

Resolution No. 2023-XXX N.C.S. of the City of Petaluma, California

RESCINDING RESOLUTIONS NO. 2021-014 N.C.S. AND 2023-017 N.C.S. APPOINTING MEMBERS TO THE GENERAL PLAN ADVISORY COMMITTEE

WHEREAS, on January 25, 2021, the City Council adopted Resolution No. 2021-014 N.C.S., which appointed 21 community member volunteers to the General Plan and Advisory Committee (GPAC); and

WHEREAS, on February 6, 2023, the City Council adopted Resolution No. 2023-017 N.C.S., which appointed five community members to fill vacancies on the GPAC; and

WHEREAS, the GPAC offers diverse perspectives and provides feedback to City staff and the consultant team regarding the development of the City's new General Plan, and staff utilize the committee's input to inform the General Plan development process and preparation of draft documents for review by other advisory bodies such as the Planning Commission and ultimately for review by the City Council; and

WHEREAS, in response to the COVID-19 pandemic, Governor Newsom signed Assembly Bill 361 (AB 361), which provides relaxed procedures for teleconference meetings without requiring public access to the locations from which legislative body members are participating by teleconference; and

WHEREAS, AB 361 teleconferencing procedures apply when a state of emergency exists as declared by the Governor and the local legislative body makes certain factual findings regarding the state of emergency, including that meeting in-person would present imminent risks to the health or safety of attendees; and

WHEREAS, Governor Newsom has rescinded the COVID-19 emergency order effective February 28, 2023, which means all City committees, commissions, and board members (CCBs) can no longer rely on the relaxed teleconferencing rules of AB 361 after that date, and, accordingly, to comply with the Brown Act, members of CCBs that are subject to the Brown Act, including GPAC members, will be required to either meet in person or allow the public to participate at their teleconference location pursuant to Government Code Section 54953(b)(3); and

WHEREAS, upon rescission of Resolution No. 2021-014 which appointed 21 community member volunteers to the GPAC, and Resolution No. 2023-017, which appointed five members to fill vacant seats on GPAC, the GPAC would no longer be a "legislative body" under the Brown Act, and the GPAC members that are willing and able may volunteer to continue serving as they have, and the City need not comply with the Brown Act's teleconferencing rules and could allow GPAC volunteers to continue to meet remotely via zoom as they have been; and

WHEREAS, notwithstanding rescission of Resolutions no. 2021-014 and 2023-017, current practices regarding GPAC meetings may continue, including: publicly noticing GPAC meetings, permitting members of the public to participate in the meetings virtually, staff assisting with facilitation of the meetings and presentations by consultants and others, and discussion among GPAC members and other meeting participants, and converting the GPAC to an informal, volunteer group does not preclude the City from continuing to hold GPAC meetings in most respects as if the Brown Act applied to maximize the transparency of and public participation in the GPAC conversations; and

WHEREAS, the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5), in that rescinding resolutions which

appointed members to the General Plan Advisory Committee does not meet CEQA's definition of a “project,” because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. The above recitals are hereby declared to be true and correct and are incorporated into this resolution as findings of the City Council.
2. This action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5), in that rescinding resolutions which appointed members to the General Plan Advisory Committee does not meet CEQA's definition of a “project,” because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.
3. Resolutions No. 2021-014 N.C.S. and No. 2023-017 N.C.S. are hereby rescinded in their entirety as of the effective date of this resolution and shall no longer have any force or effect.
4. The City Council expresses its sincere appreciation for the members of the Petaluma community that have volunteered to participate on the General Plan Advisory Committee (GPAC) and encourages all of the GPAC volunteers that are willing and able to volunteer to continue meeting and providing feedback to City staff and the General Plan consultant team regarding the development of the City’s new General Plan as an informal body that is able to continue to meet virtually following the expiration of the Governor’s Covid-19 emergency declaration, which made effective relaxed teleconferencing procedures for legislative bodies subject to the Brown Act.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 6th day of March 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor