



AGENDA

SPECIAL MEETING
CYPRESS CITY COUNCIL
January 7, 2022
4:00 P.M.

www.cypressca.org

Webinar/Teleconference Only
Various Locations

SPECIAL NOTICE REGARDING COVID-19

THIS IS A CITY COUNCIL MEETING BY WEBINAR/TELECONFERENCE ONLY.

PUBLIC PARTICIPATION

Members of the public can participate in this meeting as follows:

1. Attend Virtually via Webinar. This option provides the ability to provide live public comments during Oral Communications or Public Hearings and view slideshow presentations. Please register at <https://attendee.gotowebinar.com/register/3122224215990612237> to receive an email containing a link to join the webinar. Advance registration is recommended.
2. Listen to the Meeting. The public may participate via the listen-only teleconference mode by calling (914) 614-3221 and entering Access Code 648-632-638 when prompted. No registration or audio pin is necessary.

CALL TO ORDER

4:00 P.M.

Various Teleconference Locations

ROLL CALL

Cypress City Council, also acting as the Ex-Officio Governing Board of Directors of the Cypress Recreation and Park District

Mayor Paulo Morales
Mayor Pro Tem Anne Hertz-Mallari
Council Member Frances Marquez
Council Member Scott Minikus
Council Member Jon Peat

ITEMS FROM CITY COUNCIL MEMBERS

1. **Consider Findings Required by AB 361 to Use Teleconferencing for Remote City Council Meetings**

Agendized by: Frances Marquez, Council Member

Recommendation:

Council Member Marquez recommends:

1. That the City Council consider conducting remote teleconference City Council meetings; and
2. Approve a Resolution to make the required findings under State law for remote teleconference City Council meetings.

ORAL COMMUNICATIONS (Three minutes per speaker, unless extended by the City Council)

The public may address the City Council on matters appearing on the agenda prior to any action taken. Members of the public participating via the meeting webinar may provide comments by clicking the 'hand raise' button, unmuting their microphone and waiting for the Mayor or City Clerk to call on them.



= Hand Raise



= Unmute

Although Council Members may provide brief responses, the City Council may not discuss or take action on items that are not on its agenda. Speakers are requested to limit their comments to no more than three minutes.

ADJOURNMENT

The next meeting will be an adjourned Regular Meeting, to be held on Monday, January 10, 2022, beginning at 5:30 p.m. in the Executive Board Room.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted on the City Hall bulletin board not less than 24 hours prior to the meeting. Dated this 6th day of January, 2022.

Alisha Farnell, City Clerk

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Clerk at (714) 229-6685 at least 72 hours prior to the meeting to enable the City to make reasonable arrangements to assure accessibility to this meeting.



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Special

1.

FROM: Alisha Farnell, City Clerk

DATE: 01/07/2022

SUBJECT: Consider Findings Required by AB 361 to Use Teleconferencing for Remote City Council Meetings

RECOMMENDATION

Council Member Marquez recommends:

1. That the City Council consider conducting remote teleconference City Council meetings; and
2. Approve a Resolution to make the required findings under State law for remote teleconference City Council meetings.

DISCUSSION

Council Member Marquez requests the City Council consider conducting remote City Council meetings as permitted under State law.

Options for City Council Meetings: Virtual or In-Person

In September, the Governor signed Assembly Bill 361, which amended California Government Code section 54953 regarding teleconference meetings. Those amendments authorize cities to conduct remote meetings by teleconference during a Governor-proclaimed state of emergency provided that the City Council makes findings and meets public access procedural requirements. AB 361 requires the City Council approve the findings to conduct remote teleconference meetings and reaffirm those findings at least every 30 days.

The City Council has met three different ways during the pandemic:

Virtual City Council Meetings

The City Council, staff, and the public participated in meetings via the City's webinar system. City Council meetings were not broadcast live on the City's cable channel or website, but were uploaded to the City's website. This option requires the City Council approve required findings under AB 361.

Partially Virtual City Council Meetings

The City Council and staff participated in meetings in the Council Chambers, while the public participated via webinar. Under this option, the public was able to view the live broadcast of the City Council meeting on the City's cable channel and website. This option requires the City Council approve required findings under AB 361.

