

CITY OF IRWINDALE

5050 N. IRWINDALE AVE., IRWINDALE CA 91706 • PHONE: (626) 430-2200 • FACSIMILE: 962-4209



NOTICE AND AGENDA FOR THE SPECIAL MEETING OF THE

CITY COUNCIL

SEPTEMBER 29, 2021

4:30 P.M. - OPEN SESSION

IRWINDALE CITY COUNCIL CHAMBER

(Closed to the Public)

Pursuant to Executive Order N-29-20

The Governor has declared a State of Emergency to exist in California as a result of the threat of COVID-19 (aka the "Coronavirus"). The Governor also issued Executive Order N-25-20, which directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still meeting state transparency requirements.

The public's health and well-being are the top priority for the City, and you are urged to take all appropriate health safety precautions. To facilitate this process, the meeting and opportunities to participate will also be available through the following options:

<https://us02web.zoom.us/j/87104592389>



Spontaneous Communications: The public is encouraged to address the City Council on any matter listed on the agenda or on any other matter within its jurisdiction. The City Council will hear public comments on items listed on the agenda during discussion of the matter and prior to a vote. The City Council will hear public comments on matters not listed on the agenda during the Spontaneous Communications period.

Pursuant to provisions of the **Brown Act**, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future City Council meeting.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in a City Council meeting or other services offered by this City, please contact City Hall at (626) 430-2200. Assisted listening devices are available at this meeting. Ask the Chief Deputy City Clerk if you desire to use this device. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with disabilities. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Note: Staff reports are available for inspection at the office of the Chief Deputy City Clerk, City Hall, 5050 N. Irwindale Avenue, during regular business hours (8:00 a.m. to 6:00 p.m., Monday through Thursday).

Code of Ethics

As City of Irwindale Council Members, our fundamental duty is to serve the public good. We are committed to the principle of an efficient and professional local government. We will be exemplary in obeying the letter and spirit of Local, State and Federal laws and City policies affecting the operation of the government and in our private life. We will be independent and impartial in our judgment and actions.

We will work for the common good of the City of Irwindale community and not for any private or personal interest. We will endeavor to treat all people with respect and civility. We will commit to observe the highest standards of morality and integrity, and to faithfully discharge the duties of our office regardless of personal consideration. We shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

We will inform ourselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand. We will base our decisions on the merit and substance of that business. We will be fair and equitable in all actions, claims or transactions. We shall not use our official position to influence government decisions in which we have a financial interest or where we have a personal relationship that could present a conflict of interest, or create a perception of a conflict of interest.

We shall not take advantage of services or opportunities for personal gain by virtue of our public office that are not available to the public in general. We shall refrain from accepting gifts, favors or promises of future benefit that might compromise our independence of judgment or action or give the appearance of being compromised.

We will behave in a manner that does not bring discredit or embarrassment to the City of Irwindale. We will be honest in thought and deed in both our personal and official lives.

Ultimate responsibility for complying with this Code of Ethics rests with the individual elected official. In addition to any other penalty as provided by law, violation of this Code of Ethics may be used as a basis for disciplinary action or censure of a Council Member.

These things we hereby pledge to do in the interest and purposes for which our government has been established.

IRWINDALE CITY COUNCIL



OPEN SESSION – 4:30 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

**D. ROLL CALL: Councilmembers: Albert F. Ambriz, Mark A. Breceda, Manuel R. Garcia;
Mayor Pro Tem Larry G. Burrola; Mayor H. Manuel Ortiz**

E. COUNCILMEMBER COMMENTS

SPONTANEOUS COMMUNICATIONS

Spontaneous communications are limited to the special meeting agenda items only.

1. NEW BUSINESS

At this time, members of the audience may ask to be heard regarding an item on New Business.

A. Options Regarding Public Meetings Beginning October 1, 2021

Recommendation: Discuss and consider the following options regarding the manner in which public meetings will be conducted as of October 1, 2021:

- 1) Use the teleconference exemption afforded under AB 361, foregoing the Brown Act's traditional agenda posting, physical access and quorum requirements for teleconferencing; and adopt **Resolution No. 2021-86-3298**, entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF IRWINDALE FOR THE 30-DAY PERIOD BEGINNING OCTOBER 1, 2021, THROUGH OCTOBER 30, 2021, PURSUANT TO THE RALPH M. BROWN ACT AND ASSEMBLY BILL NO. 361", or
- 2) Resume the Brown Act (pre-pandemic) requirements for public meetings.

Department: Administration

2. ADJOURNMENT

AFFIDAVIT OF POSTING

I, Armando Hegdahl, Acting Chief Deputy City Clerk, certify that I caused the agenda for the special meeting of the Irwindale City Council to be held on September 29, 2021, at 4:30 p.m. be posted at the City Hall, Library, and Post Office on September 28, 2021, before 4:30 p.m.

