



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 21-0842, Version: 1

REPORT TO COUNCIL

SUBJECT

Adopt a Long-term Advocacy Position (LAP) Related to Governor Gavin Newsom's Executive Order N-08-21

BACKGROUND

At the August 10, 2021 meeting, Council directed staff to add this report to the consent calendar for the August 31 Council meeting to adopt a long-term advocacy position related to the extension of Governor Gavin Newsom's Executive Order N-08-21. On June 11, 2021, Governor Gavin Newsom issued Executive Order N-08-21, which extended Paragraph 3 of his prior Executive Order N-29-20 and establishes September 30, 2021 as the end date for COVID-19 pandemic-related suspensions for (1) deadlines for filing, noticing, and posting of CEQA documents with county clerk office; (2) tribal consultation deadlines under CEQA; and (3) allowing public meetings to be conducted by teleconference without full compliance with the Brown Act.

At their July 27 meeting, Council adopted a new long-term advocacy position (Council Policy 7.0 - Long-term Advocacy Positions - Planning and Management, F. Miscellaneous (7)):

"Support legislation to modernize the Ralph M. Brown Act as it pertains to teleconferencing during public meetings. Urge the Legislature provide more flexibility for cities and intergovernmental boards to improve and enhance, should the agency choose to do so, remote access for public officials (Councilmembers and board or commission members) in public meetings. Support legislation that allows for broader access and transparency without adding unfunded mandates on local public agencies."

This report presents a Legislative Advocacy Position (LAP) for Council's approval, which enables City advocacy on Governor Gavin Newsom's Executive Orders.

EXISTING POLICY

California Government Code sections 54950-54963 (Ralph M. Brown Act)
Council Policy 7.4.14, Legislative Advocacy Positions
Council Policy 7.0 F (7)

There is no existing City policy related to Executive Orders issued by the Governor.

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

On July 27, 2021, the Centers of Disease Control and Prevention (CDC) released updated guidance on the need for urgently increasing COVID-19 vaccination coverage and a recommendation for everyone in areas of substantial or high transmission to wear a mask in public indoor places, even if they are fully vaccinated. The CDC issued this new guidance due to several concerning developments and newly emerging data signals. First, is a reversal in the downward trajectory of cases. Second, new data began to emerge that the Delta variant was more infectious and was leading to increased transmissibility when compared to other variants, even in vaccinated individuals.

Absent the passage of pending Legislation that permanently changes the Brown Act or an extension of Governor Newsom's Executive Order N-08-21, previous state and local laws regarding public meeting requirements will apply beginning October 1, 2021. This means that the following requirements will return to full force and effect:

- Local bodies must notice each teleconference location from which a member will be participating in a public meeting and each teleconference location must be specifically identified in the meeting notice and agenda, including full address and room number;
- Each teleconference location must be accessible to the public;
- Members of the public must be able to address the body at each teleconference location;
- Local bodies must post agendas at all teleconference locations; and
- During teleconference meetings, at least a quorum of the members of the local body must participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

The City does not have a policy position allowing advocacy on Executive Orders issued by the Governor. To support this topic, a new long-term advocacy position such as the following would need to be adopted by Council:

"Urge the Governor to extend Executive Order N-08-21 and any other issued executive orders and to issue new executive orders as necessary, to continue to help Sunnyvale respond to, recover from, or mitigate the impacts of the COVID-19 pandemic."

Adoption of such a policy would allow the Mayor and staff to take a position on Executive Orders issued by the Governor that would help the City respond to, recover from or mitigate the impacts of the COVID-19 pandemic.

FISCAL IMPACT

There is no fiscal impact as a result of action taken by this report.

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.

RECOMMENDATION

Staff makes no recommendation. Upon approval of the consent calendar, Council approves a new long-term advocacy position as presented:

“Urge the Governor to extend Executive Order N-08-21 and any other issued executive orders and to issue new executive orders as necessary, to continue to help Sunnyvale respond to, recover from, or mitigate the impacts of the COVID-19 pandemic.”

Prepared by: Michelle Zahraie, Senior Management Analyst

Reviewed by: Jaqui Guzmán, Deputy City Manager

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager