



CITY *of* CLOVIS

AGENDA • CITIZENS' ADVISORY COMMITTEE

California Health Sciences University (CHSU), 2500 Alluvial, Clovis, CA 93611
(559) 324-2060

www.cityofclovis.com/cac

January 26, 2022

6:00 PM

CHSU

In compliance with the Americans with Disabilities Act, if you need special assistance to access the California Health Sciences University (CHSU) campus to participate at this meeting, please contact the City Clerk at (559) 324-2060 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the CHSU campus.

The Clovis Citizens' Advisory Committee meetings are open to the public at the physical address listed above. There are numerous ways to participate in the Citizens' Advisory Committee meetings: you are able to attend in-person; you may participate virtually by joining the WebEx meeting (see "WebEx Participation" below); and you may view the meeting which is webcast and accessed at www.cityofclovis.com/cac.

WebEx Participation

Members of the public will be able to make verbal comments via WebEx by raising their hand in the virtual meeting or messaging the Host to join the queue to speak. Participants desiring to make a verbal comment via WebEx will need to ensure that they accessed the meeting with audio transmission capabilities.

CALL TO ORDER

FLAG SALUTE

ROLL CALL

OPENING BUSINESS

1. Welcome by the Clovis City Council
2. Committee Member Introductions
3. City of Clovis Staff Introductions
4. Review of Brown Act Protocols by City Attorney
5. Review of Meetings and Agenda Management Process

REGULAR AGENDA

6. Consider Approval – CAC Res. 22-1, A Resolution of the Citizens’ Advisory Committee of the City of Clovis Authorizing Remote Committee Meetings During Declared State of Emergency In Accordance With Government Code Section 54953 (AB 361).

ADJOURNMENT

FUTURE MEETINGS		
February 9, 2022 (Wed.)	6:00 P.M.	CHSU Alluvial Campus
February 23, 2022 (Wed.)	6:00 P.M.	CHSU Alluvial Campus
March 9, 2022 (Wed.)	6:00 P.M.	CHSU Alluvial Campus
March 23, 2022 (Wed.)	6:00 P.M.	CHSU Alluvial Campus
April 20, 2022 (3 rd Wed. due to Spring Break)	6:00 P.M.	CHSU Alluvial Campus
April 27, 2022 (Wed.)	6:00 P.M.	CHSU Alluvial Campus
May 11, 2022 (Wed.)	6:00 P.M.	CHSU Alluvial Campus
May 25, 2022 (Wed.)	6:00 P.M.	CHSU Alluvial Campus



CITY *of* CLOVIS

REPORT TO CITIZENS' ADVISORY COMMITTEE

TO: Citizens' Advisory Committee

FROM: Administration

DATE: January 26, 2022

SUBJECT: Consider Approval – CAC Res. 22-1, A Resolution of the Citizens' Advisory Committee of the City of Clovis Authorizing Remote Teleconferencing for Committee Meetings During Declared State of Emergency in Accordance with Government Code Section 54953 (AB 361).

ATTACHMENTS: 1. CAC Res. 22-1

RECOMMENDATION

Consider approving the Resolution if there is a desire for Committee members to be able to attend Committee meetings via remote teleconferencing rather than all Committee members having to attend meetings in person. The Resolution contains the necessary findings to allow Committee members and members of the public to attend meetings via remote teleconferencing pursuant to AB 361 (Government Code Section 54953) without following typical Brown Act requirements for teleconference participation by members of a committee.

BACKGROUND

The Citizens' Advisory Committee (CAC) is subject to the Ralph M. Brown Act, and CAC meetings must be conducted in accordance with applicable Brown Act requirements. The Brown Act generally requires committee members to attend committee meetings in person but does offer a teleconferencing option if certain requirements are satisfied. Those typical requirements are as follows – a majority of the committee members must participate from locations within the City limits; each teleconference location must be identified on the agenda; the agenda must be posted at each teleconference location; each teleconference location must be accessible to the public so that members of the public can attend and participate from the remote teleconference location; and all votes must be by roll call.

Through a series of executive orders issued by the Governor after the initial COVID-19 emergency declaration in March 2020, the teleconferencing requirements of the Brown Act were

relaxed so that local agency meetings, such as CAC meeting, could be conducted via teleconference or internet-based services such as Zoom or Webex, and members could attend remotely without having to identify each remote location or open each remote location to members of the public. As a result, some agencies began conducting meetings entirely remote, others continued to have in-person meetings or operated a “hybrid” model with some members attending in person and others attending remotely.

The last of the executive orders relaxing the teleconferencing requirements for local agency meetings expired last September. In anticipation of that expiration, AB 361 was enacted in September as urgency legislation and became effective immediately. AB 361 amends the Brown Act and provides an option for local legislative bodies such as the CAC to continue holding meetings remotely without satisfying the typical Brown Act teleconferencing requirements.

