



**CITY OF SOUTH PASADENA  
CITY COUNCIL**

**A G E N D A  
SPECIAL MEETING  
THURSDAY, JULY 7, 2022, AT 6:00 P.M.**

**CITY COUNCIL CHAMBERS  
1424 MISSION STREET, SOUTH PASADENA, CA 91030**

**South Pasadena City Council Statement of Civility**

*As your elected governing board, we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made tonight will be for the benefit of the South Pasadena community and not for personal gain.*

**NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY**

The South Pasadena City Council Meeting will be conducted in-person from the Council Chambers, Amedee O. "Dick" Richards, Jr., located at 1424 Mission Street, South Pasadena. Pursuant to AB 361 Government Code section 54953, subdivision (e)(3), the City Council may conduct its meetings remotely and may be held via video conference.

The Meeting will be available:

- In Person Hybrid – City Council Chambers, 1424 Mission Street
- Live Broadcast via the website -  
[http://www.spectrumstream.com/streaming/south\\_pasadena/live.cfm](http://www.spectrumstream.com/streaming/south_pasadena/live.cfm)
- Via Zoom – **Webinar ID: 825 9999 2830**

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting via Zoom in one of the three methods below.

1. Go to the Zoom website, <https://zoom.us/join> and enter the Zoom Meeting information; or
2. Click on the following unique Zoom meeting link:  
<https://us06web.zoom.us/j/82599992830> or
3. You may listen to the meeting by calling: +1-669-900-6833 and entering the Zoom Meeting ID.

**CALL TO ORDER:** Mayor Michael Cacciotti

**ROLL CALL:** Mayor Michael Cacciotti  
Mayor Pro Tem Jon Primuth  
Councilmember Jack Donovan  
Councilmember Diana Mahmud  
Councilmember Evelyn G. Zneimer

**PUBLIC COMMENT GUIDELINES**

The City Council welcomes public input. For Special Meetings members of the public can only comment on items on the Agenda.

Option 1:

Participate in-person at the City Council Chambers.

Option 2:

Public Comment speakers have three minutes to address the Council, however, the Mayor and City Council can adjust time allotted as needed. Participants will be able to “raise their hand” using the Zoom icon during the meeting, and they will have their microphone un-muted during comment portions of the agenda to speak. for up to three minutes per item.

Option 3:

Email public comment(s) to [ccpubliccomment@southpasadenaca.gov](mailto:ccpubliccomment@southpasadenaca.gov).

Public Comments received in writing will not be read aloud at the meeting, but will be part of the meeting record. Written public comments will be uploaded online for public viewing under Additional Documents. There is no word limit on emailed Public Comment(s). Please make sure to indicate:

- 1) Name (optional), and
- 2) Agenda item you are submitting public comment on.
- 3) Submit by no later than 12:00 p.m., on the day of the Council meeting.

PLEASE NOTE: The Mayor may exercise the Chair's discretion, subject to the approval of the majority of the City Council, to adjust public comment(s) to less than three minutes.

Pursuant to State law, the City Council may not discuss or act on issues not on the meeting agenda, except that members of the City Council or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

**ACTION / DISCUSSION**

**1. APPROVAL OF RATIFICATION OF 2022-23 PRISM OPTIONAL EXCESS LIABILITY PROGRAM**

**Recommendation**

It is recommended that the City Council ratify the 2022-23 PRISM Optional Excess Liability Program.

**2. ADOPTION OF A RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY**

**RESOLUTION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF SOUTH PASADENA FOR THE PERIOD OF JULY 16, 2022 THROUGH AUGUST 15, 2022, PURSUANT TO BROWN ACT PROVISIONS

**Recommendation**

It is recommended that the City Council approve the attached authorizing remote teleconference meetings of the legislative bodies of the City.

**CLOSED SESSION AGENDA ITEMS – (Recess to Closed Session)**

**A. CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION**

(Government Code Section 54956.9(d)(1))

1. *Alison Smith v. City of South Pasadena* (LASC Case No.19BBCV00118)
2. *Fahren James and Victoria Patterson v. City of South Pasadena, et al.* (CDCA, Case No. 2:21-cv-08256-DSF-KK)

**B. PUBLIC EMPLOYMENT- PERFORMANCE EVALUATION**

(Government Code Section 54957(b)(1))

Title: City Manager

**ADJOURNMENT**

**FOR YOUR INFORMATION**

**FUTURE CITY COUNCIL MEETINGS**

July 20,2022	Regular City Council Meeting	7:00 p.m.
August 3, 2022	CANCELLED	
August 17, 2022	Regular City Council Meeting	7:00 p.m.

**PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS**

City Council meeting agenda packets, any agenda related documents, and additional documents are available online for public inspection on the City's website:

[www.southpasadenaca.gov/CityCouncilMeetings2022](http://www.southpasadenaca.gov/CityCouncilMeetings2022)

Regular meetings are live streamed via the internet at:

[http://www.spectrumstream.com/streaming/south\\_pasadena/live.cfm](http://www.spectrumstream.com/streaming/south_pasadena/live.cfm)

**AGENDA NOTIFICATION SUBSCRIPTION**

If you wish to receive an agenda email notification please contact the City Clerk's Division via email at [CityClerk@southpasadenaca.gov](mailto:CityClerk@southpasadenaca.gov) or call (626) 403-7230.

**ACCOMMODATIONS**



The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division at (626) 403-7230 or [CityClerk@southpasadenaca.gov](mailto:CityClerk@southpasadenaca.gov). Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

**CERTIFICATION OF POSTING**

*I declare under penalty of perjury that I posted this notice of agenda for the meeting to be held on **July 7, 2022**, on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City's, website as required by law, on the date listed below.*

7/6/2022

/S/

Date

Christina A. Muñoz, Deputy City Clerk



# City Council Agenda Report

ITEM NO. 1

**DATE:** July 7, 2022  
**FROM:** Arminé Chaparyan, City Manager *Ac*  
**PREPARED BY:** Domenica K. Megerdichian, Deputy City Manager  
**SUBJECT:** 2022-23 PRISM Optional Excess Liability Program

## **Recommendation**

It is recommended that the City Council ratify the 2022-23 PRISM Optional Excess Liability Program.

## **Background**

The City of South Pasadena carries liability insurance through PRISM, which also offers an Optional Excess Liability Program. The City participates in a Joint Powers Authority (JPA) for most lines of coverage, and such participation automatically renews with JPA staff facilitating bind coverage on behalf of the City. This Program is renewed annually in addition to the General Liability 1 (GL1) Program.

## **Analysis**

The City Manager's Office learned of this insurance renewal on June 28, 2022, and the binding deadline of July 1, 2022. While this is an annual renewal that has historically been authorized administratively, and the renewal cost of \$57,802 has been included in the annual budget, this amount exceeds the City Manager's authority, and as such, is coming before the City Council for ratification.

This excess liability provides coverage for claims between \$25-50 million, including this past holiday weekend's 4<sup>th</sup> of July fireworks, parade, programming and community block parties. Considering the time constraint and necessity to act in the City's best interest, the City Manager, upon discussing with the City Attorney, was advised to bind the insurance on June 30, 2022. Should the City have waited past the July 1 deadline and coverage date, insurance coverage would have lapsed, and any possible event during this time would have been excluded from coverage, and furthermore, would have jeopardized the City's ability to purchase the policy after July 1. Without this coverage, the City would bare the responsibility of self-insurance for potential claims.

## **Fiscal Impact**

The cost of renewing the annual excess premium at a \$57,802 rate, is included in the FY 2022-23 Approved Budget.

Attachment: Optional Excess Liability Proposal

**ATTACHMENT**  
Optional Excess Liability Proposal

**PUBLIC RISK INNOVATION, SOLUTIONS, AND MANAGEMENT (PRISM)  
 OPTIONAL EXCESS LIABILITY PROGRAM  
 2022/2023 INDIVIDUAL MEMBER RENEWAL INDICATION  
 City of South Pasadena**



