

# CITY OF LOS ALAMITOS

Via videoconference

Participation via Phone: (301) 715-8592

Meeting ID: 842 4418 8033

## SPECIAL AGENDA PARKS, RECREATION, AND CULTURAL ARTS COMMISSION MEETING

March 30, 2022 – 7:30 p.m.

SAFETY ALERT – NOTICE REGARDING COVID-19

Pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20, members of the City of Parks Recreation and Cultural Arts Commission will participate by videoconference.

The public may access the meeting in person or telephonically. Members of the public can access the meeting by phone by dialing +1 (301) 715-8592 and enter the Meeting ID: 842 4418 8033. Your microphone will be disabled upon entry for the duration of the meeting.

The public can submit comments to [enoda@cityoflosalamitos.org](mailto:enoda@cityoflosalamitos.org) with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM." Comments **received by 12:00 p.m.** will be compiled, provided to the Parks, Recreation and Cultural Arts Commission and made available to the public before the start of the meeting. Staff will not read email comments at the meeting, but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via the telephone conference can submit their requests to [enoda@cityoflosalamitos.org](mailto:enoda@cityoflosalamitos.org) **until the start of the public comment period.** The Department Secretary will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the Department Secretary will announce each speaker, enable the speaker's microphone, and begin the three minute timer. The speaker's microphone will automatically be disabled at the end of three minutes.

**NOTICE TO THE PUBLIC** – This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at the Recreation & Community Services Department or on the City's website at [www.cityoflosalamitos.org](http://www.cityoflosalamitos.org) once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the Parks, Recreation & Cultural Arts Commission after distribution of the agenda packet are available for public inspection at the Recreation & Community Services Department, 10911 Oak St., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the Recreation & Community Services Department at (562) 430-1073, extension 501, 48 hours prior to the meeting so that reasonable arrangements may be made.

Persons wishing to address the Parks, Recreation & Cultural Arts Commission on any item on the Parks, Recreation & Cultural Arts Commission Agenda should complete a yellow "Request to Speak" card and will be called upon at the time the agenda item is called or during the Parks, Recreation & Cultural Arts Commission's consideration of the item and may address the Parks, Recreation & Cultural Arts Commission for up to three minutes.

## 1. CALL TO ORDER

## 2. ROLL CALL

Commissioner Bandak  
Commissioner Beck  
Commissioner K. Duran  
Commissioner Joseph  
Vice Chair Murphy  
Chair A. Duran

## 3. STAFF REPORTS

### A. Findings Required by AB 361 For The Continue Use of Teleconference for Meetings

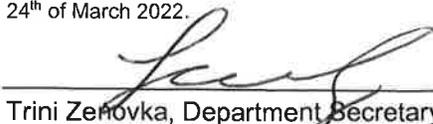
For the Parks, Recreation & Cultural Arts Commission to continue to meet via teleconference during the pandemic, AB 361 requires the Commission to make specific findings at least every thirty (30) days.

Recommendation: Make the following findings by a majority vote of the Parks, Recreation & Cultural Arts Commission:

1. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect; and,
2. The Commission has reconsidered the circumstances of the state of emergency; and
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

## 4. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at [www.cityoflosalamitos.org](http://www.cityoflosalamitos.org) not less than 72 hours prior to the meeting. Dated this 24<sup>th</sup> of March 2022.

  
Trini Zerkovka, Department Secretary

# City of Los Alamitos

## PARKS, RECREATION, & CULTURAL ARTS COMMISSION AGENDA REPORT

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**MEETING DATE: March 30, 2022**

**ITEM NUMBER: 3A**

**To: Chair Alexander Duran & Members of the Parks, Recreation  
and Cultural Arts Commission**

**Presented by: Emeline Noda, Director of Recreation & Community Services**

**Subject: Findings Required by AB 361 for the Continued Use of  
Teleconferencing for Meetings**

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### **SUMMARY**

For the Parks, Recreation & Cultural Arts Commission to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the Parks, Recreation & Cultural Arts Commission to make specific findings at least every thirty (30) days.

