



# Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Kelsey Pettijohn, City Clerk

Reviewed by: Joseph Toney, Assistant City Manager

Approved by: Steve McClary, City Manager

Date prepared: January 17, 2023

Meeting date: January 23, 2023

Subject: Hybrid Meetings Proposal and Transition Plan

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**RECOMMENDED ACTION:** 1) Consider a proposal for hybrid meetings; and 2) Provide direction on the meeting format for Commission, Committee, and Board meetings.

**FISCAL IMPACT:** There is no fiscal impact for this recommended action. Depending on what direction Council provides on the resumption of in-person meetings, increased appropriation may be necessary to fund additional staffing resources, overtime costs, or contractors needed to facilitate public meetings that was not included in the Adopted Budget for Fiscal Year 2022-2023.

**WORK PLAN:** This item was included as item 1a in the Adopted Work Plan for Fiscal Year 2022-2023.

**DISCUSSION:** On January 9, 2023, the Council directed staff to bring back a proposal for the City Council and Planning Commission to transition to hybrid meetings beginning March 13, 2023. This report outlines the proposal for a hybrid meeting format and the factors the Council should consider when determining its own meeting format and the transition plan for the City's Commissions to return to in-person meetings.

## **Hybrid Meetings**

Based on the Council's direction, staff has developed plans for a pilot program for a style of hybrid meeting that would allow the public to participate in-person or remotely. The components are as follows:

- COVID-19 Protocols
  - The City would continue to follow current County, State and federal health guidance on social distancing and other public safety measures.
- Audio/Visual Technical Considerations
  - The Council Chambers was not designed to display video of teleconference participants. Zoom participants would continue to participate via audio only..
  - Virtual meetings have been conducted through the Zoom Meetings system which integrates with City's virtual meeting platform. The remote participant component of hybrid meetings would be conducted using Zoom Webinar which provides better controls for this type of meeting.
- Public Comment
  - Speaker Sign-ups
    - To make it simpler to locate speakers either in Chambers or on Zoom and reduce associated time delays, staff recommends having separate speaker sign-up processes for in-person and remote participants. It is also recommended that all in-person speakers be called first to allow remote participants time to indicate if they would like to speak, and work out any technical difficulties.
    - During virtual meetings, the City has asked participants to sign-up to speak in advance using the sign-up form at [malibucity.org/virtualmeeting](http://malibucity.org/virtualmeeting) and has also heard speakers who indicate their intent to speak by raising their hand in Zoom. To minimize the number of systems that staff would need to monitor within the hybrid meeting format, it is recommended that the City move away from using the speaker sign-up form on the website and instead require all remote participants to raise their hand in Zoom if they would like to speak. If Council wishes to implement hybrid meetings in this manner, staff would provide directions for this process on the website.
  - If the Council would like to allow time deferrals, staff recommends limiting time deferrals to in-person participants when the individual deferring their time and the individual receiving the extra time are both present in the Chambers. Creating a process for remote participants to sign-up to defer their time to another speaker poses technical challenges.<sup>1</sup> During in-person meetings, the City has historically allowed individuals to cede their opportunity to speak on an item and defer one minute of their time to another speaker at in-person meetings. This was managed by requiring speakers to submit their own Request to Speak form along with all forms deferring time, and individuals deferring their time were required to be present when the item was heard in order for the extra minute to be added to the speaker's time.

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<sup>1</sup> While the Planning Commission has allowed time deferrals during virtual meetings, it has been difficult to implement and time consuming to call on and confirm each person that wants to donate a minute. These problems are likely to be exacerbated at the council level because there are many more participants. Online time donation is also rife for abuse as it can be hard to verify each person donating time is a unique and separate individual.

- If the Council has follow-up questions for a remote participant staff will be able to unmute participants again in order to answer the Council's questions. Otherwise, staff will not be monitoring the Zoom meeting for raised hands after public comment is closed.
- Councilmember Participation
  - The Council may prefer for all of its members to participate in-person and should discuss its plans for Councilmember participation. However, as long as the Council continues to reaffirm the AB 361 findings Councilmembers will be able to participate in meetings remotely.
  - AB 361 does not end concurrently with the Governor's termination of the State of Emergency, but rather on January 1, 2024. While there is some ambiguity in the statute, its provisions provide that so long as the Council can make the findings required by AB 361, and specifically that State or local officials continue to impose or recommend measures to promote social distancing, remote meetings may continue pursuant to AB 361's provisions. If the Council stops making the AB 361 findings it will not be able to meet virtually again unless a State of Emergency is in effect.
- Hybrid Meeting Policy Considerations
  - In order to transition to hybrid meetings, the Council should consider and provide direction on:
    - How it would like to proceed with meetings when there is a disruption that affects the ability of remote attendees to participate in the meeting even though the City is able to set up and run the zoom aspects of the meeting. Possible disruptions include power or internet outages within city-limits, storm, fire or other similar events. If the Council would like the option to conduct its meetings during a disruption staff will include an advisory notice on the agenda warning that the ability to participate remotely is not guaranteed, particularly if events impair their ability to attend remotely. As such, remote participation is at their own risk. In the past, the City has continued meetings when a significant portion of the City is unable to participate. This practice has been implemented to maximize public participation and prevent any violation of due process.
    - If the City is unable to operate the remote/zoom functions due to technical issues specific to City Hall (e.g. internet is down or there is a problem with the software), the meeting would need to be cancelled.