	<b>EXPIRING</b>	<b>RENEWAL</b>
<b>POLICY PERIOD</b>	July 1, 2021 to July 1, 2022	July 1, 2022 to July 1, 2023
<b>COMPANY(IES) AFFORDING COVERAGE</b>	1. Allied World National Assurance Company (AWAC) 2. Great American Excess & Surplus Company 3. Public Risk Innovation, Solutions and Management with reinsurance provided by Munich Reinsurance America, Inc.	1. Allied World National Assurance Company (AWAC) 2. Great American Excess & Surplus Company 3. Public Risk Innovation, Solutions and Management with reinsurance provided by Munich Reinsurance America, Inc.
<b>A.M. BEST'S GUIDE RATING</b>	1. A (Excellent); Financial Size Category XV (\$2,000,000,00 or greater) as of 06/28/2021 2. A+ (Superior); Financial Size Category XV (\$2,000,0000,000 or greater) as of 06/28/2021 3. A+ (Superior) Financial Size Category XV (\$2,000,000,00 or greater) as of 06/28/2021 (Munich Re)	1. A (Stable); Financial Size Category XV (\$2,000,000,00 or greater) as of 06/20/22 2. A (Excellent); Financial Size Category XV (\$2,000,0000,000 or greater) as of 06/20/22 3. A+ (Superior) Financial Size Category XV (\$2,000,000,00 or greater) as of 06/20/22 (Munich Re)
<b>STANDARD &amp; POOR'S RATING</b>	1. A- (Stable) as of 06/28/2021 2. A+ (Stable) as of 06/28/2021 3. AA- (Stable) as of 06/28/2021	1. A- (Positive) as of 06/20/2022 2. A+ (Stable) as of 06/20/2022 3. AA- (Stable) as of 06/20/2022
<b>CALIFORNIA STATUS</b>	All companies non-admitted	All companies non-admitted
<b>COVERAGE PROVIDED</b>	<u>Layer 1 and Layer 2</u> Follow Form Excess Insurance of Public Risk Innovation, Solutions, and Management (PRISM) General Liability 1 (GL1) Program or General Liability 2 (GL2) Program Memorandums of Coverage as applicable including: <ul style="list-style-type: none"> <li>• Bodily Injury &amp; Property Damage</li> <li>• Personal Injury</li> <li>• Public Officials Errors and Omissions</li> <li>• Employment Practices Liability</li> </ul>	Same as present

**NOTE: THIS PROPOSAL IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT AMEND, EXTEND OR ALTER THE POLICY IN ANY WAY. PLEASE REFER TO THE POLICY FORM FOR COMPLETE COVERAGE AND EXCLUSION INFORMATION.**

**PUBLIC RISK INNOVATION, SOLUTIONS, AND MANAGEMENT (PRISM)  
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	EXPIRING	RENEWAL
<b>COVERAGE PROVIDED</b> <i>continued</i>	<u>Layer 3</u> Follow Form Certificate of Coverage of Public Risk Innovation, Solutions, and Management (PRISM) General Liability 1 (GL1) Program or General Liability 2 (GL2) Program Memorandum of Coverage	
<b>LIMIT(S)</b>	<p><b><u>Layer 1 - AWAC</u></b>                      \$10,000,000 each occurrence and aggregate as respects completed operations in excess of the Underlying Limit noted below                      \$40,000,000 shared program aggregate limit (aggregate is not eroded by Auto Liability)</p> <p><b><u>Layer 2 – Great American</u></b>                      \$ 5,000,000 each occurrence and aggregate as respects completed operations in excess of Layer 1                      \$20,000,000 shared program aggregate limit (aggregate is not eroded by Auto Liability)</p> <p><b><u>Layer 3 - (PRISM / Munich Re)</u></b>                      \$10,000,000 each occurrence and aggregate in excess of \$40,000,000 each occurrence                      \$50,000,000 shared program aggregate limit (including Auto Liability)</p> <ul style="list-style-type: none"> <li>• Shared program aggregate limits are shared by all GL1 and GL2 members</li> <li>• No drop down coverage upon exhaustion of underlying aggregate limits</li> </ul>	Same as present

