16 *(b) The Legislature finds and declares that Section 1 of this act,*
17 *which adds and repeals Section 89305.6 of the Education Code,*
18 *Section 2 of this act, which adds and repeals Section 11133 of the*
19 *Government Code, and Sections 3 and 4 of this act, which amend,*
20 *repeal, and add Section 54953 of the Government Code, all*
21 *increase and potentially limit the public's right of access to the*
22 *meetings of public bodies or the writings of public officials and*
23 *agencies within the meaning of Section 3 of Article I of the*
24 *California Constitution. Pursuant to that constitutional provision,*
25 *the Legislature makes the following findings to demonstrate the*
26 *interest protected by this limitation and the need for protecting*
27 *that interest:*

28 *(1) By removing the requirement that public meetings be*
29 *conducted at a primary physical location with a quorum of*
30 *members present, this act protects the health and safety of civil*
31 *servants and the public and does not preference the experience of*
32 *members of the public who might be able to attend a meeting in a*
33 *physical location over members of the public who cannot travel*
34 *or attend that meeting in a physical location.*

35 *(2) By removing the requirement for agendas to be placed at*
36 *the location of each public official participating in a public meeting*
37 *remotely, including from the member's private home or hotel room,*
38 *this act protects the personal, private information of public officials*
39 *and their families while preserving the public's right to access*
40 *information concerning the conduct of the people's business.*

1 ~~SEC. 6.~~

2 SEC. 9. This act is an urgency statute necessary for the
3 immediate preservation of the public peace, health, or safety within
4 the meaning of Article IV of the California Constitution and shall
5 go into immediate effect. The facts constituting the necessity are:

6 In order to ensure that *state and* local agencies can continue
7 holding public meetings while providing essential services like
8 water, power, and fire protection to their constituents during public
9 health, wildfire, or other states of emergencies, it is necessary that
10 this act take effect immediately.

O

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA****EXECUTIVE ORDER N-29-20**

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

WHEREAS time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

WHEREAS social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of

otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow

members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

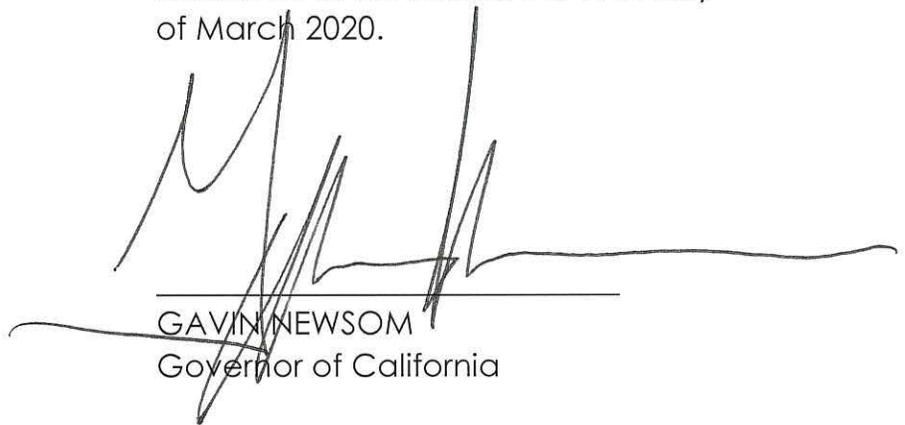
All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA****EXECUTIVE ORDER N-08-21**

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS since March 2020, the State has taken decisive and meaningful actions to reduce the spread, and mitigate the impacts, of COVID-19, saving an untold number of lives; and

WHEREAS as a result of the effective actions Californians have taken, as well as the successful and ongoing distribution of COVID-19 vaccines, California is turning a corner in its fight against COVID-19; and

WHEREAS on June 11, 2021, I issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020); and

WHEREAS in light of the current state of the COVID-19 pandemic in California, it is appropriate to roll back certain provisions of my COVID-19-related Executive Orders; and

WHEREAS certain provisions of my COVID-19 related Executive Orders currently remain necessary to continue to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic, including California's ongoing vaccination programs, and the termination of certain provisions of my COVID-19 related Executive Orders during this stage of the emergency would compound the effects of the emergency and impede the State's recovery by disrupting important governmental and social functions; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

The following provisions shall remain in place and shall have full force and effect through June 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

- 1) State of Emergency Proclamation dated March 4, 2020:
 - a. Paragraph 10. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
 - b. Paragraph 11;
 - c. Paragraph 12; and
 - d. Paragraph 13.

