



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JANUARY 30, 2023

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MICHAEL RUSSO, COMMUNICATIONS DIRECTOR

SUBJECT: COUNCIL DISCUSSION AND CONSIDERATION OF CONDUCTING HYBRID COMMISSION MEETINGS ENABLING COMMISSIONERS AND THE PUBLIC TO PARTICIPATE REMOTELY OR IN-PERSON

MEETING DATE: FEBRUARY 8, 2023

BACKGROUND AND DISCUSSION:

On March 17, 2020, the Governor issued an Executive Order suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means. The City has conducted Commission meetings over technology platform Zoom since that time. The Calabasas City Council held remote meetings via Zoom starting in April 2020. In October 2022, the City Council held its first hybrid meeting, allowing members of the public, staff or Council members to participate either in person or remotely. However, meetings of all City Commissions have continued solely via Zoom.

DISCUSSION/ANALYSIS:

Holding a Commission meeting involves staff time and resources. A department director and staff are involved in presentations or providing the Commission with appropriate materials for discussion. Another cost involves Communications staff who actually make the meeting available to the public. The amount of

Communications staff required to produce a meeting varies depending on the type of meeting involved.

- **Traditional (Pre-Pandemic)**: A meeting that took place before April 2020 was held in Chambers and cablecast on CTV. There was no Zoom component and, thus, no hybrid capability. This meeting required two Communications staff working in our master control above the Council Chambers.
- **Zoom only**: When a meeting is held on Zoom, two staff persons are required. One Communications staff member handling the CTV cablecast in master control. The second staff person would serve as the meeting “host” to start and record the meeting, and may even bring panelists in and out, and allow the public to speak. In the past, Communications managers also served this function, but we are training departmental Executive Assistants or other staff to serve in this role (the second Communications staffer will still start each meeting, then turn it over to the appropriate departmental staff).
- **Hybrid Meetings**: A truly hybrid live meeting, where some participants are remote on Zoom and some are in Chambers, is the most challenging and resource-heavy. This requires four Communications staff – and, perhaps, even one additional staff from the appropriate department. In essence, the City is running two separate meetings (one on CTV and the other on Zoom) that must work perfectly together; and this is where the increased staffing is required. There are many moving parts in cablecasting a meeting in Council Chambers. There are a dozen microphones, numerous monitors – large and small – five cameras, inputs to play presentations (some of which can have audio and/or video), feeds for the hearing-impaired; and it all must be seamless without interference or audio/video feedback. Making the CTV cablecast and Zoom virtual stream play nicely together is challenging. This is not unique to Calabasas; every local government running hybrid meetings has the same challenges.

ADDITIONAL INFORMATION REGARDING OPTIONS

On September 13, 2022, Governor Newsom signed Assembly Bill No. 2449 (Rubio) (“AB 2449”), effective January 1, 2023. The bill amends the Brown Act to authorize teleconferencing when a member of a legislative body can demonstrate “just cause” or an “emergency circumstance,” in addition to the usual process allowing teleconferencing when the teleconferenced located is publicly accessible and disclosed on the agenda.

At the outbreak of the Covid-19 Pandemic, Governor Newsom issued Executive

Order N-29-20 in March 2020, waiving the conditions above to encourage teleconferencing to stem the rate of transmission. Governor Newsom signed AB 361, effective September 2021, adding subdivision (e) to Government Code section 54953 ("Subdivision E") and codifying the waiver, but only during a proclaimed state of emergency or when certain findings can be made. Under Subdivision E, the City Council must make specified findings every 30 days to continue allowing City Commission members with the teleconferencing option. Subdivision E expires on January 1, 2024.

AB 2449 amends the teleconferencing provisions of the Brown Act and adds subdivision (f) to Government Code section 54953 ("Subdivision F"). Important differences between the default teleconferencing rules and the special rules under Subdivision E and Subdivision F are summarized below:

	Default Rules	Subdivision E	Subdivision F
In-person Participation of Quorum of Commissioners	Required	Not Required	Required
Method of Commissioner's Participation in Teleconferenced Meeting	Audio or Audio-Visual	Audio or Audio-Visual	Audio-Visual only
Required Opportunities for Public Participation	Only In-Person Required	Call-In or Internet-Based	Call-In or Internet-based & In-Person
Required course of action if disruption prevents broadcast of meeting or public's ability to comment	Meeting Proceeds	No Further Action Taken	No Further Taken

For an agency to invoke the procedures under AB 2449, there must at least be a quorum of the Commissioners participating in person from a singular, physical location identified on the agenda; the location is accessible to the public; and the meeting location is within the local agency's jurisdiction. Local agencies must provide at least one of the following to facilitate a public meeting that equally allows remote participants to interact:

- A two-way audiovisual platform (defined to mean an online platform that provides participants with the ability to participate in a meeting through an interactive video conference and a two-way telephonic function); and/or
- A two-way telephonic service and a live webcasting of the meeting (defined to mean a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform and allows participants to dial a telephone number to listen and verbally participate).

When participating remotely, Commissioners shall participate through both audio and visual technology. Before any official action is taken, the Commissioner must publicly disclose whether any other individuals 18 years or older are in the room at the remote location with the Commissioner, and what the individual's relationship is to the Commissioner.

If a disruption occurs that prevents the Commission from convening the meeting both remotely and in person, the Commission will take no further action on the meeting agenda until public access to the meeting has been restored. This includes situations where the online platform for remote participation has been disrupted and the public may no longer access the meeting remotely. Actions taken during disruption may be challenged.

b. Teleconferencing for "Just Cause" v. "Emergency Circumstances"

Unlike Subdivision E, which only applies during a proclaimed state of emergency or when certain findings can be made, Subdivision F applies when a Commissioner can demonstrate "just cause" or an "emergency circumstance."

