



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 25-336

Meeting Date: 6/17/2025

TITLE:

DISCUSS THE POSSIBILITY OF ELIMINATING PUBLIC COMMENTS VIA ZOOM FOR CITY MEETINGS

DEPARTMENT: CITY MANAGER'S OFFICE/CITY CLERK DIVISION

PRESENTED BY: BRENDA GREEN, CITY CLERK

CONTACT INFORMATION: BRENDA GREEN, CITY CLERK (714) 754-5221

RECOMMENDATION:

Per the request of Council Member Gameros', discuss the possibility of eliminating public comments via Zoom for City meetings.

BACKGROUND:

On March 4, 2020, Governor Gavin Newsom issued a state of emergency due to the COVID-19 pandemic. Governor Newsom issued executive orders that temporarily relaxed some provisions of the Brown Act that allowed municipal bodies to hold virtual meetings via teleconference or videoconference, provided they ensured public access and participation through those platforms.

The City of Costa Mesa deployed Zoom for the first time at the May 5, 2020 City Council meeting as a way for the public to engage with its elected officials and participate in municipal meetings during the pandemic time. The City to this date has continued to provide Zoom as an avenue for members of the public to provide public comments virtually for City Council and Commission meetings.

ANALYSIS:

At the June 3, 2025 City Council meeting, Council Member Gameros requested staff to agendize an item to discuss the elimination of public comments via Zoom, and allow public comments in person only.

Staff conducted a survey of Orange County cities and 9 out of 34 cities stream via Zoom. Out of the 9 cities that stream via Zoom, 7 allow public comments via Zoom (survey attached).

While the City is not required to provide remote participation or comment when all members of the Council or a city commission are present at a noticed meeting, changes to the Brown Act made at the time that options for remote participation by officials at legislative meetings were expanded may require that remote participation and comment be provided at particular meetings. For example, if the remote meeting process is being used because of a state of emergency (such as during the COVID-19 closures), the City must provide the public the same opportunity to participate in the meeting

remotely and allow for public comment in real time. Cal. Gov't Code § 54953(e)(2).

Similarly, under the new Brown Act rules which allow a member to participate remotely for "just cause," such as an illness, family emergency, or travel for city business, such remote participation is only permitted if members of the public are also able to participate remotely and provide public comment. Cal. Gov't Code § 54953(f)(1)(A).

Thus, the City must continue to provide the ability to comment remotely whenever any Council Member is appearing remotely. In addition, under certain circumstances, the City may be required to provide opportunities for remote comment under the Americans with Disabilities Act.

ALTERNATIVES:

The City Council may decide to continue to receive public comments via Zoom and continue holding meetings as is, or City Council may only allow public comments via Zoom when a Council Member and/or Commissioner will be participating in a meeting remotely to be in compliance with the Brown Act.

FISCAL REVIEW:

This action has no fiscal impact.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and approves it as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item is administrative.

CONCLUSION:

Per the request of Council Member Gameros', discuss the possibility of eliminating public comments via Zoom for City meetings.