



AGENDA

Special City Council Meeting

City Council Chamber

Chowchilla City Hall - 130 S. Second Street, Chowchilla, CA 93610

Thursday, November 17, 2022 – 5:45 p.m.

City Hall is now open to the public for business. The City Council Chamber is **OPEN** to the public for City Council meetings. City Council meetings will also be available to view and participate via **Zoom**. **Please read Page 2 of this agenda packet for Zoom login and participation information.**

This City Council meeting agenda was posted at least 24 hours prior to the meeting in the kiosk just outside of City Hall, 130 S. Second St., Chowchilla, CA 93610.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection on the city website at www.CityofChowchilla.org.

The City of Chowchilla complies with the Americans with Disabilities Act (ADA of 1990). The Council Chambers is accessible to the physically disabled. If you need special assistance, please call (559) 665-8615, ext. 102 at least 4 days prior to a regular meeting, 1 day for a special meeting.

CALL TO ORDER/ROLL CALL:

Mayor: John Chavez

Mayor Pro Tem: Ray Barragan

Council Members: Waseem Ahmed, Diana Palmer, Kelly Smith

City staff and contract employees present at the meeting will be noted in the minutes.

OPEN SESSION – 5:00 PM

NEW BUSINESS - Section 1

1.1 Consideration and Adoption of a City Council Resolution Authorizing Use of Remote Teleconferencing Provisions (AB 361 and Government Code Section 54653) (McClendon)

ADJOURNMENT

I, Joann McClendon, CMC, City Clerk, do hereby declare under penalty of perjury that the foregoing agenda was posted at Chowchilla City Hall, 130 S Second Street, Chowchilla, CA and made available for public review on this 16th day of November, 2022 at or before 5:00pm.

Joann McClendon, CMC, City Clerk

SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19

Public meetings are still open to the public to attend in-person. However, if you wish to attend remotely, please read the message below.

Members of the public may access the meeting using the following information:

Zoom login instructions

Use the following url to start Zoom:

<https://us06web.zoom.us/j/81357130232?pwd=Y1ltM1ZqcDVXQjhpU1VEaWNnUWRuQT09>

Passcode: 277 832

To participate by phone, dial: 1-877-853-5247

Webinar ID: 813 5713 0232

Passcode: 277 832

Staff highly recommends that participants log into Zoom 15 minutes before the meeting begins to perform an audio check and to make sure you have optimal internet connection.

Options to participate / view / and listen to the meeting:

- **If you wish to speak on an item using the Zoom platform on your computer/laptop or smart phone**, please use the “raise hand” icon and you will be unmuted when it is your turn to speak. Please provide your name when unmuted. You will be able to speak to the Council for up to 3 minutes.
- **If you are calling in to the meeting only (no camera/video) and you wish to make a comment**, press *9 to “raise your hand” and *6 to unmute yourself.



REPORT TO THE CITY COUNCIL

Meeting of: November 17, 2022

AGENDA SECTION: New Business

SUBJECT: Consideration of a Resolution Authorizing the City Administrator to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361

PREPARED BY: Joann McClendon, City Clerk

ATTACHMENTS: Resolution

REVIEWED BY ADMINISTRATOR

REVIEWED BY ATTORNEY

REVIEWED BY FINANCE

RECOMMENDATION:

That the City Council adopt a resolution authorizing the City Administrator to implement teleconferenced public meetings pursuant to Assembly Bill 361.

BACKGROUND:

On September 16, 2021, the California legislature passed Assembly Bill ("AB") 361, which amends Government Code, section 54953 and permits a local agency to use teleconferencing to conduct its meetings in any of the following circumstances:

(A) 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; or

(B) 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; or

(C) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

REASON FOR RECOMMENDATION:

In order for the City Council to use teleconferencing as allowed by AB 361 after October 1, 2021, it must first adopt findings in a resolution, allowing the City Council to conduct teleconferenced meetings for a period of thirty (30) days. In addition, AB 361 requires the City to make specified findings every 30 days thereafter. If it goes over 30 days, the City must re-adopt the resolution.

FISCAL IMPACT:

None foreseen at time of report.

ALTERNATIVES:

Not adopt the resolution and revert to the original Brown Act rules for posting agendas when a member of the council remotely joins a City Council meeting.

ACTIONS FOLLOWING APPROVAL:

If resolution adopted, place the item on the City Council meeting agenda every 30-days to continue along with the AB361 guidelines without disruption.

COUNCIL RESOLUTION # -22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, CALIFORNIA
AUTHORIZING USE OF REMOTE TELECONFERENCING PROVISIONS (AB 361 and Government
Code Section 54653)**

WHEREAS, the City Council of the City of Chowchilla (“City Council”) is committed to open and transparent government, and full compliance with the Ralph M. Brown Act (“Brown Act”); and

WHEREAS, the Brown Act generally requires that a public agency take certain actions in order to use teleconferencing to attend a public meeting virtually; and

WHEREAS, the City Council recognizes that a local emergency persists due to the worldwide COVID-19 pandemic; and

WHEREAS, the California Legislature has recognized the ongoing state of emergency due to the COVID-19 pandemic and has responded by creating an additional means for public meetings to be held via teleconference (inclusive of internet-based virtual meetings); and

WHEREAS, on September 16, 2021, the California legislature passed Assembly Bill (“AB”) 361, which amends Government Code, section 54953 and permits a local agency to use teleconferencing to conduct its meetings in any of the following circumstances: (A) 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; (B) 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; or (C) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, in order for the City Council to use teleconferencing as allowed by AB 361 after October 1, 2021, it must first adopt findings in a resolution, allowing the City Council to conduct teleconferenced meetings for a period of thirty (30) days; and

WHEREAS, Governor Gavin Newsom declared a state of emergency for the State of California due to the COVID-19 pandemic in his order entitled “Proclamation of a State of Emergency,” signed March 4, 2020; and/or

WHEREAS, the California Occupational and Safety Health Administration (OSHA) continues to recommend certain social distancing requirements, as described in detail in California Code of Regulations Title 8, section 3205 Covid Prevention; and/or

WHEREAS, the City Council hereby finds that the state and local emergencies have caused and will continue to cause imminent risks to the health or safety of attendees; and/or

WHEREAS, the City Council is conducting its meetings through the use of telephonic and internet-based services so that members of the public may observe and participate in meetings and offer public comment.

NOW THEREFORE, BE IT RESOLVED, that the recitals set forth above are true and correct and fully incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED, that the City Council is conducting meetings during a state of emergency and OSHA recommends measures to promote social distancing; and/or

BE IT FURTHER RESOLVED, that the City Council has determined that given the state of emergency, holding in-person only meetings would present imminent risks to the health or safety of attendees.

BE IT FURTHER RESOLVED, that the actions taken by the City Council through this resolution shall be applied to all City committees governed by the Brown Act unless otherwise desired by that committee.

BE IT FURTHER RESOLVED, the City Council authorizes the City Manager or their designee(s) to take all actions necessary to conduct City Council meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, using teleconferencing for a period of thirty (30) days from the adoption of this Resolution after which the City Council will reconsider the circumstances of the state of emergency.

PASSED AND ADOPTED by the City Council of the City of Chowchilla this 17th day of November, 2022 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor John Chavez

ATTEST:

Joann McClendon, CMC
City Clerk