"Just cause" means any of the following:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
- A contagious illness that prevents a Commissioner from attending in person;
- A need related to a physical or mental disability; or
- Travel while on official business of the City or another state or local agency.

"Emergency circumstance" means a physical or family medical emergency that prevents a Commissioner from attending in person.

The procedures for invoking “just cause” or an “emergency circumstance” are different:

	Just Cause	Emergency Circumstances
Reason must be disclosed to City Council	Yes	Yes
Reason for teleconferencing needs to be approved by City Council	No	Yes
When such request must be made	At the earliest opportunity	As soon as possible. If there is insufficient time to make the request before the posting of the public agenda, then it may be made at the beginning of the meeting.
Annual limit on use	No more than two meetings per calendar year	
	Commissioners may not use a combination of “just cause” and “emergency circumstances” to participate remotely for more than three months or 20 percent of the regular meetings of the calendar year. If the legislative body meets fewer than 10 times a year, they cannot participate remotely in more than 2 regular meetings.	

c. Process for seeking to participate remotely for “just cause”

- Commissioner provides a general description of the just cause at the earliest opportunity possible, including before the agenda publication deadline or at the start of the meeting.
- Commissioner has not requested more than two just cause teleconferencing appearances; more than three months of consecutive teleconferencing appearances or more than 20 percent of meetings within the calendar years under just cause and/or emergency circumstances.

- Staff liaison publishes the agenda listing the means by which public may access the meeting and offer public comment.
- A quorum of the Commission is physically present within the agency's territorial jurisdiction.
- Teleconferencing Commissioner turns on his or her audio and video (calling in by phone is not permitted).
- Commissioner discloses at the start of the meeting whether any other individuals 18 years of age or older are present in the room at the remote location with the Commissioner, and the Commissioner's relationship with the individual(s).
- All votes are taken by roll call.

d. Process for seeking to participate remotely for "emergency circumstances"

- Commissioner provides a general description of the emergency circumstance at the earliest opportunity possible; if there is insufficient time to place it on the posted agenda, then at the beginning of the meeting. The general description need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.
- Commissioner has not requested more than three months of consecutive or more than 20 percent of meeting within a calendar year of teleconferencing appearances under just cause or emergency circumstances; or has not requested more than two teleconference appearances if the Commission regularly meets for less than 10 meetings per calendar year.
- Staff liaison publishes the agenda listing means by which the public may access the meeting and offer public comment.
- A quorum of the Commission is physically present within the agency's territorial jurisdiction.
- The Commission votes to approve teleconference participation due to emergency circumstance. (this is a new exception allowing the Commission to take action without being previously agendized, if not possible).
- Teleconferencing Commissioner turns on his or her audio and video (calling in by phone is not permitted).
- Commissioner discloses at the start of the meeting whether any other individuals 18 years of age or older are present in the room at the remote location with the Commissioner, and the Commissioner's relationship with the individual(s).
- All votes are taken by roll call.

Summary of Options from the Commissioner Perspective:

- Traditional (Pre-Pandemic) – All Commissioners and the public participate in person. Meetings would be broadcast on CTV and website, but not also by Zoom. Remote participation by a Commissioner would only be possible under the pre-pandemic remote participation option – requiring that the remote location be publicly listed on the agenda and be publicly accessible.
- All Zoom – All Commissioners would be present by Zoom, none in person. The public would participate by Zoom as well. This is viable only during 2023 and only as long as the Council can make the required findings every 30 days, including that state or local officials continue to recommend social distancing measures.
- Hybrid – The default is that Commissioners would need to attend in person and at minimum a quorum of Commissioners would need to be in person for every meeting. The public would participate by Zoom or in person. Commissioners could participate remotely under the pre-pandemic remote participation rules [including a public remote location], or on a limited basis if and when the rules as stated above for just cause or emergency circumstances can be met. Commissioners would be subject to those requirements and annual remote meeting count limitations – it would not be a right for Commissioners to attend every meeting remotely meeting at will. This is the same approach as the City Council meetings at present.

FISCAL IMPACT:

The more staff time equates to higher costs. Commission meetings do not happen every day, and their regularity depends on the actual Commission. For example, the Planning Commission twice each month, while the Historic Preservation Commission meets quarterly. Several other Commissions meet monthly. In the first six months of 2022, there were 24 Commission meetings. Assuming those 24 meetings took 40 hours of air time, we can look at the cost of each type of meeting. Looking at the required staff involved for each of the three scenarios, it's plain to see which is the most expensive:

Traditional (Pre-Pandemic):

Staff: 2 Senior Media Specialists

COST: \$104.54/hr. (1 FT + 1 PT)

Example: 40 hours of meetings = \$4,181.60

*Excluding any overtime

Zoom only:

Staff: 2 Senior Media Specialists

(or 1 Sr. Media Specialist + 1 Department staff)

COST: \$104.54/hr. (1 FT + 1 PT)

Example: 40 hours of meetings = \$4,181.60

*Excluding any overtime

Hybrid Meeting:

Staff: 2 Senior Media Specialists

1 IT Specialist

1 Media Supervisor

1 Department staff (if needed)

COST: \$248.81/hr. plus cost of the 5th staff person from another department (if needed)

Example: 40 hours of meetings = \$9,952.40

*Excluding any overtime

REQUESTED ACTION:

Discuss and provide direction on whether to hold hybrid Commission meetings, or continue with Zoom only, or meet in person in Chambers with no hybrid option.

ATTACHMENTS:

PowerPoint Presentation