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	EXPIRING	RENEWAL
<b>UNDERLYING LIMIT</b>	\$25,000,000 each occurrence, offense, or wrongful act (inclusive of SIR) under the GL1 or GL2 programs (as applicable)	Same as present
<b>DEFENSE COSTS</b>	Limits and retentions are eroded by defense costs	Same as present
<b>MAJOR EXCLUSIONS (Included but not limited to)</b>	<p>Per CSAC EIA General Liability 1 (GL1) Program or General Liability 2 (GL2) Program Memorandums of Coverage plus the following:</p> <ul style="list-style-type: none"> <li>• Asbestos</li> <li>• Communicable Disease &amp; Infectious Agent exclusion</li> <li>• Drop down coverage</li> <li>• War</li> <li>• Payments for judgments or acts deemed uninsurable by law</li> <li>• Excluded or Sublimited Coverage by the MOC's</li> </ul> <p>Additional exclusions on Layer 3 only</p> <ul style="list-style-type: none"> <li>• War</li> <li>• Terrorist Activity</li> <li>• Pollution</li> <li>• Onshore or offshore gas or oil drilling operations, petrochemical operations, pipelines, or wells</li> <li>• Securities laws or regulations</li> <li>• Watercraft over 75 feet</li> <li>• Hospitals</li> <li>• Obtaining, maintaining or administering any insurance coverage, bond coverage or self insurance fund</li> <li>• Cyber liability, unauthorized disclosure of information and other risks</li> </ul>	Same as present

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Alliant Insurance Services, Inc. • 18100 Von Karman Avenue • 10<sup>th</sup> Floor • Irvine, CA 92612  
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**PUBLIC RISK INNOVATION, SOLUTIONS, AND MANAGEMENT (PRISM)  
 OPTIONAL EXCESS LIABILITY PROGRAM  
 2022/2023 INDIVIDUAL MEMBER RENEWAL INDICATION  
 City of South Pasadena**



	EXPIRING	RENEWAL
<b>MAJOR EXCLUSIONS (Included but not limited to) <i>continued</i></b>	<ul style="list-style-type: none"> <li>• Failure to supply</li> <li>• Electric and gas utilities</li> <li>• Eminent Domain, Inverse Condemnation or Adverse Possession</li> <li>• Aircraft, aviation activities or airports</li> <li>• Fixed Route Transit</li> <li>• Communicable Disease</li> <li>• Wildfire</li> </ul>	
<b>REINSURANCE RESTRICTION</b>	Restrictive as Reinsurance of MOC - This policy will follow reinsurance exclusions or other restrictions or coverage limitations of the reinsurance certificates if the reinsurance is more restrictive than the MOC	Same as present
<b>ANNUAL PREMIUM</b>	\$44,483 <ul style="list-style-type: none"> <li>• Annual Premium includes TRIA and Surplus Lines Taxes and Fees</li> </ul>	\$ 57,802 <ul style="list-style-type: none"> <li>• Annual Premium includes TRIA and Surplus Lines Taxes and Fees</li> </ul>

**ALLIANT INSURANCE SERVICES, INC.**  
 Gordon DesCombes, Executive Vice President  
 Nazie Arshi, Senior Vice President  
 Tom E. Corbett, Senior Vice President  
 Conor Boughey, Vice President  
 Rhiannon Cabral, Account Manager - Lead

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City of South Pasadena**



**This proposal of insurance is provided as a matter of convenience and information only. All information included in this proposal, including but not limited to personal and real property values, locations, operations, products, data, automobile schedules, financial data and loss experience, is based on facts and representations supplied to Alliant Insurance Services, Inc. by you. This proposal does not reflect any independent study or investigation by Alliant Insurance Services, Inc. or its agents and employees.**

**Please be advised that this proposal is also expressly conditioned on there being no material change in the risk between the date of this proposal and the inception date of the proposed policy (including the occurrence of any claim or notice of circumstances that may give rise to a claim under any policy which the policy being proposed is a renewal or replacement). In the event of such change of risk, the insurer may, at its sole discretion, modify, or withdraw this proposal, whether or not this offer has already been accepted.**

**This proposal is not confirmation of insurance and does not add to, extend, amend, change, or alter any coverage in any actual policy of insurance you may have. All existing policy terms, conditions, exclusions, and limitations apply. For specific information regarding your insurance coverage, please refer to the policy itself. Alliant Insurance Services, Inc. will not be liable for any claims arising from or related to information included in or omitted from this proposal of insurance.**

Alliant embraces a policy of transparency with respect to its compensation from insurance transactions. Details on our compensation policy, including the types of income that Alliant may earn on a placement, are available on our website at [www.alliant.com](http://www.alliant.com). For a copy of our policy or for any inquiries regarding compensation issues pertaining to your account you may also contact us at: Alliant Insurance Services, Inc., Attention: General Counsel, 701 B Street, 6th Floor, San Diego, CA 92101.

