

AGENDA

CITY OF PLYMOUTH

City Council

SPECIAL MEETING
WEDNESDAY, November 10, 2021

Council Chambers
9426 Main Street, Plymouth, California



Keith White, Mayor

Marianne Akerland, Council Member
Valerie Klinefelter, Council Member

Peter Amoruso, Vice-Mayor
Douglas Sim, Council Member

PLEASE NOTE: The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on the agenda. **Members of the public who wish to speak may be subject to a three (3) minute maximum time limit when addressing the Council, and/or the City may require speaker identification sheets be submitted to the City Clerk prior to being called upon by the Mayor to provide public comment.**



**CITY OF PLYMOUTH
CITY COUNCIL
SPECIAL MEETING AGENDA
WEDNESDAY November 10, 2021
6:00 PM
9426 Main Street Plymouth, California
COUNCIL MEETING VIRTUAL**

CORONAVIRUS (COVID-19) ADVISORY

In Person Public Participation Not Available

Pursuant to Assembly Bill (AB) 361, the meeting will be held via teleconference/electronically only. In-person participation by the public at this special meeting is not permitted. Remote/electronic public participation is available in the following ways:

City of Plymouth's **City Council** Zoom Meeting
Join Zoom Meeting

<https://us02web.zoom.us/j/89825278213?pwd=QzBPN3dwSUtQVTVLeENIYXoyTDVLZz09>

Dial In At: +1 669 900 9128 US (San Jose)
Meeting ID: 898 2527 8213
Passcode: 652583

One-tap mobile: +16699009128,, 89825278213#,,, *652583#

Members of the public participating electronically via this link and wishing to speak may do so during Public Comment, by using the "raised hand" feature in the Zoom webinar.

When Calling-In to Zoom, on phone use *9 to Raise and Lower your hand, use *6 to mute and unmute your phone.

You can Submit a written public comment prior to the meeting by emailing your comment to Deputy City Clerk at "mdelatorre@cityofplymouth.org." before 5:00 PM on the day of the meeting. Emailed public comments will be distributed to City Council and made part of the official minutes.

On day of the Council meeting, you can fill out a "Comment Card" available in chambers, and provide it directly to the Deputy City Clerk prior to start of the Council Meeting.

Keith White, Mayor

Marianne Akerland, Council Member
Valerie Klinefelter, Council Member

Peter Amoruso, Vice-Mayor
Douglas Sim, Council Member

MISSION STATEMENT

The City of Plymouth preserves our small-town atmosphere and provides fiscally responsible services that fulfill public needs while protecting their quality of life.

The City Council welcomes you to its meetings, which are scheduled on the 2nd and 4th Thursdays of each month. Participation in the meetings is encouraged and appreciated. This meeting will be recorded. Council Chambers are wheelchair accessible. Other special accommodations may be requested by contacting the City Clerk 72 hours in advance of the meeting.

The City Council has adopted a policy that no new items will be called after 10:00 PM unless otherwise motioned by the City Council before 10:00 PM please be aware that an item that has not been heard by 10:00 PM may be continued to a future Council Meeting.

1. CALL TO ORDER/ROLL CALL:

- Roll Call
- Flag Salute
- Invocation: None

2. APPROVAL OF CITY COUNCIL SPECIAL MEETING AGENDA OF November 10, 2021.

3. PUBLIC COMMENT:

At a Special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time.

Under provisions of the California Government Code, the City Council is prohibited from materially discussing or taking action on any item not on the agenda unless it can be demonstrated to be of an emergency nature or an urgent need to take immediate action arose after the posting of the agenda.

4. PRESENTATIONS/PROCLAMATIONS/APPOINTMENTS: NONE

5. CONSENT CALENDAR ITEMS:

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the Council, staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action (roll call vote)

5.1 RESOLUTION 2021-14 MAKING THE REQUIRED FINDINGS AUTHORIZING THE CONTINUATION OF VIRTUAL MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF PLYMOUTH

6. ADJOURNMENT:

ADDITIONAL INFORMATION

Public documents related to item on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Plymouth City Hall.

Persons interested in proposing an item for the City Council Agenda should contact a member of the City Council, the City Manager or City Clerk.

NOTICE:

As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council, and to enforce the rules of the Council.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (209) 245-6941 Ext 256 at least 48 hours prior to the meeting.

Equal Employment Opportunity Statement

It is the policy of the City of Plymouth to provide equal employment opportunity to all persons regardless of age, color, national origin, citizenship status, physical or mental disability, race, religion, creed, gender, sex, sexual orientation, gender identity and/or expression, marital status, status with regard to public assistance, veteran status or any other classification protected by federal, state or local law.

CERTIFICATION OF POSTING OF AGENDA

I, Maria De La Torre, Deputy City Clerk for the City of Plymouth, declare that the foregoing agenda for the November 8, 2021 Regular Meeting of the Plymouth City Council was posted and available for review on November 10, 2021 at the City Hall of the City of Plymouth, 9426 Main Street, Plymouth, California, 95669. The agenda is also available on the city website at www.cityofplymouth.org.

