



**MEMORANDUM**  
**CITY MANAGER'S OFFICE**  
**1000 Gateway Avenue**  
**San Pablo, CA 94806**

**DATE:** December 20, 2022

**TO:** ALL CITY EMPLOYEES, CITY OFFICIALS, AND MEMBERS OF THE PUBLIC

**FROM:** Matt Rodriguez, City Manager / Director of Emergency Services

**RE:** CORONAVIRUS COVID-19 UPDATE AND VERSION 25 OF THE MODIFIED OPERATIONS PLAN RELATING TO PUBLIC MEETINGS, EFFECTIVE JANUARY 1, 2023

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The City of San Pablo (City) remains committed to the health and safety of its employees and the San Pablo community throughout this COVID-19 pandemic.

On October 17, 2022, Governor Gavin Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023, explaining that "California has the tools needed to continue fighting COVID-19 when the State of Emergency terminates at the end of February, including vaccines and boosters, testing, treatments and other mitigation measures like masking and indoor ventilation." Citing similar reasons, in September 2022, the Contra Costa County Health Official outlined an anticipated plan to end the countywide public health emergency related to COVID-10 in early 2023. And, as of December 7, 2022, the County Health Official continues to recommend holding public meetings remotely and requiring masking and social distancing for all in-person public meetings.

The City must be prepared to comply with the Brown Act's in-person public meeting requirements when the City Council is no longer able to make the findings required by AB 361, the 2021 urgency amendment to the Brown Act that has allowed the City's Brown Act bodies to continue to meet entirely by teleconference/videoconference during the proclaimed statewide and local emergencies.

A more recent Brown Act amendment that takes effect on January 1, 2023 allows members of Brown Act bodies to participate remotely in public meetings in certain new, very narrow situations without complying with the Brown Act's long-standing procedural requirements for teleconference participation. But even with this new amendment, without appropriate AB 361 findings in place, the Brown Act will still require in-person participation by a least a majority of the members of all Brown Act bodies and an opportunity for in-person public participation.

In light of these developments, effective January 1, 2023, the City Manager/Director of Emergency Services will implement the following modifications to the City's public meeting format and structure under Modified Operations Plan Version 25, as directed by the City Council on December 19, 2022. This structure is intended to guide the City's safe transition back to in-person public meetings after the state and local emergencies relating to the COVID-19 pandemic have ended.

### **Transition Period Defined**

The Transition Period will begin on January 1, 2023 and end when there are no longer operative AB 361 findings allowing City Brown Act bodies to meet remotely under the special Brown Act provisions added by that bill. It is currently anticipated that the Transition Period will end on March 1, 2023.

### **Format for City Public Meetings During the Transition Period**

1. **City Council, Local Successor Agency, Joint Powers Financing Authority and Planning Commission Meetings:** During the Transition Period, all meetings of the City Council, Local Successor Agency, Joint Powers Financing Authority and Planning Commission will be held using the following hybrid format:
  - a. Members of these Brown Act bodies may attend either in-person or virtually through an online platform or by teleconference.
  - b. The City Manager or designee will determine which City staff and City consultants/contractors will be in-person and which will be remote based on operational needs and/or health and safety concerns.
  - c. Members of the public will continue to have the opportunity to participate in meetings virtually through an online platform and by telephone, and will not be permitted to attend meetings in-person.
  - d. Should COVID-19 infection rates spike during the Transition Period, the City Manager/Emergency Services Director may convert meetings back to a fully remote format to the extent he determines doing so is necessary to protect health and safety and comply with public health orders or recommendations.

2. **City Council Standing Committee, Youth Commission and Public Safety Commission Meetings:** During the Transition Period, all meetings of City Council Standing Committees, the Youth Commission and the Public Safety Commission will continue to be held remotely only, with no in-person participation by anyone.

**Format for City Public Meetings After the Transition Period:**

1. **City Council, Local Successor Agency, Joint Powers Financing Authority and Planning Commission Meetings:** After the Transition Period, all meetings of the City Council, Local Successor Agency, Joint Powers Financing Authority and Planning Commission will be held using the following new in-person format:
  - a. Each member of these Brown Act bodies participating in the meeting must attend in-person unless the member satisfies all Brown Act requirements for participating by videoconference or teleconference. Any member wishing to participate remotely must consult with the City Attorney in advance to determine whether remote participation is permitted by the Brown Act under the particular circumstances.
  - b. The City Manager or designee will determine which City staff and City consultants/contractors will be in-person and which will be remote based on operational needs and/or health and safety concerns.
  - c. Members of the public will have the opportunity to participate in meetings in-person or remotely through an online platform or by telephone.
  
2. **City Council Standing Committee, Youth Commission and Public Safety Commission Meetings:** After the Transition Period, all meetings of City Council Standing Committees, the Youth Commission and the Public Safety Commission, will be held using the following traditional in-person format:
  - a. Each member of these Brown Act bodies participating in the meeting must attend in-person unless the member satisfies the Brown Act's longstanding teleconference/videoconference participation requirements which require, among other things, the remote location to be listed on the meeting agenda and accessible for in-person public participation. The City Attorney or Deputy City Clerk must be consulted in advance about compliance with these requirements.
  - b. The City Manager or designee will determine which City staff and City consultants/contractors will be in-person and which will be remote based on operational needs and health and/or safety concerns.
  - c. Members of the public may participate in meetings in-person. There will be no opportunity for remote participation by the public.

**Requirements for All Individuals Attending City Public Meetings In-Person:**

1. Anyone attending an in-person City public meeting – including elected and appointed City officials, City staff, City consultants/contractors and members of the public – must, at all times, wear a mask properly covering the person’s nose and mouth, except that City officials, City staff and City consultants/contractors may remove their masks while actively drinking. The City will provide a mask to any individual who does not have one.
2. Members of the public may not drink during any in-person public meeting.
3. Members of the public attending an in-person public meeting must remain six feet away from others to the extent feasible.
4. Eating is prohibited by all individuals at in-person public meetings.
5. Although the City will no longer check those attending public meetings for COVID-19 symptoms, individuals experiencing those symptoms are encouraged not to attend in-person public meetings.
6. The City will no longer require sign-in sheets at public meetings for contact tracing.

Should you have any concerns or questions regarding this information, please contact Assistant City Manager Charles Ching at (510) 215-3031, or via email at: [CharlesC@sanpabloca.gov](mailto:CharlesC@sanpabloca.gov).

This Revised Modified Operations Plan will become effective on January 1, 2023 as directed by City Council on December 19, 2022. The City’s prior Revised Modified Operations Plans remain in effect unless superseded by a later Revised Modified Operations Plan. Further Revised Modified Operations Plans may be issued as circumstances regarding the COVID-19 pandemic change.



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**Matt Rodriguez, City Manager/Director  
Of Emergency Services**

Date: 12/20/22

cc: San Pablo City Council  
Executive Leadership Group