

**HERCULES CITY COUNCIL
RESOLUTION NO. 22-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES
AUTHORIZING VIRTUAL CITY COUNCIL, COMMISSION, AND COMMITTEE
MEETINGS DURING A DECLARED STATE OF EMERGENCY PURSUANT TO
GOVERNMENT CODE 54953 (AB 361)**

WHEREAS, the City Council of the City of Hercules is committed to ensuring public access to observe and participate in local government meetings; and

WHEREAS, all meetings of the City Council and its other legislative bodies created pursuant to Government Code section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, the Governor signed Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings by teleconference or by other means; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 which ended the provisions of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361 (2021) into law allowing legislative bodies to continue to conduct meetings via teleconferencing under specified conditions, including the requirement that the legislative body make specified findings. AB 361 (2021) took effect on October 1, 2021; and

WHEREAS, AB 361 authorizes local legislative bodies to continue using teleconferencing and virtual meeting technology as long as there is a gubernatorial "proclaimed state of emergency," and either (1) State or local officials imposing or recommending measures that promote social distancing or (2) the legislative body finding that meeting in person would present an imminent safety risk to attendees; and

WHEREAS, the state of emergency proclaimed by the Governor on March 4, 2020, related to the pandemic of coronavirus commonly as COVID-19 has not been rescinded and remains in effect; and

WHEREAS, new variants of COVID-19 have developed, and risks of illness or death due to such variants remains significant to the general public; and

WHEREAS, State and local health officials have imposed and recommended social distancing measures for the protection of public health and safety in response to COVID-19; and

WHEREAS, the Contra Costa Health Services Officer continues to recommend teleconferencing or social distancing during public meetings of all legislative bodies to protect the community's health against the spread of COVID-19; and

WHEREAS, teleconference meetings may include hybrid meetings, in which all or some members of the legislative body meet in person while others attend by teleconference, and members of the public are either allowed to participate only by teleconference or both in person and by teleconference (“hybrid meetings”). The purpose of hybrid meetings is to allow for multiple modes of attending meetings while reducing the risks of COVID-19, including its variants; and

WHEREAS, the City Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees, and other bodies that were created by the City Council pursuant to Government Code section 54952(b) (collectively referred to as “Legislative Bodies”), finds that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hercules that:

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

Section 2. Current Conditions Authorize Teleconference Public Meetings of Legislative Bodies. Based on the California Governor’s continued declaration of a State of Emergency and the Contra Costa County Health Services Officer’s recommendation to continue teleconferencing or social distancing during public meetings, the City Council finds that the conditions continue to exist pursuant to Government Code sections 54952(e)(1) and 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

Section 3. Authorize Legislative Bodies to Conduct Teleconference Meetings. The Legislative Bodies are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.

Section 4. Effective Date. This Resolution shall take effect immediately and shall be in effect for a period of 30 days from the date of adoption. The City Council may reconsider the circumstances necessitating this resolution within 30 days of the adoption of this resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED the foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 28th day of June, 2022 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dion Bailey, Mayor

ATTEST:

Lauren Berges, City Clerk