Signed at Plymouth, California

//s//

Maria De La Torre, Deputy City Clerk

5.1



City of Plymouth

City Council Meeting

Staff Report

Item 5.1

Date:

November 10, 2021

Report by:

Frank Splendorio, City Attorney

Policy, Program, Project or Issue Title:

Resolution 2021-14 AB 361 Making Findings Necessary to Continue to Conduct Brown Act Meetings Virtually

Issue Statement & Discussion:

Throughout the pandemic, the Governor has issued Executive Orders relying on his authority under the Emergency Services Act to suspend and modify some of the teleconference requirements under the Ralph M. Brown Act.

The initial Order expired on September 30, 2021 and has been superseded by AB 361. As discussed below, this Bill makes permanent (at least until 2024) some of the teleconference exception requirements under state law.

On October 7, 2021, for the benefit of the public and to ensure all members of the public can participate in the meetings of the legislative bodies of the City, the City Council adopted Resolution 2021-09 making the required findings under AB 361.

In order to continue to meet virtually via Zoom, the City Council must make the requisite findings at least every thirty days. It has made a subsequent resolution since then and the proposed Resolution would continue to make the necessary findings.

AB 361 applies to meetings during a proclaimed State of Emergency and where state or local officials have imposed or recommended measures to promote social distancing. ("State of Emergency" is defined as a State of Emergency declared by the Governor under Government Code Section 8625.) It also can apply to other states of emergency proclaimed by the Governor where holding in person meetings would "present imminent risks to the health or safety of attendees". An example of this is an ongoing wildfire in the area. In that case, the legislative body must make an initial finding that meeting in person would "present an imminent risk to the health or safety of attendees".

As discussed above, if the legislative body desires to continue using the virtual exception, it must confirm the circumstances of the state of emergency 30 days after the first teleconference meeting and every 30 days thereafter. The attached proposed Resolution makes the required findings which allow the legislative bodies of the City to continue to conduct their meetings virtually via Zoom for the public.

Attachment(s):

- Resolution 2021-14 AB 361 Making Findings for Continuation of Virtual Meetings

Fiscal Impact:

Complying with AB 361 will increase some costs to staff for Zoom licenses and other potential technological start-up costs.

Staff Recommendation:

Staff recommends adoption of Resolution 2021-14, making the requisite findings in order to continue to allow virtual public participation and compliance with AB 361.

RESOLUTION NO. 2021-14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PLYMOUTH MAKING THE REQUIRED FINDINGS AUTHORIZING
THE CONTINUATION OF VIRTUAL MEETINGS OF THE
LEGISLATIVE BODIES OF THE CITY OF PLYMOUTH**

WHEREAS, the City of Plymouth is committed to preserving and nurturing public access and participation in public meetings under the Ralph M. Brown Act; and

WHEREAS, all meetings of the City'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, as recently amended by AB 361, Government Code section 54953(e) of the Brown Act 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, it is further required that state or local officials have recommended or imposed 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, such conditions now exist in the City, specifically, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency, and such proclamation remains in effect and has not been rescinded or cancelled; and

WHEREAS, Cal-OSHA's Emergency Temporary Standards has taken measures to promote social distancing, including, (i) requiring employers to provide training as to "the fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19", (ii) requiring employees when eating or drinking to be "at least six feet apart," and (iii) requiring certain employees without face coverings to "be at least six feet apart from all other persons unless the unmasked employee is either fully vaccinated or tested at least weekly for COVID-19"; and

WHEREAS, the Amador County Public Health Department has recommended on its website (<https://www.amadorgov.org/services/public-health>), that one can help protect oneself from “getting sick with the novel coronavirus” by “avoiding non-essential trips away from home and practicing social distancing” and avoiding “close contact with people who are sick”; and

WHEREAS, on October 7, 2021, the City Council adopted Resolution 2021-09 making the findings required under Government Code section 54953(e) in order to allow the public to attend and participate virtually; and

WHEREAS, as also done previously after October 7, 2021, the City Council again intends to make the required findings necessary to continue to allow the legislative bodies of the City of Plymouth to hold virtual meetings under 59453(e);

WHEREAS, the City will continue to provide live internet service-based option for remote public participation and will provide notice for such participation in the agendas posted in advance of the meetings; and

WHEREAS, accordingly, the City Council does hereby find that all of the legislative bodies of the City of Plymouth shall be authorized to continue to 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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Plymouth does hereby resolve, order, and determine 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: Findings. The City Council hereby finds that, as set forth above, due to the novel coronavirus there has been declared a State of Emergency by the Governor of the State of California and state or local officials are recommending or imposing measures to promote social distancing.

SECTION 3: Remote Virtual Meetings. The City Manager is hereby authorized and directed to take all actions necessary to continue to conduct open and public meetings for all the legislative bodies of the City of Plymouth in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

SECTION 4: Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of 30 days from the adoption of this Resolution as indicated below, 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 Plymouth may continue to virtually meet.

Passed and adopted this 10th day of November, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Keith White, Mayor

Maria De La Torre, Deputy City Clerk