Analyzing insurers' over-all performance and financial strength is a task that requires specialized skills and in-depth technical understanding of all aspects of insurance company finances and operations. Insurance brokerages such as Alliant Insurance typically rely upon rating agencies for this type of market analysis. Both A.M. Best and Standard and Poor's have been industry leaders in this area for many decades, utilizing a combination of quantitative and qualitative analysis of the information available in formulating their ratings.

A.M. Best has an extensive database of nearly 6,000 Life/Health, Property Casualty and International companies. You can visit them at [www.ambest.com](http://www.ambest.com). For additional information regarding insurer financial strength ratings visit Standard and Poor's website at [www.standardandpoors.com](http://www.standardandpoors.com).

Our goal is to procure insurance for you with underwriters possessing the financial strength to perform. Alliant does not, however, guarantee the solvency of any underwriters with which insurance or reinsurance is placed and maintains no responsibility for any loss or damage arising from the financial failure or insolvency of any insurer. We encourage you to review the publicly available information collected to enable you to make an informed decision to accept or reject a particular underwriter. To learn more about companies doing business in your state, visit the Department of Insurance website for that state.

**IMPORTANT NOTICE:** The Non-Admitted and Reinsurance Reform Act (NRRA) went into effect on July 21, 2011. Accordingly, surplus lines tax rates and regulations are subject to change which could result in an increase or decrease of the total surplus lines taxes and/or fees owed on this placement. If a change is required, we will promptly notify you. Any additional taxes and/or fees must be promptly remitted to Alliant Insurance Services, Inc.

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# City Council Agenda Report

ITEM NO. 2

**DATE:** July 7, 2022

**FROM:** Arminé Chaparyan, City Manager *AC*

**PREPARED BY:** Christina Muñoz, Deputy City Clerk  
Alma Medina, Senior Management Analyst

**SUBJECT:** **Adoption of a Resolution Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City**

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## **Recommendation**

It is recommended that the City Council approve the attached authorizing remote teleconference meetings of the legislative bodies of the City.

## **Background**

Beginning in March 2020, Governor Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. Executive Orders—N-25-20, N-29-20, and N-35-20 (Brown Act Orders) waived requirements in the Brown Act expressly or impliedly requiring the physical presence of city councilmembers, staff, or the public at local agency meetings. Specifically, the orders:

- waived the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting,
- waived the requirement that each teleconference location be accessible to the public,
- waived the requirement that members of the public be able to address the legislative body at each teleconference conference location,
- waived the requirement that local agencies post agendas at all teleconference locations, and,
- waived the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

On June 11, 2021, the Governor issued Executive Order N-08-21, to begin winding down some of the prior measures that were adopted to respond to COVID-19. Notably, N-08-21 rescinds the Brown Act Orders, effective September 30, 2021.

On March 18, 2020, pursuant to Government Code Section 8630(c), the South Pasadena City Council adopted Resolution No. 7646 declaring a local emergency,

restricting private and public gatherings, and establishing protections for residential and commercial tenants, among other things.

On September 16, 2021, Governor Newsom signed AB 361, which allows cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements that are similar but not identical to the rules and procedures established by the Brown Act Orders. Unlike the Brown Act Orders, AB 361 requires the City to make affirmative findings to take advantage of the more flexible teleconferencing standards.

AB 361 added Government Code section 54953, subdivision (e)(3), which states:

“If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference ... the legislative body shall, not later than 30 days after teleconferencing for the first time ... and every 30 days thereafter, make the following findings by majority vote:

- (A) The legislative body has reconsidered the circumstances of the state of emergency.
- (B) Any of the following circumstances exist:
  - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
  - (ii) State or local officials continue to impose or recommend measures to promote social distancing.”

The attached resolution makes the necessary findings authorizing the City to use teleconferenced meetings for the next 30 days. The City will need to adopt a resolution finding a public need to host teleconferenced meetings at subsequent meetings if it desires to maintain fully remote or hybrid meetings.

The proposed actions to preserve life, property, and public order are consistent with California Government Code section 8634 and South Pasadena Municipal Code Chapter 11.

The City of South Pasadena is committed to keeping our community safe amidst the recent surges in COVID-19 cases. Since the June 15 reopening of everyday activities in the State of California, there was a nationwide rise in new COVID-19 cases because of the more contagious Delta and Omicron variants. The Los Angeles County Department of Public Health continues to track variant cases in Los Angeles County.

