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REPORT NO. R 21-0311
OCT 13 2021

**REPORT RE:
TELECONFERENCING PURSUANT TO AB 361**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

The Governor signed into law Assembly Bill 361 (AB 361), which allows legislative Brown Act bodies of local agencies to continue conducting teleconference meetings as your City Council and the City's many commissions and boards have been doing during the Governor's declared state of emergency due to the Covid-19 pandemic. The AB 361 pandemic teleconference rules terminate on January 1, 2024, or earlier if a legislative body fails to make the necessary findings.

If a legislative body desires to continue to conduct teleconference meetings, AB 361 requires the legislative body to adopt specific findings within 30 days of the body's first use of the teleconference meeting rules after October 1, 2021, and thereafter to repeat making the findings within every 30 days:

- First, the legislative body must find that it has "reconsidered the circumstances of the state of emergency."
- Second, the legislative body must find that (a) "the state of emergency continues to directly impact the ability of its members to meet safely in person", and/or (b) "state or local officials continue to impose or recommend measures to promote social distancing."

Therefore, if the City Council desires to continue conducting teleconference meetings, we recommend that the City Council, on or before November 4, 2021,

exercise its independent judgment in determining whether it may correctly make the AB 361 findings and, if so, then make the following findings and take the following actions:

(1) Find in accordance with AB 361 Section 3(e)(3) that, while the state of emergency due to the Covid-19 pandemic, as originally proclaimed by the Governor on March 4, 2020, remains active and/or state or local officials have imposed or recommended measures to promote social distancing, the City Council has reconsidered the circumstances of the state of emergency and finds for City Council, including its advisory Committees, that the state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing;

(2) Find in accordance with AB 361 Section 3(e)(3) that, while the state of emergency due to the Covid-19 pandemic, as originally proclaimed by the Governor on March 4, 2020, remains active and/or state or local officials have imposed or recommended measures to promote social distancing, the City Council has reconsidered the circumstances of the state of emergency and finds for all City Brown Act bodies that the state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing; and

(3) Instruct the Clerk to place on the agenda for a Council meeting not more than 30 calendar-days after Council adopts these findings and recommendations an item entitled "Findings to Continue Teleconference Meetings Pursuant to AB 361 and Related Actions" and include these same recommendations for adoption by Council; and instruct the Clerks continue to do so on the agenda for a Council meeting not more than 30 calendar-days after each time Council adopts these findings and recommendations, until Council instructs the Clerks to cease doing so.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-8100.

Sincerely,

MICHAEL N. FEUER, City Attorney

By



STEFAN FAUBLE
Deputy City Attorney