



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 21-0539, Version: 1

REPORT TO COUNCIL

SUBJECT

CONTINUED FROM APRIL 20, 2021

Discussion and Possible Direction Regarding Taking a Position on Assembly Bill (AB) 703 (Rubio, Blanca D) - Open Meetings: Local Agencies: Teleconferences

BACKGROUND

At their April 6, 2021 meeting, Council directed staff to add this report to the April 20, 2021 Council agenda to discuss whether the City should take a position on Assembly Bill (AB) 703 (Rubio, Blanca D) - Open Meetings: Local Agencies: Teleconferences.

On March 17, 2020, Gov. Gavin Newsom issued Executive Order No. N-29-20, which suspended portions of the Ralph M. Brown Act (California Government Code sections 54950-54963) that limit the use of teleconferencing for public meetings, but the Order will sunset when the COVID-19 pandemic ends. The Ralph M. Brown Act requires that all teleconference locations (i.e., the physical location that a council or board member call in from) be identified on the agenda and open to the public.

On February 16, 2021, Assembly Member Blanca Rubio introduced legislation that would codify the Executive Order's virtual meeting opportunities. It allows for virtual meetings indefinitely and permanently removes the existing Brown Act rules limiting virtual meetings or requiring public attendance at various physical locations.

On February 25, 2021, the Bill was referred to the Assembly Committee on Local Government. A Bill hearing date has not been scheduled. According to Assembly Member Rubio's staff, this measure has become a 2-year bill. Therefore, this measure will be adjusted at a later date in preparation to move in January of 2022.

In the past, Council has taken positions on specific legislation. Although staff does not make a recommendation on whether or not the Council should take a position on this topic, it does urge Council to establish a long-term policy rather than specifically endorse a certain measure. That approach will enable Council and staff to perform advocacy in the future without having to return to Council for specific approval.

EXISTING POLICY

California Government Code sections 54950-54963 (Ralph M. Brown Act)

Council Policy 7.4.14 , *Legislative Advocacy Positions*

Policy 7.3.1, *Legislative Management - Goals and Policies*

Goal 7.3C: Participate in intergovernmental activities, including national, state and regional groups, as a means to represent the City's interests, influence policy and legislation, and enhance awareness.

Policy 7.3C.1: Represent City policy in intergovernmental activities in accordance with adopted policy guidelines.

There is no existing City policy related to addressing remote Council participation.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378 (a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

DISCUSSION

Executive Order N-29-20, suspends the Ralph M. Brown Act’s requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

AB703 would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment.

The Bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.

FISCAL IMPACT

There is no fiscal impact as a result of action taken by this report. If AB 703 is signed by the Governor, it would enable Sunnyvale to maintain its current meeting format of an all virtual meeting, return to an in-person only format, or to develop a hybrid meeting structure. With a hybrid structure, both public officials and members of the public could participate virtually or in person at a designated location. If a hybrid structure were adopted for Council and Commission meetings, an additional staff position would be needed to manage meeting logistics in order to support this model.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Authorize the Mayor to write a letter of support for AB703 (Rubio, Blanca D) - Open Meetings: Local Agencies: Teleconferences; and adopt a Legislative Advocacy Position in support of expanding the use of virtual participation in public meetings for councilmembers and members of the public.
2. Authorize the Mayor to write a letter of opposition to AB703 (Rubio, Blanca D) - Open

- Meetings: Local Agencies: Teleconferences.
3. Take no position on AB703 (Rubio, Blanca D) - Open Meetings: Local Agencies: Teleconferences.
 4. Other action as identified by Council.

STAFF RECOMMENDATION

Staff makes no recommendation. This report is being presented to Council to facilitate a discussion at the public hearing and for providing possible direction for the Mayor regarding AB 703.

Although staff does not make a recommendation on whether or not the Council should take a position on this topic, it does urge Council to establish a long-term policy rather than specifically endorse a certain measure. That approach will enable the Mayor to perform advocacy in the future without having to return to Council for specific approval.

Prepared by: Michelle Zahraie, Senior Management Analyst

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. California Assembly Bill 703: (Rubio, Blanca D) Open meetings: local agencies: teleconferences