Armando Hegdahl, CMC

Armando Hegdahl, CMC

Acting Chief Deputy City Clerk

- ☒ City Council
☐ Successor Agency
☐ Housing Authority
☐ Reclamation Authority
☐ Joint Powers Authority

City of
IRWINDALE
AGENDA REPORT

Date: September 29, 2021
To: Honorable Mayor and Members of the City Council
From: William K. Tam, City Manager
Issue: Options Regarding Public Meetings beginning October 1, 2021

City Manager's Recommendation:

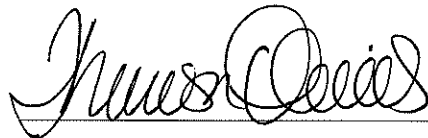
Staff recommends City Council discuss and consider the following options regarding the manner in which public meetings will be conducted as of October 1, 2021.

1. Use the teleconference exemption afforded under AB 361, foregoing the Brown Act's traditional agenda posting, physical access and quorum requirements for teleconferencing; and adopt Resolution No. 2021-86-3298, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, CALIFORNIA, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF IRWINDALE FOR THE 30-DAY PERIOD BEGINNING OCTOBER 1, 2021 THROUGH OCTOBER 30, 2021 PURSUANT TO THE RALPH M. BROWN ACT AND ASSEMBLY BILL NO. 361";
or
2. Resume the Brown Act (pre-pandemic) requirements for public meetings.

Administrative Action:

Submitted/Prepared by:

Theresa Olivares, Assistant City Manager

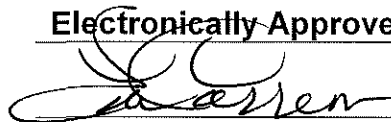


Reviewed by:

Adrian R. Guerra, City Attorney

Eva Carreon, Finance Director / City Treasurer

Electronically Approved



Approved by:

William K. Tam, City Manager



Background and Analysis:

On September 22, 2021, staff presented proposed procedures to resume in-person attendance at public meetings beginning on October 1, 2021. The report was prepared based on the understanding that the waiver of several Brown Act requirements under the Governor's Executive Order N-29-20 and N-35-20, would terminate on September 30, 2021. However, on September 16, 2021 Governor Newsom signed AB 361, which became effective immediately and provides local agencies the ability to meet remotely during proclaimed state emergencies under modified Brown Act requirements. On September 20, 2021, Governor Newsom issued Executive Order N-15-21 waiving the application of AB 361 until October 1, 2021, to coincide with the expiration of the previously issued Executive Orders relating to the Brown Act.

The City Council has two options regarding the conduct of the City Council and Commission public meetings (1) conduct meetings via teleconference, or (2) resume in-person meetings.

Option 1

On September 22, 2021, the Irwindale City Council directed staff to prepare a resolution, allowing the legislative body use the teleconference exemption afforded under AB 361 and forego the Brown Act's traditional agenda posting, physical access and quorum requirements for teleconferencing. The legislative requirements are as follows:

1. Local agencies may meet via teleconference only during a state of emergency proclaimed by the Governor where: a) State or local officials have imposed or recommended measures to promote social distancing; b) The meeting is held to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to health or safety of attendees; or c) The majority of the legislative body has voted that, as a result of the emergency, meeting in person would present imminent risk to the health and safety of attendees.
2. Timely meeting notices and agenda posting.
3. Allow the public to access the meeting and address the legislative body via a call-in option or an internet-based service option.
4. In the event of a service disruption preventing the broadcasting of the meeting or the ability for the public to comment, the meeting must be stopped until public access is restored.
5. Legislative bodies may allow public comments to be submitted prior to a meeting, but must also allow public comments to be submitted in real time.
6. When providing a public comment period, whether after each item or during a general comment period, a legislative body must allow reasonable time for members of the public to comment. Timed public comment periods cannot be closed until that timed public comment period has elapsed.
7. Legislative body is required to verify teleconferencing exemption status every 30 days.
8. The applicable AB 361 provisions automatically terminate on January 1, 2024.

Under AB 361, if a state of emergency exists, or state or local health officials have imposed or recommend measure to promote social distancing, then the local legislative body may conduct public meetings via teleconference. The County of Los Angeles Department of Public Health recommends implementing policies and practices that support physical distancing in settings such as public meetings. Therefore, the City Council determines that there is a need to conduct public meetings via teleconference to ensure physical distancing. Due to the risk, no members of the public will be allowed to appear at City Council or commission meetings. Individuals attending the meetings in-person will be limited to City Council/Commission, City Manager, staff who have authored agenda reports, and legal counsel.

Although service disruption for the teleconference meetings is not expected, below is the recommended guidance to resume public meetings, should a disruption occur:

1. Upon notification of a service disruption, the legislative body will take a 10-minute recess. This recess will allow staff to troubleshoot the issue. If social media is available, the City will post a notice advising the public of the time the meeting will resume.
2. If the issue is not resolved with the specified timeframe, then the meeting will be cancelled and the remaining items will be considered at the next regularly scheduled meeting or at a special meeting.

Option 2

The Irwindale City Council may elect to resume in-person meetings in accordance with the Brown Act (pre-pandemic) requirements for public meetings. The guidance and protocols provided by the Los Angeles County Department of Public Health, California Department of Public Health (LACDPH), and Centers for Disease Control and Prevention; has enabled the City to remain healthy and safely reopen all city facilities, maintain a healthy workforce, and permit the public to participate in classes, programs, events, and receive services from City departments. Based on the data provided by LACDPH, Irwindale has an 80% vaccination rate, and the number of COVID cases in LA County has declined by 30% over the past 2 weeks.