- 2) Executive Order N-25-20:
 - a. Paragraph 1; and
 - b. Paragraph 7, and as applicable to local governments per Executive Order N-35-20, Paragraph 3. Effective July 1, 2021, the waivers in Executive Order N-25-20, Paragraph 7, and Executive Order N-35-20, Paragraph 3, of reinstatement requirements set forth in Government Code sections 7522.56(f) and (g) are terminated.

- 3) Executive Order N-26-20:
 - a. Paragraph 1;
 - b. Paragraph 2;
 - c. Paragraph 3;
 - d. Paragraph 5;
 - e. Paragraph 6; and
 - f. Paragraph 7.

- 4) Executive Order N-27-20:
 - a. Paragraph 1;
 - b. Paragraph 2; and
 - c. Paragraph 3.

- 5) Executive Order N-28-20:
 - a. Paragraph 3; and
 - b. Paragraph 6.

- 6) Executive Order N-31-20:
 - a. Paragraph 1; and
 - b. Paragraph 2.

- 7) Executive Order N-35-20:
 - a. Paragraph 1. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
 - b. Paragraph 4;
 - c. Paragraph 6. To the extent the Director exercised their authority pursuant to this provision on or before June 30, 2021, the extension shall remain valid until the effective expiration;

- d. Paragraph 10. The State Bar shall receive the time extension in the aforementioned order for any nomination submitted to the State Bar by the Governor on or before June 30, 2021; and
 - e. Paragraph 11 (as extended and clarified by N-71-20, Paragraph 6). Claims accruing before June 30, 2021 will remain subject to the 120-day extension granted in the aforementioned orders.
- 8) Executive Order N-36-20, Paragraph 1. To the extent the Secretary exercised their authority pursuant to this provision, the Secretary shall allow each facility to resume intake in a manner that clears intake backlog as soon as feasible.
- 9) Executive Order N-39-20:
- a. Paragraph 1. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
 - b. Paragraph 4; and
 - c. Paragraph 7. The leases or agreements executed pursuant to this provision shall remain valid in accordance with the term of the agreement.
- 10) Executive Order N-40-20:
- a. Paragraph 1. For rulemakings published in the California Regulatory Notice Register pursuant to Government Code section 11346.4(a)(5) prior to June 30, 2021, the deadlines in the aforementioned order shall remain extended in accordance with the order;
 - b. Paragraph 2 (as extended and clarified by N-66-20, Paragraph 12, and N-71-20, Paragraph 10). Notwithstanding the expiration of this provision, state employees subject to these training requirements shall receive the benefit of the 120-day extension granted by the aforementioned orders. All required training due on or before June 30, 2021 must be completed within 120 days of the statutorily prescribed due date;
 - c. Paragraph 7 (as extended and clarified by N-66-20, Paragraph 13 and N-71-20, Paragraph 11). With regard to appeals received on or before June 30, 2021, the State Personnel Board shall be entitled to the extension in the aforementioned order to render its decision;
 - d. Paragraph 8. To the extent the deadlines specified in Government Code section 22844 and California Code of Regulations, title 2, sections 599.517 and 599.518 fell on a date on or before June 30, 2021 absent the extension, they shall expire pursuant to the timeframes specified in the aforementioned orders;
 - e. Paragraph 16;
 - f. Paragraph 17; and
 - g. Paragraph 20.
- 11) Executive Order N-45-20:
- a. Paragraph 4;
 - b. Paragraph 8;
 - c. Paragraph 9; and

d. Paragraph 12. For vacancies occurring prior to June 30, 2021, the deadline to fill the vacancy shall remain extended for the time period in the aforementioned order.

