



City Clerk Department

January 19, 2023

To: Members of Berkeley Boards & Commissioners
From: Mark Numainville, City Clerk
Subject: Update – Return to In-Person Meetings

This memo provides an update on the return to in-person meetings for City boards and commissions.

The Governor stated that the Declaration of Emergency by the State of California for COVID-19 will end on February 28, 2023. The end of the Declaration of Emergency means that the exemptions to the Brown Act that allowed for virtual-only meetings of legislative bodies will also end. Starting on March 1, 2023, all legislative bodies in the State of California must meet in-person. There is no authority for any local jurisdiction to override or appeal this requirement in state law.

The responses from commissioners in the November 2022 survey regarding in-person meetings have been very helpful in determining the primary concerns of commissioners and what the City may be able to do to accommodate them. There was a range of responses and the City will not be able to accommodate every preference.

At this time, the City does not have the technical capabilities for commissions to meet in a hybrid format. All participation will be in-person at a physical meeting location. Information was provided to all commission secretaries regarding meeting locations that have large rooms in order to facilitate distancing and air flow. Larger meeting spaces was one of the top requests in the commissioner survey. Some commissions will have a new meeting location from where they met pre-pandemic. In addition, the North Berkeley Senior Center is serving as a warming center for unhoused persons through April and is not available for commission meetings until May.

More information will be provided at a later date regarding the recommended health and safety protocols for in-person commission meetings. These protocols will take into

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account the responses of the survey, the recommendations of the Public Health Officer, and the protocols that have been used for recent in-person meetings of the City Council.

Ad-hoc subcommittees of City commissions are not considered legislative bodies under the Brown Act. Subcommittees do not have noticing requirements and may continue to meet virtually.

We understand that this is a significant change from the temporary virtual meeting format and procedures for commissioners, many of which may have joined commissions during the pandemic. The City will support your commission and your secretary in any manner possible within the constraints of state law and available resources.

cc: Department Directors
Commission Secretaries