In response to drastic increases in cases and resultant hospitalizations, and to lessen the severity of the Omicron and Delta variant surge in Los Angeles County and protect against overwhelming the health care delivery system, the Los Angeles County Public Health Officer issued a revised order on December 31, 2021, revising Isolation and Quarantine Requirements to mainly align with the State Public Health Officer’s revised Guidance issued December 30, 2021.

On January 10, 2022, the Los Angeles County Public Health Officer issued an updated order, Responding Together At Work and In the Community, revising the Isolation and Quarantine Requirements to align with the State Public Health Officer's revised Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, released on January 8, 2022.

The County of Los Angeles is currently experiencing increases in COVID-19 cases and test positivity rates, and related hospitalizations are no longer in decline. The percentage of cases caused by the more easily transmitted BA.2 and BA.2.12.1 subvariant, which can cause mild or asymptomatic illness in vaccinated people if they get infected, has raised concern. Subvariant BA.4 and BA.5, known to be highly infectious and evade some of the vaccine protection, have been seen across the state and are being monitored by Health officials.

On April 22, 2022, the Los Angeles County Public Health Officer issued an updated order, Responding Together At Work and In the Community, Post Winter Surge Community Monitoring and Continued Response Measures, to require masks in all public transit within the County.

### **Analysis**

For the past few weeks, COVID-19 cases in Los Angeles County have surged with the highly transmissible Omicron variant of the virus. The City has implemented several precautionary measures to ensure the health and safety of the community, including a return to fully virtual meetings of legislative bodies during the months of January and February.

City facilities are open and municipal services are available to residents and businesses. Appointments are highly encouraged and online services are available to continue to provide services to the community. In-person events have been cancelled or postponed to prevent the spread of the virus.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361) which amends the Ralph M. Brown Act to allow meetings of legislative bodies to be conducted via teleconference under certain conditions.

AB 361 allows a local agency legislative body to hold a meeting utilizing teleconferencing without complying with the Brown Act's standard teleconferencing requirements if the Governor has proclaimed a State of Emergency and any of the following circumstances are present:

- State or local officials have imposed or recommended measures to promote social distancing.
- The meeting is being held for the purposes 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.

- The legislative body 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.

If those circumstances are met and the City passes a resolution authorizing holding meetings by teleconference, then the City may hold meetings by teleconference if they comply with the following standards:

- Notice of the meeting must be given as required by the Brown Act.
- The agenda must state how members of the public can access the meeting and offer public comment, including attendance by call-in option and/or internet-based service option. If the meeting broadcast or access to participation is disrupted (e.g., by technology issues), the City cannot take further action on agenda items until public access to the meeting is restored.
- The City cannot require public comments be submitted in advance of the meeting, but instead must provide an opportunity for real-time participation by members of the public. The City can encourage public comment be submitted before meetings.
- If the City provides a timed public comment period for each agenda item (i.e., 20 minutes per item), it cannot close public comment until that time period has concluded. If the City does not provide a timed public comment period for each agenda item, then it must allow a reasonable amount of time for members of the public to participate.

Due to the recent increases in COVID-19 transmission rates, and concerns regarding the health of officials and the public required to attend in-person meetings, the attached resolution allowing remote participation at public meetings is recommended.

### **Fiscal Impact**

With the State declaration of a health emergency, local COVID-19 response efforts may be eligible for state or federal reimbursement. The costs of responding to COVID-19 are unknown at this time due to evolving conditions but are being tracked by staff. The costs of conducting teleconference meetings have been factored into the City's budget.