12) Executive Order N-46-20:

- a. Paragraph 1; and
- b. Paragraph 2.

13) Executive Order N-47-20:

- a. Paragraph 2; and
- b. Paragraph 3.

14) Executive Order N-48-20, Paragraph 2 (which clarified the scope of N-34-20).

15) Executive Order N-49-20:

- a. Paragraph 1;
- b. Paragraph 3. For determinations made on or before June 30, 2021, the discharge date shall be within 14 days of the Board's determination; and
- c. Paragraph 4.

16) Executive Order N-50-20, Paragraph 2.

17) Executive Order N-52-20:

- a. Paragraph 6;
- b. Paragraph 7. To the extent an individual has commenced a training program prior to June 30, 2021, that was interrupted by COVID-19, that individual shall be entitled to the extended timeframe in the aforementioned order; and
- c. Paragraph 14; and
- d. Paragraph 16.

18) Executive Order N-53-20:

- a. Paragraph 3;
- b. Paragraph 12 (as extended or modified by N-69-20, Paragraph 10, and N-71-20, Paragraph 27); and
- c. Paragraph 13 (as extended or modified by N-69-20, Paragraph 11, and N-71-20, Paragraph 28).

19) Executive Order N-54-20, Paragraph 7. To the extent the date governing the expiration of registration of vehicles previously registered in a foreign jurisdiction falls on or before June 30, 2021, the deadline is extended pursuant to the aforementioned orders.

20) Executive Order N-55-20:

- a. Paragraph 1. Statutory deadlines related to cost reports, change in scope of service requests, and reconciliation requests occurring on

or before June 30, 2021 shall remain subject to the extended deadline in the aforementioned order;

- b. Paragraph 4;
- c. Paragraph 5;
- d. Paragraph 6;
- e. Paragraph 8;
- f. Paragraph 9;
- g. Paragraph 10;
- h. Paragraph 13;
- i. Paragraph 14. Statutory deadlines related to beneficiary risk assessments occurring on or before June 30, 2021 shall remain subject to the extended deadline in the aforementioned order; and
- j. Paragraph 16. Deadlines for fee-for-service providers to submit information required for a Medical Exemption Request extended on or before June 30, 2021 shall remain subject to the extended deadline granted under the aforementioned order.

21) Executive Order N-56-20:

- a. Paragraph 1;
- b. Paragraph 6;
- c. Paragraph 7;
- d. Paragraph 8;
- e. Paragraph 9; and
- f. Paragraph 11.

22) Executive Order N-59-20, Paragraph 6.

23) Executive Order N-61-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3; and
- d. Paragraph 4.

24) Executive Order N-63-20:

- a. Paragraph 8(a) (as extended by N-71-20, Paragraph 40). The deadlines related to reports by the Division of Occupational Safety and Health (Cal/OSHA) and the Occupational Safety & Health Standards Board on proposed standards or variances due on or before June 30, 2021 shall remain subject to the extended timeframe;
- b. Paragraph 8(c). To the extent the date upon which the Administrative Director must act upon Medical Provider Network applications or requests for modifications or reapprovals falls on or before June 30, 2021 absent the extension in the aforementioned order, it shall remain subject to the extended timeframe;
- c. Paragraph 8(e). To the extent filing deadlines for a Return-to-Work Supplement appeal and any reply or responsive papers fall on or before June 30, 2021, absent the extension in the aforementioned order, they shall remain subject to the extended timeframe;
- d. Paragraph 9(a) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for the Labor Commissioner to

issue any citation under the Labor Code, including a civil wage and penalty assessment pursuant to Labor Code section 1741, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;

- e. Paragraph 9(b) (as extended and modified by N-71-20, Paragraph 41);
- f. Paragraph 9(c) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for a worker to file complaints and initiate proceedings with the Labor Commissioner pursuant to Labor Code sections 98, 98.7, 1700.44, and 2673.1, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
- g. Paragraph 9(d) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for Cal/OSHA to issue citations pursuant to Labor Code section 6317, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
- h. Paragraph 9(e) (as extended and modified by N-71-20, Paragraph 41);
- i. Paragraph 10;
- j. Paragraph 12. Any peace officer reemployed on or before June 30, 2021 pursuant to the aforementioned order shall be entitled to the extended reemployment period set forth in the order;
- k. Paragraph 13;
- l. Paragraph 14; and
- m. Paragraph 15 (as extended by N-71-20, Paragraph 36).