In-Person City Council Meetings

The City Council and staff participated in meetings as they had prior to the pandemic and since June 2021. The public is able to attend the meeting in-person, plus participate via webinar or provide written comment ahead of the meeting. In-person City Council meetings have used social distancing and mask requirements to protect public health. This option does not require any City Council action.

Teleconference Meeting Requirements under State Law

The teleconference provisions in AB 361 are only available under when the Governor proclaims state of emergency or while state or local officials have recommended measures to promote social distancing. When either of these conditions exists (both exist in January 2022), the City Council must make the following findings by majority vote (and reaffirm the findings at least every 30 days) to hold remote teleconference meetings:

- (A) The legislative body has reconsidered the circumstances of the state of emergency; and
- (B) Either of the following circumstances exist:
 - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person; or
 - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

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

Public Comment Opportunities in Real Time - a legislative body that meets remotely must allow 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 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 (written public comment is permitted along with real time input).

No Action During Disruptions - in the event a remote meeting is interrupted by technological disruption (or a disruption that prevents the public from offering public comments using the call-in option or internet-based services option) the legislative body is prohibited from taking any further action on items appearing on the meeting agenda until public access is restored. The City's webinar system and meeting protocols previously in place during virtual meetings are in full compliance with AB 361.

BUDGET IMPACT

None.

LEGAL REVIEW

The City Attorney has reviewed the Resolution.

APPROVED BY:

Attachments

Resolution

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS,
AND ACTING AS EX-OFFICIO GOVERNING BOARD OF DIRECTORS
OF THE CYPRESS RECREATION AND PARK DISTRICT,
AUTHORIZING REMOTE TELECONFERENCE ACCESSIBILITY FOR
CONDUCTING PUBLIC MEETINGS PURSUANT TO BROWN ACT
PROVISIONS FOR THE INITIAL PERIOD OF JANUARY 7, 2022
THROUGH FEBRUARY 6, 2022.

WHEREAS, the Cypress City Council is committed to preserving and nurturing public access and participation in meetings of the City Council; and

WHEREAS, all meetings of the Cypress City Council are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, on March 4, 2020, the Governor of California proclaimed a State of Emergency to exist in California as a result of the threat of novel coronavirus disease 2019 (COVID-19); and

WHEREAS, on March 23, 2020, the City Council adopted Resolution No. 6774, ratifying a proclamation of the existence of a local emergency by the Director of Emergency Services; and

WHEREAS, pursuant to Government Code § 54953(e)(B), the legislative body shall 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 risks to the health and safety of attendees. The City Council must make these findings no later than 30 days after the first teleconferenced meeting is held pursuant to AB 361 (Stats. 2021, ch. 165) after September 30, 2021, and must also

make these findings every 30 days thereafter, in order to continue to allow teleconference accessibility for conducting public meetings.

NOW, THEREFORE, the City Council of the City of Cypress, and acting as ex-officio governing Board of Directors of the Cypress Recreation and Park District DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The City Council hereby declares that a state of emergency as a result of the threat of COVID-19 still exists and continues to impact the ability of members of the public, the City Council, City Boards, Commissions, and Committees, City staff and consultants to meet safely in person.

Section 3. The State of California and the City of Cypress continue to follow safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), California Department of Public Health (DPH), and/or County of Orange, as applicable, including facial coverings when required and social distancing.

Section 4. The City Council hereby declares that, pursuant to the findings listed in this Resolution, the City Manager is authorized to utilize teleconferencing accessibility to conduct public meetings pursuant to AB 361 (Stats. 2021, ch. 165) and Government Code § 54953, as amended thereby.

Section 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

Section 6. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 6, 2022, or such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Cypress may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the City Council of the City of Cypress, and acting as ex-officio governing Board of Directors of the Cypress Recreation and Park District, at a regular meeting held on the ___ day of ___, 2022.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS

I, ALISHA FARNELL, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the said City Council held on the ___ day of ___, 2022, by the following roll call vote:

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

CITY CLERK OF THE CITY OF CYPRESS