As this is a pilot program, staff recommends the Council discuss its meeting format again at the May 22, 2023 Regular City Council meeting.

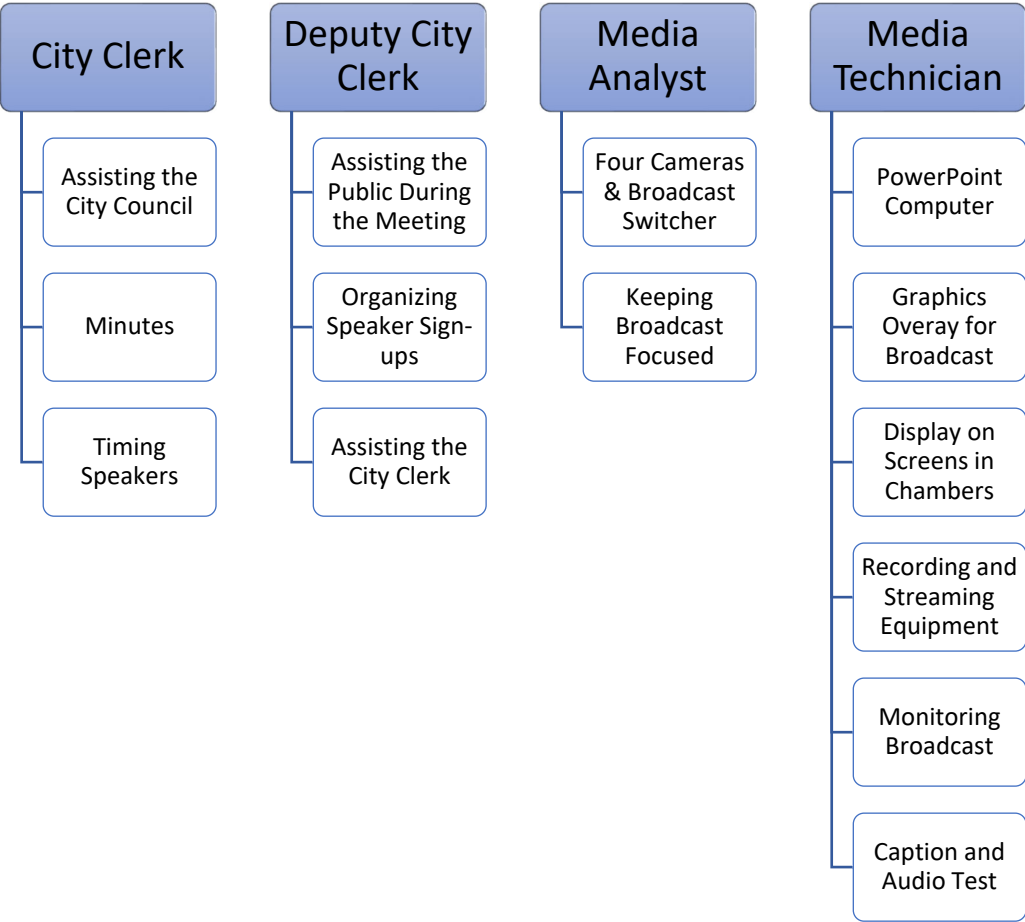
### Commissions and Subcommittee Meetings

Staff recommends directing the other Commissions and the City Council Subcommittees to continue meeting virtually for the duration of the hybrid meeting pilot program.

