



**SPECIAL MEETING
OF THE GOVERNMENTAL RELATIONS & LEGISLATIVE SUBCOMMITTEE
OF THE CULTURAL HERITAGE COMMISSION**

City of Beverly Hills
Room 280B
455 North Rexford Drive
Beverly Hills, CA 90210

In-Person / Teleconference / Video Conference Meeting

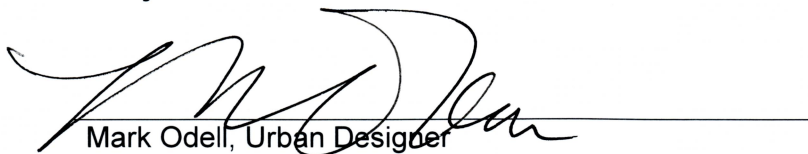
**Tuesday, September 27, 2022
2:00 PM**

Pursuant to Government Code Section 54953, members of the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission and staff may participate in this meeting via a teleconference. Members of the public can participate in the meeting by using this link: <https://www.gotomeet.me/CBHCD/subcom> (no password required), or by phone at 1-866-899-4679 or 1-571-317-3116, Access Code #576-863-781. Written comments may be emailed to commentCHC@beverlyhills.org and will be read at the meeting.

Please be advised that pre-entry metal detector screening requirements are now in place at City Hall. Members of the public are requested to plan visits accordingly.

SPECIAL MEETING AGENDA

- 1. Public Comment**
- 2. Resolution of the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission of the City of Beverly Hills authorizing public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e) and making findings and determinations regarding the same**
New legislation (AB 361) was recently adopted allowing the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission to continue virtual meetings during the COVID-19 declared emergency subject to certain conditions, and the proposed resolution implements the necessary requirements
- 3. Discussion Regarding Governmental Relations & Legislative Topics**
- 4. Adjournment**


Mark Odell, Urban Designer

Posted: September 23, 2022



Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call (310) 285-1126 (voice) or (310) 285-6881 (TTY). Providing at least twenty-four (24) hours advance notice will help to ensure availability of services.



Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission Report

Meeting Date: Tuesday, September 27, 2022

Subject: **RESOLUTION OF THE GOVERNMENTAL RELATIONS & LEGISLATIVE SUBCOMMITTEE OF THE CULTURAL HERITAGE COMMISSION OF THE CITY OF BEVERLY HILLS AUTHORIZING PUBLIC MEETINGS TO BE HELD VIA TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953(e) AND MAKING FINDINGS AND DETERMINATIONS REGARDING THE SAME**

Project Applicant: City-Initiated

Recommendation: Staff recommends that the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission adopt the attached resolution

RECOMMENDATION

Staff and the City Attorney's office recommend that the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission adopt a resolution making the following findings so that meetings of the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission will be subject to the special Brown Act requirements for teleconference meetings: (1) the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission has reconsidered the circumstances of the COVID-19 state of emergency; (2) the state of emergency continues to directly impact the ability of the members to meet safely in person; and (3) state or local officials continue to impose or recommend measures to promote social distancing.

FISCAL IMPACT

The proposed resolution allowing the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission greater flexibility to conduct teleconference meetings is unlikely to cause a greater fiscal impact to the City as the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission has been conducting such teleconference meetings for approximately 27 months.



Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission Report

Public Meetings Via Teleconference
September 27, 2022

INTRODUCTION

Governor Newsom recently signed new legislation (AB 361) allowing the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission to continue virtual meetings during the COVID-19 declared emergency subject to certain conditions. These special requirements give the City greater flexibility to conduct teleconference meetings when there is a declared state of emergency and either social distancing is mandated or recommended, or an in-person meeting would present imminent risks to the health and safety of attendees.

BACKGROUND

On March 4, 2020, Governor Newsom proclaimed a state of emergency to exist in California due to the spread of COVID-19. The Governor subsequently issued numerous executive orders suspending or modifying state laws to facilitate the response to the emergency. Among other things, these executive orders superseded certain Brown Act requirements and established special rules to give local public agencies greater flexibility to conduct teleconference meetings. Those special rules expired on September 30, 2021.

On September 16, 2021, in anticipation of then-imminent expiration of his special rules for teleconference meetings, the Governor signed AB 361. In key part, this bill amends the Brown Act to establish special requirements for teleconference meetings if a legislative body of a local public agency holds a meeting during a proclaimed state of emergency and either state or local officials have imposed or recommended measures to promote social distancing, or the body determines, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

AB 361 builds upon Executive Order ("EO") N-29-20, issued by the Governor on March 17, 2020, which relaxed the teleconferencing requirements of the Brown Act to facilitate virtual meetings during the COVID-19 declared emergency. EO N-29-20's provisions concerning public meetings applied through September 30, 2021.

AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act's standard teleconferencing provisions if the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the agency has already determined or is determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

EO N-29-20 required legislative bodies to make remote public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body, and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Brown Act. AB 361 adds new procedures and clarifies the requirements for conducting remote meetings as follows:



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- *Public Comment Opportunities in Real Time:* A legislative body that meets remotely pursuant to AB 361 must allow members of 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 members of the public to directly address the body in real time. Although the agency may still ask for public comments to be submitted in advance, the agency cannot require public comments to be submitted in advance of the meeting. If an agency does not provide a timed public comment period, but takes public comment separately on each agenda item, it must allow a reasonable amount of time per agenda item to allow members of the public the opportunity to provide public comment, including time to “be recognized for the purpose of providing public comment.”
- *No Action During Disruptions:* In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.
- *Periodic Findings:* To continue meeting remotely pursuant to AB 361, an agency must make periodic findings that: (1) the body has reconsidered the circumstances of the declared emergency; and (2) the emergency impacts the ability of the body’s members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing. These findings should be made not later than 30 days after teleconferencing for the first time pursuant to AB 361, and every 30 days thereafter.

DISCUSSION

To continue to hold meetings under these special teleconferencing requirements, the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission needs to make two findings pursuant to Government Code Section 54953(e)(3). First, there must be a declared state of emergency and the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission must find that it has reconsidered the circumstances of such emergency. Second, the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission must find that such emergency continues to directly impact the ability of the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission’s members to meet in person. Alternatively, for the second finding, the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission must find that state or local officials continue to impose or recommend social distancing measures. These findings must be made within 30 days after the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission teleconferences for the first time under AB 361 and every 30 days thereafter.



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The declared emergency is still in effect. Furthermore, the State of California and the County of Los Angeles have recommended measures to promote social distancing. The Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time. Additionally, the Los Angeles County Department of Public Health still encourages people at risk for severe illness or death from COVID-19 to take protective measures such as social distancing and, for those not yet fully vaccinated, to physically distance from others whose vaccination status is unknown. The County Health Department also continues to recommend that employers take steps to support physical distancing.

Please note that AB 361 applies to all legislative bodies. As such, the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission will need to comply with the requirements of AB 361.

ATTACHMENT A

Resolution

RESOLUTION NO. CHC-GOVS 01

RESOLUTION OF THE GOVERNMENTAL
RELATIONS & LEGISLATIVE SUBCOMMITTEE OF
THE CULTURAL HERITAGE COMMISSION OF THE
CITY OF BEVERLY HILLS AUTHORIZING PUBLIC
MEETINGS TO BE HELD VIA TELECONFERENCING
PURSUANT TO GOVERNMENT CODE SECTION
54953(e) AND MAKING FINDINGS AND
DETERMINATIONS REGARDING THE SAME

WHEREAS, the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission is committed to public access and participation in its meetings while balancing the need to conduct public meetings in a manner that reduces the likelihood of exposure to COVID-19 and to support physical distancing during the COVID-19 pandemic; and

WHEREAS, all meetings of the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission 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 Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission conduct its business; and

WHEREAS, pursuant to Assembly Bill 361, signed by Governor Newsom and effective on September 16, 2021, legislative bodies of local agencies may hold public meetings via teleconferencing pursuant to Government Code Section 54953(e), without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

2. The legislative body holds 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 or safety of attendees.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency in response to the COVID-19 pandemic (the “Emergency”); and

WHEREAS, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time; and

WHEREAS, the Los Angeles County “Responding together at Work and in the Community Order (8.23.21)” provides that all individuals and businesses are strongly encouraged to follow the Los Angeles County Public Health Department Best Practices. The Los Angeles County Public Health Department “Best Practices to Prevent COVID-19 Guidance for Businesses and Employers”, updated on September 13, 2021, recommend that employers take steps to reduce crowding indoors and to support physical distancing between employees and customers; and

WHEREAS, due to the ongoing COVID-19 pandemic and the need to promote social distancing to reduce the likelihood of exposure to COVID-19, the Governmental Relations &

Legislative Subcommittee of the Cultural Heritage Commission intends to hold public meetings via teleconferencing pursuant to Government Code Section 54953(e).

NOW, THEREFORE, the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission of the City of Beverly Hills resolves as follows:

Section 1. The Recitals provided above are true and correct and are hereby incorporated by reference.

Section 2. The Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission hereby determines that, as a result of the Emergency, meeting in person presents imminent risks to the health or safety of attendees.

Section 3. The Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission shall conduct its meetings pursuant to Government Code Section 54953(e).

Section 4. Staff is hereby authorized and directed 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) and other applicable provisions of the Brown Act.

Section 5. The City has reconsidered the circumstances of the state of emergency and finds that: (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, and (ii) state or local officials continue to impose or recommend measures to promote social distancing.

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Section 6. The Secretary of the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission shall certify to the adoption of this Resolution and shall cause this Resolution and her certification to be entered in the Book of Resolution of the Governmental Relations & Legislative Subcommittee of the Cultural Heritage Commission of this City.

Approved as to Form and Content:

Adopted: September 27, 2022

Mark Odell, Urban Designer
Community Development Department

Kimberly Reiss, Chair
Governmental Relations & Legislative
Subcommittee of the Cultural Heritage
Commission