

City of Hermosa Beach

**DISCUSSIONS AND DIRECTION TO CITY
STAFF REGARDING REMOTE PARTICIPATION
AT CITY MEETINGS AS WELL AS OTHER
FORMAT AND OPERATIONAL CONCERNS
RELATED TO CITY COUNCIL MEETINGS**



Background

- During the COVID-19 pandemic and consistent with applicable health orders, the Hermosa Beach City Council and other City Boards and Commissions met exclusively via Zoom.
- At its August 10, 2021 meeting, City Council authorized the continuance of a hybrid format in response to the COVID-19 declared emergency.
- Community members and the general public continue to have the option to participate remotely (via Zoom audio) or in person for City Council only:
- The City Council and Board and Commissions have moved to in-person meetings.



Background Cont.

- The City Council nor any Board or Commission adopted formal policy or action relating to remote participation beyond the COVID-19 pandemic.
- At its September 26, 2023, City Council meeting, City Council was the target of a coordinated attack where multiple members of the public flooded the City's Zoom meeting requesting to comment.
- In addition to Hermosa Beach, other jurisdictions that still allow remote participation by the public have also experienced similar "Zoom bombs" with racist, antisemitic, bigoted, and sexist remarks.



Analysis

- The Brown Act does not legally mandate that the public be allowed to participate remotely. Only if a member of the City Council attends the meeting under the remote participation rules under AB 2449 does the Brown Act require that the public also be allowed to attend and participate remotely:
 - AB 2449, among other things, allows remote participation for “just cause” or “emergency circumstances” without identifying and making this remote location accessible to the public;
 - The “old” Brown Act teleconferencing rules that require notice on the alternative location on the agenda and access to the public similarly does not require that the City allow remote participation by the public—unless they are physically present at the alternative location.



Analysis Cont.

- Staff surveyed other jurisdictions to gage the use of virtual public participation via Zoom or similar platform.
- The basic findings of the survey indicate that of the 73 responding jurisdictions, including eight in the South Bay, 66 offered remote participation during the COVID-19 pandemic. A total of 25 jurisdictions have since discontinued the allowance of remote participation and 10 of those jurisdictions continue to stream their meetings via Zoom for viewing purposes only.
- Additionally, findings indicate that the 73 jurisdictions have handled virtual public participation and public comment on their respective agendas uniquely, but within the parameters of State law.



Virtual Public Participation Survey

The list of respondents to the survey is found below. South Bay Cities are bolded.

1. Bakersfield	25. Hesperia	49. Plymouth
2. Berkeley	26. Inland Empire Utilities Agency	50. Port Hueneme
3. Brentwood	27. Irwindale	51. Rancho Palos Verdes
4. Buena Park	28. Kingsburg	52. Red Bluff
5. Carson	29. Laguna Beach	53. Redondo Beach
6. Citrus Heights	30. Laguna Hills	54. Rolling Hills
7. Coachella	31. Lake Elsinore	55. Salinas
8. Coronado	32. Lakeport	56. San Anselmo
9. Costa Mesa	33. Lawndale	57. San Bernardino
10. Cotati	34. Lemon Grove	58. San Bruno
11. Danville	35. Live Oak	59. San Dimas
12. Desert Water Agency	36. Loomis	60. San Fernando
13. East Bay Regional Park District	37. Los Angeles	61. San Jose
14. El Centro	38. Manhattan Beach	62. San Luis Obispo
15. El Segundo	39. Monterey	63. San Rafael
16. Emeryville	40. Morgan Hill	64. Santa Cruz
17. Fairfax	41. Mt. Shasta	65. Saratoga
18. Farmersville	42. Napa	66. Scotts Valley
19. Firebaugh	43. Newark	67. Sebastopol
20. Fremont	44. Norwalk	68. Sonoma
21. Fresno	45. Oceanside	69. St. Helena
22. Fullerton	46. Patterson	70. Sunnyvale
23. Gardena	47. Perris	71. Thousand Oaks
24. Glendora	48. Petaluma	72. Tulare
		73. Victorville



Staff Recommendation

Staff recommends City Council discuss and provide direction regarding the continued use of remote (Zoom) public participation at City Council meetings, application of any remote public participation policies to other City Boards and Commissions, and any other format or meeting policies City Council would like to see implemented, modified, and/or removed.

