



# Supplemental Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Steve McClary, Interim City Manager  
Kelsey Pettijohn, City Clerk  
John Cotti, Interim City Attorney

Date prepared: June 9, 2022

Meeting date: June 13, 2022

Subject: Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies, Meetings Under AB 361

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**RECOMMENDED ACTION:** It is recommended that the City Council adopt Resolution No. 22-25, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**WORK PLAN:** This item was not included in the Adopted Work Plan for Fiscal Year 2021-2022.

**DISCUSSION:** On June 3, 2022, staff distributed a report recommending the Council reaffirm Resolution No. 22-15. Attached to this report is a revised resolution re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361. Section 1(D) has been revised to more closely match the condition required by AB 361.

The section previously stated:

“State or local officials continue to impose and recommend measures to promote social distancing”

And now states:

“State or local officials continue to impose or recommend measures to promote social distancing”

**ATTACHMENTS:**  
Resolution No. 22-25

RESOLUTION NO. 22-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU  
MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR THE  
CONTINUATION OF VIRTUAL MEETINGS AND AUTHORIZING VIRTUAL  
CITY COUNCIL, COMMISSION, BOARD, AND OTHER CITY MEETINGS  
PURSUANT TO AB 361

The City Council of the City of Malibu does hereby find, order, and resolve as follows:

SECTION 1. Recitals.

A. The Ralph M. Brown Act (Gov. Code § 54950 et seq.) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to provide public access at each location in which members of the legislative body are teleconferencing;

B. On September 16, 2021 the Governor signed AB 361 (in effect as of October 1, 2021 – Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees;

C. The Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect;

D. State or local officials continue to impose or recommend measures to promote social distancing;

E. The City Council has considered the circumstances of the state of emergency and finds that the continuation of virtual meetings will allow for full participation by members of the public until social distancing recommendations are lifted; and

F. The City Council of the City of Malibu desires to have the ability to continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

SECTION 2. Teleconference Meetings: Consistent with the provisions of Government Code Section 54953(e), the City Council finds and determines that the City Council and all other legislative bodies of the City of Malibu created by the City Council shall be authorized to continue to meet virtually in accordance with Government Code section 54953(e) and without compliance with section 54953(b)(3) based upon the findings and determinations hereby made by the City Council.

SECTION 3. Effective Date. This Resolution shall take effect immediately upon its adoption and

remain in effect for 30 days or until such time as the City Council reaffirms this resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council and all other legislative bodies of the City of Malibu may continue to teleconference without compliance with Government Code §54953(b)(3).

SECTION 4. *Severability.* If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 5. The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 13<sup>th</sup> day of June 2022.

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PAUL GRISANTI, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)

APPROVED AS TO FORM:

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JOHN COTTI, Interim City Attorney