### **RECOMMENDATION**

Make the following findings by a majority vote of the Parks, Recreation & Cultural Arts Commission:

- a. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;
- b. The Parks, Recreation & Cultural Arts Commission has reconsidered the circumstances of the state of emergency; and
- c. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

### **BACKGROUND**

Assembly Bill 361 (AB 361) was signed into law by the Governor on September 16, 2021. A portion of AB 361 enacted amendments to California Government Code section 54953 regarding teleconference meetings. Those amendments authorize local agencies, like the City, to continue to conduct meetings by teleconference<sup>1</sup> during a Governor-proclaimed

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<sup>1</sup> A "teleconference" occurs for purposes of AB 361 whenever one or more members of the Parks, Recreation & Cultural Arts Commission connect to a Parks, Recreation & Cultural Arts Commission meeting via electronic means. Thus, even if four members of the Parks, Recreation & Cultural Arts Commission meet in person, if the fifth joins the meeting via Zoom, the meeting will be a teleconference meeting that must be conducted in accordance with the requirements of AB 361.

state of emergency<sup>2</sup> provided that certain findings are made by the legislative body, and provided that certain procedural requirements are met regarding public access to the meetings.

A new requirement in AB 361 requires specific findings be reaffirmed at least every thirty (30) days in order for the Parks, Recreation & Cultural Arts Commission to continue to have the option for one (1) or more of its members to use teleconferencing.

## **DISCUSSION**

### Required Findings

The teleconference provisions in AB 361 may only be utilized as long as a Governor-proclaimed state of emergency remains active, or while state or local officials have recommended measures to promote social distancing. When either of those is the case (both are true at this time), then in order to continue to teleconference using the new provisions of AB 361, the Parks, Recreation & Cultural Arts Commission must make the following findings by majority vote every 30 days:

(A) The Parks, Recreation & Cultural Arts Commission has reconsidered the circumstances of the state of emergency; and

(B) Either of the following circumstances exist:

- (i) The state of emergency continues to directly impact the ability of the members to meet safely in person; or
- (ii) State or local officials continue to impose or recommend measures to promote social distancing<sup>3</sup>.

To comply with that requirement, the recommended action would have the Parks, Recreation & Cultural Arts Commission find each of the following:

- a. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;
- b. The Parks, Recreation & Cultural Arts Commission has reconsidered the circumstances of the state of emergency; and
- c. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

### The "Every 30 Days Thereafter" Requirement

As noted above, AB 361 findings must be made "no later than 30 days after teleconferencing for the first time pursuant to [AB 361], and every 30 days thereafter..."

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<sup>2</sup> For purposes of AB 361 "...state of emergency' means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act..." Cal. Gov't Code Sec. 54953(e)(4). Section 8265 of CESA in turn refers to a state of emergency proclaimed by the Governor

<sup>3</sup> Cal Gov't Code Sec. 54953(e)(3)

In order to preserve the option for the Parks, Recreation & Cultural Arts Commission or individual members of the Parks, Recreation & Cultural Arts Commission to participate in meetings during the pandemic via teleconference in the future, the Parks, Recreation & Cultural Arts Commission will have to adopt the required findings at least every 30 days.

#### Potential Consequence of Not Making the Findings Every 30 Days

AB 361 does not expressly state what happens if a legislative body fails to make the required findings “every 30 days.” However, it expressly requires the timely re-approval of the findings “in order to continue to teleconference” in the manner that AB 361 authorizes.

As a result, if the Parks, Recreation & Cultural Arts Commission does not adopt the required findings every 30 days, then the Parks, Recreation & Cultural Arts Commission could be precluded from continuing to teleconference thereafter, perhaps even if the Parks, Recreation & Cultural Arts Commission was later willing to adopt the findings at a later date. For this reason, the City Attorney recommends that the [Parks, Recreation & Cultural Arts Commission adopt the required findings at this time and at least every 30 days thereafter, unless the Parks, Recreation & Cultural Arts Commission decides as a permanent matter that it will no longer permit teleconferencing at all (e.g., regardless of whether the state of emergency worsens).

#### Procedural Requirements for The Conduct of Teleconference Meetings

AB 361 contains several new requirements for the conduct of teleconference meetings with which the City has prepared to comply. Specifically, each meeting must:

1. Allow members of the public to attend and comment at the meeting via call-in option or internet-based service option;
2. Protect the statutory and constitutional rights of the parties and the public appearing before the legislative body;
3. In the event of disruption which prevents broadcasting the meeting or which prevents members of the public from offering public comments via the call-in or internet-based option, the Parks, Recreation & Cultural Arts Commission must take no further action until the disrupted public access is restored;
4. The City may not require public comments to be submitted in advance, and must offer the opportunity for the public to offer comments “in real time” during the meeting; and
5. The public must be allowed “a reasonable amount of time per agenda item to allow members of the public to provide public comment, including time for members of the public to register [to log into the teleconference], or otherwise be recognized for the purpose of providing public comment.