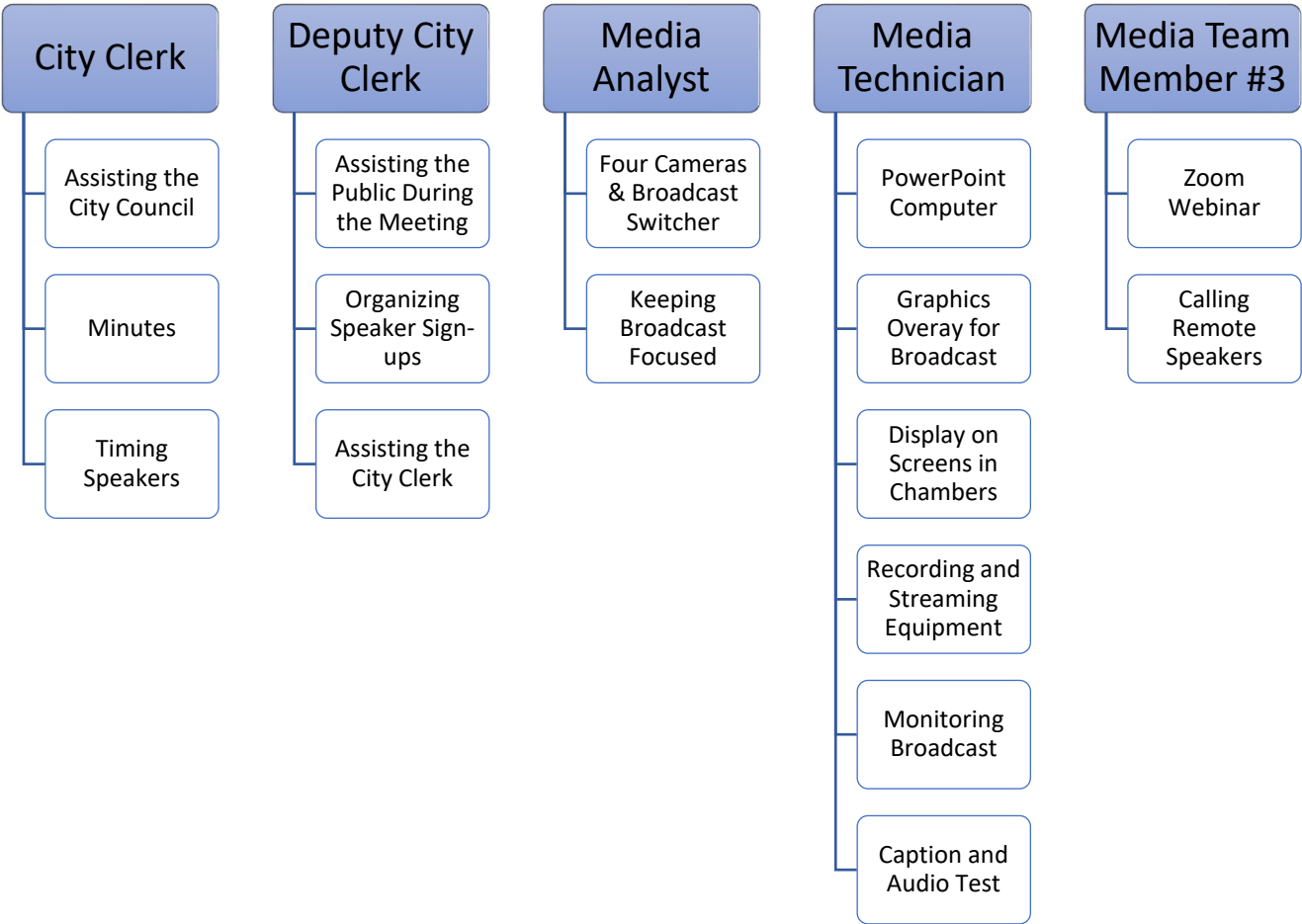
The Planning Commission will follow the same protocols as the City Council. For other commissions, virtual meetings will continue to be conducted in the same manner using the PrimeGov Virtual Meeting Platform. Staff will update the meeting webpages appropriately to explain that City Council and Planning Commission meetings are conducted in a different manner during this transition and provide directions for participating in both types of meetings.

Staff Resources

Hybrid meetings will have an impact on staff resources. Personnel are limited without the ability to have back-up in case key staff members are unable to support a meeting. This could cause a single point of failure and make it very difficult for a meeting to be successfully produced. An in-person Regular City Council meeting requires four staff members to facilitate the meeting. The primary duties of these staff members are highlighted in the chart below:



Each of these staff members has a task to support the meeting during public comment and transitioning to hybrid meetings will require a fifth staff member support the Zoom Webinar and call remote speakers.



There is the possibility that the City can fill this additional roll with existing staff, but resources are already strained and other projects or ongoing operations may not be able to be supported in order to offset the workload. If the Council were to transition to hybrid meetings permanently, the City will need to train additional staff and/or hire specialized staff (full or part-time) to serve as back-up for the Media Team. The City may also be able to explore the possibility of a private firm that can assist with video broadcasting, but that does not alleviate the other technical support needs outlined above. An additional staff member with salary and benefits is an estimated cost of \$100,000. The Council should consider this potential cost when it reviews the Fiscal Year 2023-2024 budget.

The Council should also be aware that with current staffing, it may be more challenging to schedule Special or Adjourned meetings. Depending on the complexity of the meeting, schedules may need to be rearranged to allow all three Media Team members to work the meeting.

In conclusion, staff has reviewed the main considerations of hybrid meetings and is requesting direction from Council on how to proceed.

ALTERNATIVES: The Council could return to in-person meetings as soon as February 27, 2023, or continue meeting virtually under AB 361.

ATTACHMENTS: None.