Initial reliance on the relaxed teleconferencing requirements of AB 361 is allowed as follows: (1) the legislative body meeting is held during a proclaimed state of emergency; and (2) either of the following circumstances exist – (a) state or local officials have imposed or recommended measures to promote social distancing, or (b) the legislative body has determined by majority vote that, as a result of the emergency, meeting in person would present imminent risk to the health or safety of attendees. (Gov. Code Section 54953(e)(1).) Both the Governor’s state of emergency declaration on March 4, 2020, and the City of Clovis’ declaration of local emergency issued on March 16, 2020, remain in place. Although State or Fresno County officials are not currently imposing or recommending social distancing measures to prevent the spread of COVID-19, the other finding - meeting in person would present imminent risk to the health or safety of attendees - could be made by the majority of the CAC if teleconferencing for CAC meetings is desired.

If the Resolution is approved and the AB 361 option is selected, CAC members may participate in meetings via teleconference or the internet-based service option without having to identify the remote location on the agenda or allowing the public to attend the meeting from the remote location. City staff will ensure that all necessary requirements are satisfied. However, it must be noted that if the AB 361 option is selected, and there is any disruption that prevents the CAC meeting from being broadcast (i.e. audio problems or teleconference line disconnection), or there is a disruption that prevents members of the public from offering public comments using the call-in option or internet-based service option, the CAC would be prohibited from taking any further action on items appearing on the meeting agenda until public access to the meeting is restored. This would mean that if there are technical difficulties which prevent the public from being able to call-in to offer comments, the CAC meeting would have to be stopped until the call-in feature is restored despite the fact many members of the CAC and members of the public may be attending in person.

Also, if the Resolution is approved, to continue with the relaxed teleconferencing requirements for CAC meetings, the CAC must make findings every 30 days that (1) it has reconsidered the circumstances of the state of emergency, and either (a) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (b) state or local officials continue to impose or recommend measures to promote social distancing. A simple “continuing”

resolution could be prepared for this purpose and appear on future CAC meeting agendas for consideration.

The way CAC meetings will be conducted will provide the public with the ability to attend either in person or via teleconference or internet-based service and will comply with all applicable legal requirements. However, if the Resolution is not approved, Committee members must either attend CAC meetings in person or the typical Brown Act requirements for teleconference attendance by any Committee member must be followed. Those typical requirements are – a majority of the Committee must participate from locations within the City limits; each teleconference location must be identified on the agenda; the agenda must be posted at each teleconference location; each teleconference location must be accessible to the public so that the public can attend and participate from the remote teleconference location; and all votes must be by roll call.

While attending CAC meetings in person is an option, the proclaimed COVID-19 emergency is still in effect and there may be occasions when the emergency directly impacts the ability of Committee members to meet safely in person (i.e. when isolation or quarantining is required). As a result, the necessary AB 361 findings can be made, if desired.

ACTIONS FOLLOWING APPROVAL

Staff will return next month for the CAC to consider reapproval of the resolution to continue offering remote teleconferencing option for CAC members and the public for another 30 days.

Prepared by: Scott Cross, City Attorney

Reviewed by: City Manager 

CAC RESOLUTION NO. 22-1

A RESOLUTION OF THE CITIZENS' ADVISORY COMMITTEE OF THE CITY OF CLOVIS AUTHORIZING REMOTE COMMITTEE MEETINGS DURING DECLARED STATE OF EMERGENCY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953 (AB 361)

WHEREAS, on March 4, 2020, the Governor of California declared a state of emergency in the State as a result of the COVID-19 pandemic; and

WHEREAS, pursuant to Resolution 20-20 approved by the Clovis City Council on March 16, 2020, the City Council declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, on March 17, 2020, with the issuance of Executive Order N-29-20, the Governor suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other remote means; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which placed an end date of September 30, 2021, for agencies to meet remotely; and

WHEREAS, AB 361 was enacted on September 16, 2021, immediately amending Government Code Section 54953 of the Brown Act to authorize local agencies to use teleconferencing and videoconferencing without complying with the typical teleconferencing requirements imposed by the Brown Act when a local agency legislative body holds a meeting during a declared state of emergency and other requirements are satisfied; and

WHEREAS, neither the state of emergency proclaimed by the Governor on March 4, 2020, nor the state of emergency declared by the Clovis City Council on March 16, 2020, has been rescinded and the state of emergency remains in effect; and

WHEREAS, the Committee has determined that teleconferencing from remote locations by the public and members of the Committee will not limit attendance or participation of members of the public or Committee members at Committee meetings, and requiring all Committee members and all members of the public to attend meetings in person could present risks to the health or safety of some attendees.

NOW, THEREFORE, THE CITIZENS' ADVISORY COMMITTEE OF THE CITY OF CLOVIS RESOLVES AS FOLLOWS:

1. The Committee finds that the State and local declarations of emergency resulting from the COVID-19 pandemic remain in place.
2. The Committee finds that, as a result of the declared emergency resulting from COVID-19, meeting in person would present imminent risks to the health or safety of attendees of Committee meetings.

3. This Resolution shall be effective immediately and shall be a standing item on Committee meeting agendas not more than every 30 days to reconsider the circumstances of the COVID-19 state of emergency and determine whether the state of emergency continues to directly impact the ability of members of the public and Committee members to meet safely in person, or whether state or local officials continue to impose or recommend measures to promote social distancing, until this Resolution is rescinded.

* * * * *

The foregoing resolution was duly and regularly approved at a meeting of the Citizens' Advisory Committee on January 26, 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: January 26, 2022

Chair

City Clerk