25) Executive Order N-65-20:

- a. Paragraph 5 (as extended by N-71-20, Paragraph 35; N-80-20, Paragraph 4; and N-01-21). Identification cards issued under Health and Safety Code section 11362.71 that would otherwise have expired absent the aforementioned extension between March 4, 2020 and June 30, 2021 shall expire on December 31, 2021; and
- b. Paragraph 7.

26) Executive Order N-66-20:

- a. Paragraph 3;
- b. Paragraph 4; and
- c. Paragraph 5.

27) Executive Order N-68-20:

- a. Paragraph 1. Notwithstanding the expiration of the aforementioned order, temporary licenses granted on or before June 30, 2021 shall be valid through September 30, 2021; and
- b. Paragraph 2. Renewal fee payments otherwise due to the to the California Department of Public Health absent the extension in the aforementioned order on or before June 30, 2021, shall be entitled to the extensions of time set forth in the aforementioned order.

28) Executive Order N-71-20:

- a. Paragraph 1;
- b. Paragraph 4;
- c. Paragraph 16. Where the statutory deadline for opening or completing investigations is set to occur on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order; and
- d. Paragraph 17. Where the statutory deadline for serving a notice of adverse action is due on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order.

29) Executive Order N-75-20:

- a. Paragraph 7. Children placed in foster care on or before June 30, 2021 shall receive such examinations on or before July 31, 2021;
- b. Paragraph 8;
- c. Paragraph 9;
- d. Paragraph 10. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the California Department of Public Health, or September 30, 2021, whichever occurs first; and
- e. Paragraph 13.

30) Executive Order N-76-20, Paragraph 3.

31) Executive Order N-77-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

32) Executive Order N-78-20 (as extended and modified by N-03-21):

- a. Paragraph 1; and
- b. Paragraph 2.

33) Executive Order N-83-20:

- a. Paragraph 3. To the extent the Director of the Department of Alcoholic Beverage Control suspends deadlines for renewing licenses upon payment of annual fees on or before June 30, 2021, the extension shall remain valid until the effective expiration;

- b. Paragraph 5 (which repealed and replaced N-71-20, Paragraph 19, which extended N-52-20, Paragraph 1, and N-69-20, Paragraph 3);
- c. Paragraph 6 (which repealed and replaced N-71-20, Paragraph 20, which extended N-52-20, Paragraph 2, and N-69-20, Paragraph 4); and
- d. Paragraph 7 (which repealed and replaced N-71-20, Paragraph 21, which extended N-52-20, Paragraph 3, and N-69-20, Paragraph 5).

34) Executive Order N-84-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3; and
- d. Paragraph 5.

The following provisions shall remain in place and shall have full force and effect through July 31, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

35) Executive Order N-39-20, Paragraph 8 (as extended by N-69-20, Paragraph 2 and N-71-20, Paragraph 8).

36) Executive Order N-53-20, Paragraph 11 (as extended or modified by N-68-20, Paragraph 15, and N-71-20, Paragraph 26).

37) Executive Order N-71-20, Paragraph 25.

38) Executive Order N-75-20:

- a. Paragraph 5; and
- b. Paragraph 6

The following provisions shall remain in place and shall have full force and effect through September 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

39) State of Emergency Proclamation dated March 4, 2020:

- a. Paragraph 3; and
- b. Paragraph 14. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the Department of Social Services, or September 30, 2021, whichever occurs first.

40) Executive Order N-25-20:

- a. Paragraph 2;
- b. Paragraph 3; and
- c. Paragraph 4.