Attachment: City Council Resolution

**ATTACHMENT**

City Council Resolution

**CITY OF SOUTH PASADENA  
RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,  
AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF  
THE LEGISLATIVE BODIES OF THE CITY OF SOUTH PASADENA  
FOR THE PERIOD OF JULY 16, 2022 THROUGH AUGUST 15, 2022,  
PURSUANT TO BROWN ACT PROVISIONS**

**WHEREAS**, the City of South Pasadena is committed to preserving and nurturing public access and participation in the meetings of its legislative bodies; and

**WHEREAS**, all meetings of the City of South Pasadena’s legislative bodies 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 City’s legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City’s boundaries, caused by natural, technological, or human-caused disasters; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID; and

**WHEREAS**, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors and the Los Angeles County Health Officer declared a local emergency and a local health emergency, respectively, as a result of COVID-19; and

**WHEREAS**, on March 18, 2020, the South Pasadena City Council adopted Resolution No. 7646 declaring a local emergency, restricting private and public gatherings, and establishing protections for residential and commercial tenants, among other things; and the South Pasadena City Council renewed the declaration of local



emergency on May 6, 2020 (Resolution No. 7648), June 17, 2020 (Resolution No. 7657), August 5, 2020 (Resolution No. 7669), August 19, 2020 (Resolution No. 7678), October 21, 2020 (Resolution No. 7685), December 16, 2020 (Resolution No. 7690), February 17, 2021 (Resolution No. 7703), April 7, 2021 (Resolution No. 7713), June 2, 2021 (Resolution No. 7721), July 21, 2021 (Resolution No. 7726), September 15, 2021 (Resolution No. 7732), November 3, 2021 (Resolution Nos. 7734 and 7739), December 1, 2021 (Resolution No. 7741), December 15, 2021 (Resolution No. 7743), January 12, 2022 (Resolution No. 7746), February 2, 2022 (Resolution No. 7749), March 2, 2022 (Resolution No. 7755), May 18, 2022 (Resolution No. 7764), and June 15, 2022 (Resolution No. 7770); and

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361, which allows cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements that are similar but not identical to the rules and procedures established by the Brown Act Orders; and

**WHEREAS**, the County of Los Angeles is currently experiencing increases in COVID-19 cases and test positivity rates, and related hospitalizations are no longer in decline. The percentage of cases caused by the more easily transmitted BA.2 subvariant, which can cause mild or asymptomatic illness in vaccinated people if they get infected, has raised concern.

**WHEREAS**, on April 22, 2022, the Los Angeles County Public Health Officer issued an updated order, Responding Together At Work and In the Community, Post Winter Surge Community Monitoring and Continued Response Measures, to require masks in all public transit within the County.

**WHEREAS**, the City previously adopted Resolution No. 7764 finding that the requisite conditions exist for the City of South Pasadena to conduct teleconference meetings under California Government Code section 54953(e); and

**WHEREAS**, Government Code section 54953(e)(3) requires the legislative body adopt certain findings by majority vote within 30 days of holding a meeting by teleconference under Government Code section 54953(e), and then adopt such findings every 30 days thereafter; and

**WHEREAS**, the City will continue to ensure public access to meetings of its legislative bodies pursuant to the relevant sections of the Government Code as it has done throughout the Governor's declaration of a State of Emergency.

**WHEREAS**, the City of South Pasadena desires to continue to have the ability to hold its public meetings by teleconference consistent with Government Code section 54953(e).

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1. Recitals.** The preceding Recitals are true and correct and are

hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

**SECTION 2. Proclamation.** The City Council does hereby find:

A. That a state of emergency continues to exist within our community, and that the Los Angeles County Department of Public Health continues to recommend measures to promote social distancing;

B. That as a consequence of the State and local emergencies and the physical distancing requirements recommended by the State and local public health officers, the City Council does hereby find that the legislative bodies of the City of South Pasadena may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

C. That the City will continue to ensure public access to meetings of its legislative bodies pursuant to the relevant sections of the Government Code as it has done throughout the Governor's declaration of a State of Emergency.

**SECTION 3. Remote Teleconference Meetings.** The City Manager and legislative bodies of the City of South Pasadena are 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. Furthermore, City Manager and staff are directed to return to the City Council no later than thirty (30) days after the adoption of this resolution for the City Council to consider whether to again make the findings required to meet under the modified teleconference procedures of AB 361.

**SECTION 4. Effective Date of Resolution.** This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of August 15, 2022, or such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of South Pasadena may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED, APPROVED AND ADOPTED** on this 7<sup>th</sup> day of July, 2022.

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Michael A. Cacciotti, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Christina Muñoz, Deputy City Clerk

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Andrew L. Jared, City Attorney

**I HEREBY CERTIFY** the foregoing Resolution No. XXXX was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 7<sup>th</sup> day of July, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

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Christina A. Muñoz, Deputy City Clerk