



Agenda

Special Meeting of the
Bell City Council

Tuesday, August 23, 2022

6:00 P.M. OPEN SESSION

Alicia Romero
Mayor

Ana Maria Quintana
Vice-Mayor

Monica Arroyo
Council Member

Fidencio J. Gallardo
Council Member

Ali Saleh
Council Member

Welcome to the City Council Meeting

The Bell City Council and staff welcome you. This is your City Government. Individual participation is a basic part of American Democracy and all Bell residents are encouraged to attend meetings of the City Council. Regular City Council meetings are held the second and fourth Wednesday of the month at 7:00 p.m., Bell Community Center, 6250 Pine Avenue. For more information, you may call City Hall during regular business hours 8:00 a.m. to 4:00 p.m., Monday through Friday at (323) 588-6211 Extension 2615.

City Council Organization

There are five City Council members, one of whom serves as Mayor and is the presiding officer of the City Council. These are your elected representatives who act as a Board of Directors for the City of Bell. City Council members are like you, concerned residents of the community who provide guidance in the operation of your City.

Addressing the City Council

If you wish to speak to the City Council on any item which is listed or not listed on the City Council Agenda, please complete a *Request to Speak Card* available in the back of the City Council Chambers. Please submit the completed card to the City Clerk prior to the meeting. The Mayor will call you to the microphone at the appropriate time if you have filled out a *Request to Speak Card*. At that time, approach the podium and please clearly state your name and address, and proceed to make your comments.

Compliance with Americans with Disabilities Act

The City of Bell, in complying with the Americans with Disabilities Act (ADA), request individuals who require special accommodation(s) to access, attend, and or participate in a City meeting due to disability. Please contact the City Clerk's Office, (323) 588-6211, Ext. 2615, at least one business day prior to the scheduled meeting to ensure that we may assist you.

Statement Regarding Compensation for Members of the Bell City Council

Compensation for the members of the Bell City Council is \$673 a month. In accordance with Government Code Section 54952.3, Councilmembers will not receive any additional compensation or stipend for the convening of the following regular meetings: Successor Agency to the Bell Community Redevelopment Agency, the Bell Community Housing Authority, the Bell Public Finance Authority, the Bell Surplus Property Authority, and the Bell Solid Waste Authority.

**SPECIAL MEETING OF THE
BELL CITY COUNCIL**

Tuesday, August 23, 2022

6:00 P.M. Open Session

THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF AB 361 WHICH ALLOWS FOR THE CITY COUNCIL AND/OR CITY STAFF TO PARTICIPATE VIA TELECONFERENCE

On September 16, 2021, Governor Newsom signed AB 361, which modified the Brown Act to allow for teleconferencing participation at local legislative body public meetings during a proclaimed state of emergency. As urgency legislation, this law took effect immediately. Pursuant to Government Code section 54953(e)(1)(B), the City Council is holding its August 23, 2022 meeting via teleconferencing for the purpose of determining, by majority vote, whether as a result of a proclaimed state of emergency, meeting in person presents an imminent risk to the health and safety of attendees. Therefore, the City Council and members of the public may attend this meeting via teleconferencing, as provided below.

The public is encouraged to view the meeting through the City's website at <http://www.cityofbell.org/?NavID=101>

PUBLIC COMMENT: If you wish to make a comment you may provide input electronically through a temporary public comment email established for City of Bell City Council meetings cityclerk@cityofbell.org. Please indicate in the Subject Line "For Public Comment" and submit your written comment by 4pm on Tuesday, August 23, 2022. Any emails received after the time indicated will not be included in the record. Written Comments will be subject to the three minute time limitation (approximately 350 words).

Public Comment could also be submitted by telephone by calling 1-669-900-9128. To provide a comment during the regular session of the agenda, please call no later than 6PM. City staff will be using the Zoom audio communication platform for this meeting. Each speaker is limited to 3 minutes and will be given the opportunity to speak in the order your phone call is received. After you submit your comment, you will be disconnected but will still have access to view the meeting live on the City's website at <http://www.cityofbell.org/?NavID=101>

If participating via Zoom or phone, during the Public Comment Period, use the "raise hand" function on your computer or *9 by phone and wait for the Mayor to announce your name/phone number. When you are prompted, please unmute your line.