41) Executive Order N-28-20:

- a. Paragraph 4; and
- b. Paragraph 5.

42) Executive Order N-29-20, Paragraph 3, is withdrawn and replaced by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply through September 30, 2021.

43) Executive Order N-32-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

44) Executive Order N-35-20:

- a. Paragraph 2; and
- b. Paragraph 12.

45) Executive Order N-39-20:

- a. Paragraph 2;
- b. Paragraph 3; and
- c. Paragraph 6.

46) Executive Order N-40-20:

- a. Paragraph 12 (as extended or modified by N-66-20, paragraph 16, N-71-20, paragraph 14, and N-75-20, Paragraph 12). To the extent the Director exercised their authority pursuant to this provision on or before September 30, 2021, the extension shall remain valid until the effective expiration of the applicable waiver; and
- b. Paragraph 18.

47) Executive Order N-42-20.

48) Executive Order N-43-20.

49) Executive Order N-49-20, Paragraph 2.

50) Executive Order N-54-20:

- a. Paragraph 8 (as extended by N-80-20, Paragraph 6); and
- b. Paragraph 9. To the extent any timeframe within which a California Native American tribe must request consultation and the lead agency must begin the consultation process relating to an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration under the California Environmental Quality Act extends beyond September 30, 2021, the tribe and lead agency will receive the benefit of the extension so long as the triggering event occurred on or before September 30, 2021.

51) Executive Order N-55-20:

- a. Paragraph 2;
- b. Paragraph 3;
- c. Paragraph 7. All on-site licensing visits which would have been due on or before September 30, 2021 shall occur before December 31, 2021;
- d. Paragraph 11; and
- e. Paragraph 12.

52) Executive Order N-56-20, Paragraph 10 is withdrawn and superseded by the following text:

Paragraph 42 of this Order, including the conditions specified therein, shall apply to meetings held pursuant to Article 3 of Chapter 2 of Part 21 of Division 3 of Title 2 of the Education Code and Education Code section 47604.1(b).

53) Executive Order N-58-20 (as extended by N-71-20, Paragraph 29).

54) Executive Order N-59-20:

- a. Paragraph 1. The sworn statement or verbal attestation of pregnancy must be submitted on or before September 30, 2021 and medical verification of pregnancy must be submitted within 30

working days following submittal of the sworn statement or verbal attestation for benefits to continue;

- b. Paragraph 2 (as extended and modified by N-69-20, Paragraph 14, and N-71-20, Paragraph 31);
- c. Paragraph 3 (as extended and modified by N-69-20, Paragraph 15, and N-71-20, Paragraph 32); and
- d. Paragraph 4 (as extended and modified by N-69-20, Paragraph 16, and N-71-20, Paragraph 33).

55) Executive Order N-63-20:

- a. Paragraph 8(b). To the extent filing deadlines for claims and liens fall on or before September 30, 2021, absent the extension in the aforementioned order, they shall remain subject to the extended timeframe; and
- b. Paragraph 11.

56) Executive Order N-66-20, Paragraph 6.

57) Executive Order N-71-20:

- a. Paragraph 15;
- b. Paragraph 22; and
- c. Paragraph 23.

58) Executive Order N-75-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 4.

59) Executive Order N-80-20:

- a. Paragraph 3; and
- b. Paragraph 7.

60) Executive Order N-83-20

- a. Paragraph 2 is withdrawn and replaced by the following text:

The deadline to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency, as specified in Business and Professions Code sections 19942, 19951, 19954, 19955, 19984, and any accompanying regulations is September 30, 2021; the deadlines for submission of any application or deposit fee, as specified in Business and Professions Code sections 19951 (a), 19867, 19868, 19876, 19877, 19942, 19984, and any accompanying regulations is no later than September 30, 2021, or per existing requirements, whichever date is later.

- b. Paragraph 4.

