



Joint Labor-Management Committee Commute Options & Parking **COMMITTEE REPORT 23-05**

Date: February 9, 2023
To: JLMC-COP
From: Staff
Subject: Change to JLMC-COP Meeting Format

JLMC-COP Members	
Employee Organization Primary Members	
Charles Leone, SEIU, Chair	
Leticia Gonzalez, AFSCME, Second Prov. Chair	
Billy Brockway, LAPCOA	
Esteban Lizardo, LIUNA	
Management	
Jay Kim, LADOT, Vice-Chair	
Patricia Huber, CAO, First Prov. Chair	
Paula Dayes, Personnel	
Valerie Melloff, GSD, Chair	
Employee Organization Secondary Members	
Charley M. Mims, LAPMA	

DISCUSSION:

A. Background

The Ralph M. Brown Act (Brown Act) was written into law in 1953 and largely transformed rules and procedures for public meetings held in the state of California. The stipulations of the Brown Act have been modified and adjusted since its original adoption, and are included in their entirety within Chapter 9 of the California Government Code (beginning with section 54950). The Brown Act requires public meetings to be held in person and sets forth strict and limited conditions under which governing body members can join a Brown Act meeting remotely. One such condition is the requirement that any member attending a meeting remotely must have the address of the remote location listed on the public agenda and to permit any member of the public to access that remote location for the purpose of attending the public meeting.

On March 4, 2020, Governor Newsom proclaimed a state emergency due to the public health threat posed by COVID-19. Subsequent actions were enacted, on a temporary basis, to permit public meetings governed by the provisions of the Brown Act to be conducted remotely under specific circumstances and without the need to adhere to the cumbersome notice and accessibility requirements discussed above. One of those actions was the signing into law of Assembly Bill 361 (AB 361). Under AB 361, a governing body, such as the JLMC-COP may meet remotely if it can find that a state/local emergency order exists which includes a stipulation for social distancing and that there is a local and direct health impact to the safety of the governing body and the members it serves, warranting a need to refrain from in-person meetings. An entire governing body meeting the requirements of AB 361 could meet remotely without listing individual member remote locations on the agenda or allowing members of the public to access individual member remote locations.

Since the adoption of AB 361, the JLMC-COP has identified the following emergency order and health concerns:

Presently the State of California Department of Public Health, including Los Angeles County Public Health, have lifted social distancing requirements. However, Cal/OSHA's current standard on COVID-19 prevention (Title 8, California Code of Regulation, Sections 3205, 3505.1 and 3205.2) requires physical distancing in certain limited situations. In addition, the Governor's March 4, 2020 Emergency Declaration regarding COVID-19 continues to remain in effect. Given that the COVID Emergency continues, staff recommends that the JLMC-COP find and adopt the resolution as detailed in this report.

As a result, the JLMC-COP has routinely adopted a resolution with the following key findings:

WHEREAS, the COVID-19 State of Emergency (COVID Emergency) proclaimed by the Governor on March 4, 2020 remains active; and

WHEREAS, COVID-19 remains a public health concern in the City of Los Angeles; and

WHEREAS, the Committee has reconsidered the circumstances of the COVID Emergency and finds that such COVID Emergency continues to directly impact the ability of the members to meet safely in person and state local officials continue to impose or recommend measures to promote social distancing.

NOW THEREFORE, BE IT RESOLVED that pursuant to Government Code Section 54953(e)(1)(B)- (C), the Committee finds the ongoing COVID Emergency proclaimed by the Governor on March 4, 2020 continues to impact the ability of the Committee members to meet safely in person and/or state or local officials continue to impose or recommend measures promoting social distancing.

B. End of COVID-19 State of Emergency

On October 17, 2022, Governor Gavin Newsom announced that the COVID-19 State of Emergency for California will end on February 28, 2023 (**Attachment A**).

Under the stipulations of AB 361 allowing for remote public meetings, a local health concern must be coupled with an emergency order permitting social distancing measures. As of the date of this staff report, only the state-wide COVID-19 State of Emergency includes a provision for social distancing. Staff is not aware of any other known emergency order with the social distancing clause which applies to California or Los Angeles. Outside of a new emergency which includes a social distancing component, the JLMC-COP's ability to adopt a resolution to continue teleconference meetings under AB 361 (which still continues to be in effect through 2023) will

end on February 28, 2023 with the end of the COVID-19 State of Emergency for California. This means that beginning March 2023, JLMC-COP meetings will be expected to be in person.

Action from City Council

At the January 17, 2023 meeting of the Los Angeles City Council, a resolution was adopted to include support for legislative action to amend the Ralph M. Brown Act and allow local legal legislative bodies to continue to conduct public meetings virtually under specific conditions and circumstances (Council File 23-0002-S17). The adopted resolution of the City Council is not actionable on its own; however, should California state law change to permit virtual public meetings in any manner, discussions of those changes will be brought forth to the JLMC-COP.