Join Zoom Meeting (ONLY FOR PUBLIC COMMENT)

Phone Number: 1-669-900-9128

Meeting ID: 863 5372 5762

Password: 305667

Call to Order

Roll Call of the City Council in their capacities as Councilmembers/Members of all Related Agencies: Arroyo, Gallardo, Saleh, Quintana and Romero

Pledge of Allegiance

Presentations and Recognitions

None.

Communications from the Public

This is the time members of the public may address the City Council and related Authorities and Agencies on items that are on the agenda only. (Each speaker is limited to three minutes)

Business Session

1. Consideration of a Resolution to authorize the City Manager to Utilize remote/virtual platforms for public meetings. (*City Council*)

Recommendation: *It is recommended that the City Council read by title only, waive further reading and adopt Resolution 2022-59 titled:*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL
AUTHORIZING THE CITY MANAGER TO CONTINUE UTILIZING
TELECONFERENCING FOR PUBLIC MEETINGS PURSUANT
TO ASSEMBLY BILL 361 (STATS. 2021, CH. 165)**

Next Regular Meeting, Wednesday, August 24, 2022

I, Angela Bustamante, City Clerk of the City of Bell, certify that a true, accurate copy of the foregoing agenda was posted on August 22, 2022 at least twenty-four (24) hours prior to the meeting as required by law.

Angela Bustamante
Angela Bustamante, City Clerk

City of Bell Agenda Report

DATE: August 23, 2022

TO: Mayor and Members of the City Council

FROM: Angela Bustamante, City Clerk
Michael L. Antwine II, City Manager

APPROVED BY: Michael L. Antwine II (e-signature)

Michael L. Antwine II, City Manager

SUBJECT: Consideration of a Resolution to authorize the City Manager to Utilize remote/virtual platforms for public meetings.

RECOMMENDATION:

It is recommended that the City Council read by title only, waive further reading and adopt Resolution No. 2022-59 titled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL
AUTHORIZING THE CITY MANAGER TO CONTINUE UTILIZING
TELECONFERENCING FOR PUBLIC MEETINGS PURSUANT
TO ASSEMBLY BILL 361 (STATS. 2021, CH. 165)**

BACKGROUND:

Governor Newsom signed AB 361 into law on September 16, 2021, to become effective on October 1, 2021. AB 361 extends the provisions of the Governor's Executive Order N-29-20 and Executive Order N-35-20 and is effective until January 1, 2024. AB 361 amends sections of the Brown Act to allow legislative bodies to continue to hold teleconference meetings during a state of emergency if the legislative body finds that as a result of the proclaimed state of emergency, meeting in person would present imminent risks to the health or safety of attendees.

In addition, AB 361 adds new procedures and clarifies the requirements for conducting remote meetings, including the following:

- Public Comment Opportunities in Real Time – a legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.
- No Action During Disruptions – in the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public

access is restored.

- Periodic Findings – Government Code § 54953(e)(B) requires the legislative body to hold 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 risk to the health or safety of attendees.

DISCUSSION:

The Council and staff held its first in person Council meeting on March 9, 2022, with the hopes that every Council and Commission meeting be held in person, at the Community Center, moving forward. However, due to limited meeting space, it is recommended that the Council approve a resolution allowing staff to utilize remote/virtual platforms for public meetings only when necessary. The recommended resolution will be in place from August 24, 2022, to September 22, 2022.

Under the provisions of AB 361, the City Council must make findings every Thirty (30) days on why the city should hold virtual meetings instead of in-person meetings.

FINDINGS:

To continue to hold virtual meetings in compliance with AB 361, the Council may find that (1) state or local officials have imposed or recommended measures to promote social distancing or (2) if meeting in person would present imminent risks to the health and safety of attendees. To date, the Governor's proclamation of a state of emergency is active, and local officials continue to recommend social distancing measures.

Additionally, the Bell Community Center is the only facility that is equipped and large enough to organize public meetings and due to the City's limited space to hold public meetings, staff recommends having a resolution in place allowing for staff, when necessary, to hold virtual meetings.

FISCAL IMPACT:

The City is charged a monthly fee of \$307.89 for the Zoom Video and Audio-Conferencing service which is covered by the Cares Act fund.