Below are the recommended protocols, should the Council elect to proceed with in-person meetings:

1. **Delineated path of travel to and from the lectern** - A delineated path of travel to and from the lectern will allow speakers to traverse from their seat to the lectern, and back again, once they are called upon to address the Council or commissions.
2. **Reserved seating for members of the public** - The seats in the front row on the south side of the Council Chambers will be reserved for members of the public who wish to address the City Council under Spontaneous Communications (items not listed on the agenda) and specific agenda items. While being seated in this area is not a prerequisite to address the City Council or commission, it will allow

speakers to easily traverse from their seat to the lectern and back, once called upon.

3. **Reserved seating for City staff** - The first five seats in the front row on the north side of the Council Chambers will be reserved for City staff who are in attendance at the meeting. A staff member will also be seated in this area to sanitize the lectern and microphone after each speaker.
4. **Face Masks** - In accordance with current County health orders, masks will be required for all attendees in the City Council Chambers.

Fiscal Impact:

Both of the Options presented will require the assistance of city staff to assist with either meeting format and with public participation. The fiscal impact will be based on the staff required to assist during the meeting and the duration of the meeting. For the month of October 2021, the fiscal impact for all Council and Commission meetings scheduled is estimated to be approximately \$900.

Attachments:

1. Resolution No. 2021-86-3298

RESOLUTION 2021-86-3298

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, CALIFORNIA, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF IRWINDALE FOR THE 30-DAY PERIOD BEGINNING OCTOBER 1, 2021 THROUGH OCTOBER 30, 2021 PURSUANT TO THE RALPH M. BROWN ACT AND ASSEMBLY BILL NO. 361

WHEREAS, the City Council of the City of Irwindale ("City") is committed to preserving and nurturing public access and participation in meetings of the legislative bodies; and

WHEREAS, all meetings of the legislative bodies of City are open and public, as required by the Ralph M. Brown Act (Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code § 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code § 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 § 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 § 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, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor Proclaimed a State of Emergency and issued a number of executive orders aimed at containing the COVID-19 virus; and

WHEREAS, the City Council has previously adopted various resolutions ratifying the declaration of the existence of a local emergency within the City of Irwindale in response to COVID-19, which supported the requisite conditions for the legislative bodies of the City to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the City Council must reconsider the circumstances of the state of emergency that exists in the City, and City Council has done so; and

WHEREAS, emergency conditions persist in the City, specifically, a state of emergency has been proclaimed related to COVID-19, community transmission of COVID-19 in Los Angeles County has rapidly increased from Low to High due to the highly contagious Delta variant of COVID-19 which has emerged, Los Angeles County officials have imposed and recommended measures to promote social distancing, requires masking by all, regardless of vaccination status, in an effort to slow the continuously high trends in and level of transmission of COVID-19 throughout the State and Los Angeles County; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continue to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, because of the rise in cases due to the Delta variant of COVID-19, the City is concerned about the health and safety of all individuals from the public who intend to attend public meetings; and

WHEREAS, the City Council does hereby find and determine that that the presence of COVID-19 continues and the County's guidance on social distancing should be adhered to, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the City Council does hereby find and determine that the legislative bodies of the City shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code § 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to 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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IRWINDALE DOES HEREBY FIND, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The City Council hereby considers the existing conditions of the state of emergency in the City and proclaims that a local emergency persists throughout the City, and consistent with the provisions of Government Code § 54953(e), the City Council finds and determines that (1) a state of emergency related to COVID-19 is currently in effect and (2) local officials in Los Angeles County have imposed or recommended measures to promote social distancing in connection with COVID-19. Based on such facts, findings and determinations, the City Council authorizes staff to conduct remote teleconference meetings of the City Council, including all City commission and committee meetings, under the provisions of Government Code Section 54953(e).

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The City Council hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of **March 4, 2020**.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the City are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution and AB 361 including, continuing to conduct open and public meetings in accordance with Government Code § 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect October 1, 2021 and shall be effective until the earlier of October 30, 2021, or such time as the City Council adopts a subsequent resolution in accordance with Government Code § 54953(e)(3) to extend the time during which the legislative bodies of the City may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

Section 6. Certification of Adoption. The Chief Deputy City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED and ORDERED by the City Council of the City of Irwindale, this 29th day of September, 2021.

H. Manuel Ortiz, Mayor

ATTEST:

Laura M. Nieto, MMC
Chief Deputy City Clerk

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF IRWINDALE }

I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Resolution No. 2021-86-3298 was duly adopted by the City Council of the City of Irwindale at a regular meeting thereof held on the 29th day of September 2021, by the following vote:

AYES:AYES:Councilmembers:

NOES: Councilmembers:

ABSTAIN: Councilmembers:

ABSENT: Councilmembers:

Laura M. Nieto, MMC
Chief Deputy City Clerk