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Council considers return to in-person meetings

By Lou Fancher

Since the beginning of the pandemic, the Lafayette City Council has been meeting online according to Assembly Bill 361 guidelines, which temporarily allows local governing agencies to continue virtual meetings and to teleconference from remote locations when physical access and quorum requirements of in-person meetings would present imminent risks to the health or safety of attendees.

At its March 14 council meeting Lafayette Communications Analyst Suzanne Iarla updated council about current and upcoming Contra Costa County Health guidelines, the expiration of California Gov. Gavin Newsom's Executive Order N-29-20 that waived provisions of the Brown Act to allow local and state legislative bodies to hold meetings via teleconference without the teleconferencing locations being open and accessible to the public during the meeting, and AB 361, which is poised to sunset on Jan. 1, 2024. When AB 361 expires, unless other laws still in proposal stage are enacted, local governing bodies will revert to the original guidelines. With the county continuing to recommend teleconferencing meetings online, the council after hearing the recommendations from staff, unanimously chose to follow county health guidelines and AB 361 protocols and to continue online meetings while beginning to prepare for the return to in-person and hybrid meetings when it is safe.

Iarla asked council to consider if some governing entities remain online, what the means by which the content of those meetings would be communicated to the public; whether face mask and social distancing mandates be continued in an in-person setting; if proof of vaccination would be required and if a voluntary contact list is a violation of privacy or a desired tool for contact tracing; and whether in-person meetings should include teleconferencing to the public as a courtesy hybrid component.

According to Iarla, hybrid meetings allow real-time interactions and greater ease of access to participants including the council, consultants, experts speaking on a topic and the public, however the hybrid meetings require more staff hours for set up, operation and maintenance of the teleconferencing and livestream components. For meetings in the Don Tatzin Community Hall at the library - City Council, Planning Commission, Design Review Commission, and Transportation and Circulation Commission - the added staff time pencils out. For smaller commission and committee meetings, the efficacy of the extra costs are questionable and worthy of evaluation.

With \$25,000 of funding for new hardware that was required for hybrid meetings in Tatzin Hall already secured (as of March) and staff undergoing training, additional cameras will improve the room's capabilities and no extra funds are sought for this phase of the project. Solutions for hybrid meetings to be held at other spaces such as the Arts & Science Discovery Center and the Community Center outlined in the staff report continue to be explored by staff, and updates will be brought to the council.

During the discussion that included questions from the public about what factors will signal a return to rules governed by the Brown Act, and if the city will set its own safety protocols once the county guidelines expire, council favored continuing to follow AB 361. Acknowledging that operational issues due to possible power outages have potential to disrupt teleconferenced, livestream Zoom meetings, that remote downside was not enough to detract from the benefits of online meetings.

Council Member Wei-Tai Kwok said that since his election to the council, he'd only experienced remote meetings and asked, "What are we missing by being only online? Is there a key thing we're missing that would mean we'd want to be back in-person in a hurry?" Kwok said meeting online is "good for democracy" in terms of people being able to interact more often, more effectively, and with greater ease due to increased accessibility.

Vice Mayor Carl Anduri agreed, emphasizing the gain in public health safety, but said, "The one tangible (loss) is the feeling of the community gathering to discuss issues and a major difference is the outburst of support - or boos - for speakers (that is) common at meetings in-person and doesn't happen online." Ending the discussion, the council chose to continue with all-online meetings and follow county health guidelines until AB 361 expires. The staff was directed to keep careful watch of other communities and what they are learning when returning to in-person meetings. Meanwhile, staff will also plan and prepare as previously approved for hybrid options for certain meetings to continue after the pandemic becomes endemic.

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