ATTACHMENTS:

1. Resolution 2022-59

RESOLUTION NO. 2022-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL AUTHORIZING THE CITY MANAGER TO CONTINUE UTILIZING TELECONFERENCING FOR PUBLIC MEETINGS PURSUANT TO ASSEMBLY BILL 361 (STATS. 2021, CH. 165)

WHEREAS, on March 4, 2020, the Governor of California proclaimed a State of Emergency to exist in California as a result of the threat of novel coronavirus disease 2019 (COVID-19); and

WHEREAS, on March 18, 2020, the City Council adopted Resolution 2020-14, declaring a local emergency in the City of Bell due to the Covid-19 pandemic; and

WHEREAS, on March 17, 2020, the Governor of California executed Executive Order N-29-20 which suspended and modified specified provisions in the Ralph M. Brown Act (Government Code Section § 54950 *et seq.*) and authorized local legislative bodies to hold public meetings via teleconferencing and to make public meeting accessible telephonically or otherwise electronically to all members of the public seeking to observe and address the local legislative body; and

WHEREAS, on June 11, 2021, the Governor of California executed Executive Order N-08-21 which extended the provisions of Executive Order N-29-20 concerning teleconference accommodations for public meetings through September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor of California signed into law Assembly Bill 361 (AB 361, Rivas) (Stats. 2021, ch. 165) amending Government Code § 54953 and providing alternative teleconferencing requirements to conduct public meetings during a proclaimed state of emergency; and

WHEREAS, AB 361 (Stats. 2021, ch. 165) imposes requirements to ensure members of the public are able to attend and participate in public meetings conducted via teleconference, including:

- Public Comment Opportunities in Real Time – a legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.
- No Action During Disruptions – in the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access is restored.
- Periodic Findings – Government Code § 54953(e)(B) requires the legislative body to hold 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 risk to the health or safety of attendees.

WHEREAS, the City has already implemented and is in full compliance with the requirements listed above when conducting public meetings via teleconference, which are now codified in Government Code § 54953(e)(2)(B-G); and

WHEREAS, AB 361 requires that the City Council make findings no later than 30 days after the first teleconferenced meeting is held pursuant to AB 361, indicating why the City should continue to have virtual meetings instead of in-person; and

WHEREAS, in large part due to the Omicron variant, there has been a sharp surge of Covid-19 positive cases since December 2021. The CDC indicators and thresholds measuring community transmission of COVID-19 within the County of Los Angeles continue to be at a substantial level. The Omicron variant is the predominant strain in Los Angeles County and spreads more easily than the original virus. While the Omicron BA.1 variant is currently the dominant variant in Los Angeles County, there is a gradual increase in the level of the BA.2 subvariant in the County. The BA.2 subvariant is highly transmissible, and has become the dominant variant in many countries, including some that are facing reviewed surges in cases and increased hospitalizations; and

WHEREAS, the Bell Community Center is the only facility that is equipped and large enough to organize public meetings and due to the City's limited space to hold public meetings, staff recommends having a resolution in place allowing for staff, when necessary, to hold virtual meetings.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF BELL HEREBY FINDS:

SECTION 1. That the recitals set forth above are true and correct, and incorporated into this resolution as findings of the City Council.

SECTION 2. A state of emergency as a result of the threat of COVID-19 still exists and continues to impact the ability of members of the public, the City Council, Commissions, and Committees, City staff and consultants to meet safely in person.

SECTION 3. The State of California and the City of Bell continue to follow safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), California Department of Public Health (DPH), and/or County of Los Angeles, as applicable, including facial coverings when required and social distancing.

SECTION 4. The City Council hereby declares that, pursuant to the findings listed in this Resolution, the City Manager is authorized to utilize teleconferencing accessibility to conduct public meetings pursuant to AB 361 (Stats. 2021, ch. 165) and Government Code § 54953, as amended thereby.

SECTION 5. This resolution will be in effect from August 24, 2022 through September 22, 2022.

SECTION 6. This Resolution shall become effective immediately upon adoption.

PASSED, APPROVED AND ADOPTED THIS 23rd day of August 2022.

Alicia Romero, Mayor

APPROVED AS TO FORM:

David J. Aleshire, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Bell City Council at its special meeting held on the 23rd day of August 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Angela Bustamante, City Clerk