A. Assembly Bill 2449

On January 1, 2023, Assembly Bill 2449 (AB 2449) went into effect (through December 31, 2025) which permits exceptions to the Brown Act that allows for limited options where members of a governing body can attend a meeting remotely outside the strict requirements of remote attendance which currently exist under the Brown Act. Mainly:

- Members who exceed the quorum count may attend the meeting remotely under one of two exception cases: (1) Just Cause and (2) Emergency Circumstance¹. Under each exception, notification and/or public discussion must occur.
- Members who meet either the Just Cause or the Emergency Circumstance exemption do not need to disclose their location on the agenda or make their location open to the public, as stipulated under the Brown Act.

Under the provisions of AB 2449, **there still must be an in-person quorum in attendance even if the remote attendance exceptions for members who exceed quorum apply.**

B. Future in-person JLMC-COP meetings

With the end of fully teleconferenced meetings under AB 361, staff is looking to schedule a regular meeting room of adequate size to hold in-person meetings of the JLMC-COP. The meeting room is expected to be located on the 10th floor of City Hall.

¹ "Just cause" means any of the following:

- (A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.
- (B) A contagious illness that prevents a member from attending in person.
- (C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).
- (D) Travel while on official business of the legislative body or another state or local agency.

"Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person."

Although the JLMC-COP is likely required to return to in-person meetings beginning in March 2023, staff believes there is value in maintaining some of the administrative changes implemented under the COVID-19 State of Emergency and AB 361 which allowed members of the public and vendors to attend meetings virtually. If anything, there is value in an effort to maintain options which maximize information transmission and minimize the risk of infectious disease transmission. As a result, staff intends to make available the following remote access options with each future in-person JLMC-COP meeting:

Broadcasting a Live meeting: The practice of broadcasting a live public meeting has been a widely used tool by Los Angeles City Council and its Committees for multiple decades. Broadcasting a meeting allows for individuals interested in a certain topic to gain real-time information without physically attending the meeting in its location. Staff can maintain its current practice of broadcasting the live meeting in a number of ways, including through live-stream and telephonic options.

Public and Presenter participation via remote application: To stay true to the ability to maximize information transmission and minimize the risk of infectious disease transmission, staff believes members of the public should retain the current ability to make public comment remotely. This would mean members of the public can both attend and make public comment either in-person or remotely.

The ability for staff to provide the above options is contingent on its ability to master applicable technology. At current, staff is still troubleshooting the audio connections of a hybrid in-person and virtual meeting. However, staff has identified multiple options to permit all of the above options to occur when in-person meetings resume. Staff will continue to work with legal counsel to ensure the agenda notifications are correct and appropriate, and that technological failure does not prevent the holding of an in-person meeting. Any change or updates to the proposed in-person meeting process will be brought to the JLMC-COP in a future report.

According to the JLMC-COP's Bylaws, the Committee shall hold regular meetings on the second Thursday of the first month of each quarter, in addition to any special meetings that may be deemed necessary. The regular meetings begin at 9:00 a.m. and will occur on the following dates for the remainder of 2023:

- April 13, 2023
- July 13, 2023
- October 12, 2023

Submitted by:



Daniel Powell, Senior Personnel Analyst II

Approved by:



Paul Makowski, Chief Benefits Analyst

RESOLUTION TO CONTINUE HOLDING MEETINGS OF THE JOINT LABOR-MANAGEMENT COMMITTEE ON COMMUTE OPTIONS AND PARKING VIA TELECONFERENCE AND/OR VIDEOCONFERENCE, UNDER GOVERNMENT CODE SECTION 54953(E)(1)(B)-(C).

WHEREAS, the Joint Labor-Management Committee on Commute Options and Parking (Committee) is committed to preserving public access and participation in its regular meetings; and

WHEREAS, all Committee meetings 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 and participate as the Committee members conduct their business; and

WHEREAS, the Brown Act, at Section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, subject to the existence of certain conditions; and

WHEREAS, the COVID-19 State of Emergency (COVID Emergency) proclaimed by the Governor on March 4, 2020 remains active; and

WHEREAS, COVID-19 remains a public health concern in the City of Los Angeles; and

WHEREAS, the Committee has reconsidered the circumstances of the COVID Emergency and finds that such COVID Emergency continues to directly impact the ability of the members to meet safely in person and state local officials continue to impose or recommend measures to promote social distancing.

NOW THEREFORE, BE IT RESOLVED that pursuant to Government Code Section 54953(e)(1)(B)-(C), the Committee finds the ongoing COVID Emergency proclaimed by the Governor on March 4, 2020 continues to impact the ability of the Committee members to meet safely in person and/or state or local officials continue to impose or recommend measures promoting social distancing.