



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: June 13, 2017

TO: Carolyn Lehr, City Manager

FROM: Sheri Hartz, City Clerk

SUBJECT: Resolution Of The City Council Of The City Of Emeryville Adopting A Policy For Teleconferencing During Council Meetings Pursuant To Government Code Section 54953 And Amending The City Council Rules Of Procedure To Incorporate The Policy

RECOMMENDATION

Staff recommends that the Council approve the resolution adopting a teleconferencing policy for inclusion into the Council Rules of Procedure.

BACKGROUND

California Government Code Section 54953 permits a legislative body to use teleconferencing in connection with attendance at its meetings, and, as such, use of teleconferencing for an Emeryville City Council Member to attend a City Council meeting is permitted, subject to compliance with the provisions of the Brown Act, as amended. A Council policy permitting teleconferencing, if approved, would apply solely to Council Members for their participation in open and closed sessions of regular and special City Council meetings, either for entire meetings or a specific agenda item. The provisions would further be in effect for the City Council in its other configurations as the Successor Agency to the Emeryville Redevelopment Agency, the Management of Emeryville Services Authority (MESA) Board, the Community Development Commission of Emeryville, and the Emeryville Public Finance Authority, for all matters within the relevant subject matter jurisdictions. All references to "City Council" include the Successor Agency, MESA, the Community Development Commission, and the Finance Authority.

DISCUSSION

Over time, the California Legislature has amended the Brown Act to allow cities to take advantage of new technologies for the conduct of public meetings. The City of Emeryville has not previously declared its intention to use teleconferencing to allow the participation of a Council Member who has provided advance notice of an excused absence, but may wish to do so, thereby removing an obstacle to conducting the City's business.

In Brown Act amendments made in 1994, 1997 and 1998, the Legislature expanded the ability of cities to conduct their business by teleconference. The 1994 amendments allowed "video teleconferencing", but the later amendments allow the use of the full range of conferencing technologies available.

The Brown Act defines a “teleconference” as “a meeting of individuals in different locations, connected by electronic means, through either audio or video, or both.” In addition to the specific requirements relating to teleconferencing, the meeting must comply with all provisions of the law otherwise applicable.

Section 54953(b) of the Brown Act contains the following specific requirements:

1. Teleconferencing may be used for all purposes during any meeting.
2. At least a quorum of the City Council must participate from teleconferencing locations within the city’s jurisdiction.
3. Each teleconference location must be identified in the notice and agenda of the meeting.
4. Agendas must be posted at each teleconference location.
5. Each location must be accessible to the public.
6. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.
7. All votes must be by roll call.

At a meeting where teleconferencing will be used, the Presiding Officer will call the meeting to order and then, prior to the roll call, will ask that it be reflected in the minutes that, pursuant to California Government Code Section 54953, a Council Member will be participating via teleconference and will announce that the teleconference location has been identified in the notice and agenda for this meeting. Following the roll call by the City Clerk, the Presiding Officer will confirm with the teleconferencing party that they can hear the proceedings well, have a copy of the agenda, have posted the agenda properly at their location, that their location is publicly accessible, and ask them to report whether or not there is a member or members of the public at their location. The Presiding Officer will further confirm that the Council Members present at the meeting can hear the teleconferencing party well, and then may commence with the meeting business.

In the event that the Presiding Officer is not able to establish that all of the requirements as set forth in Brown Act regulations for teleconferencing have been met, the Council Member wishing to participate via teleconference would not be able to do so.

FISCAL IMPACT

None at this time.

STAFF COMMUNICATION WITH THE PUBLIC

None

PREPARED BY: Sheri Hartz, City Clerk

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Carolyn Lehr, City Manager

ATTACHMENTS

1. Draft Resolution
2. Council Rules of Procedure in redline/strikeout form
3. Text of GC 54953