61) Executive Order N-03-21, Paragraph 3, is withdrawn and replaced by the following text:

As applied to commercial evictions only, the timeframe for the protections set forth in Paragraph 2 of Executive Order N-28-20 (and extended by Paragraph 21 of Executive Order N-66-20, Paragraph 3 of Executive Order N-71-20, and Paragraph 2 of Executive Order N-80-20) is extended through September 30, 2021.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of June 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

RESOLUTION NO. 20-04

RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON CONFIRMING THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Section 2.44.060 of the Atherton Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the Town is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, Section 2.44.060 requires that the City Council shall take action to ratify the proclamation within seven days thereafter; and

WHEREAS, the City Manager, as Director of Emergency Services of the Town of Atherton, did proclaim the existence of a local emergency within the Town of Atherton on the 13th day of March 2020 finding:

1. Conditions of extreme peril to the safety of persons have arisen within the Town of Atherton, caused by a novel coronavirus (named "COVID-19" by the World Health Organization).
2. COVID-19 was first detected in Wuhan City, Hubei Province, China, in December 2019. The Centers for Disease Control and Prevention ("CDC") has stated that COVID-19 is a serious public health threat, based on current information.
3. Cases of COVID-19 have been diagnosed in the United States and within San Mateo County and COVID-19 has evidenced "community spread".
4. The number of reported cases of COVID-19 has escalated dramatically over a short period of time and is expected to continue to escalate.
5. Actions are being taken to protect public health and limit the spread of COVID-19 and the Town will need to take local measures to respond.

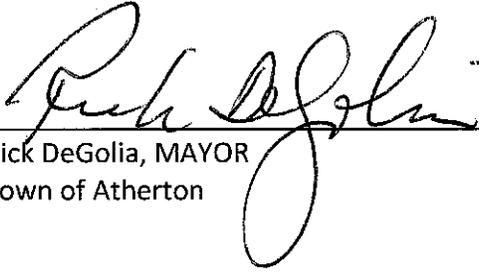
WHEREAS, the City Council does hereby find that the above described conditions did warrant and necessitate the proclamation of the existence of a local emergency in the Town of Atherton.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the Town of Atherton that the Proclamation of Existence of a Local Emergency, as issued by the City Manager/Director of Emergency Services, is hereby ratified and confirmed.

BE IT FURTHER RESOLVED that the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the Town of Atherton.

PASSED AND ADOPTED at a meeting of the City Council of the Town of Atherton held on the 18th day of March 2020 by the following vote:

AYES: 5 Councilmembers: Widmer, Wiest, Lempres, Lewis, DeGolia
NOES: Councilmembers:
ABSENT: Councilmembers:



Rick DeGolia, MAYOR
Town of Atherton

ATTEST:



Anthony Suber, City Clerk

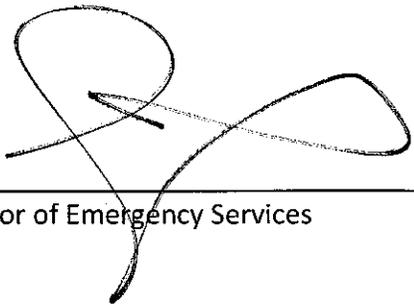
APPROVED AS TO FORM:



Mona Ebrahimi, City Attorney

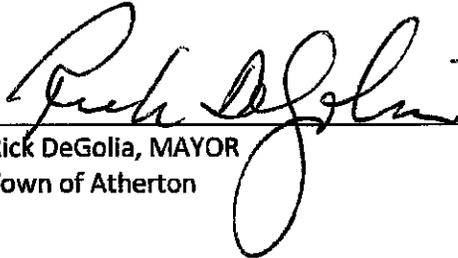
3 / 18 / 20

Date and Time



Director of Emergency Services

AYES: 5 Councilmembers: Widmer, Wiest, Lempres, Lewis, DeGolia
NOES: Councilmembers:
ABSENT: Councilmembers:



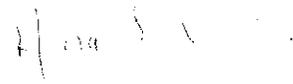
Rick DeGolia, MAYOR
Town of Atherton

ATTEST:



Anthony Suber, City Clerk

APPROVED AS TO FORM:



Mona Ebrahimi, City Attorney

Date and Time

Director of Emergency Services