



CITY OF *Los Angeles*

DEFERRED COMPENSATION PLAN

Board Report 21-45

Date: August 17, 2021

To: Board of Deferred Compensation Administration

From: Staff

Subject: Resuming In-Person Board Meetings

Board of Deferred Compensation Administration

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Discussion:

Following is a discussion regarding resuming in-person Board meetings.

A. Background

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency due to the public health threat posed by COVID-19. Following this declaration, Governor Newsom issued various “Safer at Home” orders to mitigate the public health threat of COVID-19. Mayor Eric Garcetti separately issued a “Safer at Home” public order directing Los Angeles residents to stay home and limit all non-essential activities. Additionally, on March 21, 2020, the County of Los Angeles Department of Public Health issued the “Safer at Home Order for Control of COVID-19” further restricting and limiting the gathering of persons and requiring the closure of non-essential activities and businesses in an effort to slow the spread of COVID-19 in LA County.

With the Safer at Home type orders in place, Governor Newsom, in a series of Executive Orders¹, suspended certain public meeting requirements under the Brown Act. For example, the Executive Orders permitted fully virtual/teleconference public meetings and waived certain requirements when conducting a virtual/teleconference meeting, including posting the location of remote meeting locations on the agenda, posting an agenda at each remote location, and requiring that the remote location be accessible to the public and compliant with the Americans with Disabilities Act.

Since March 2020, the Deferred Compensation Plan (DCP) office, located at City Hall, has been closed to the public and DCP staff have been working almost 100% remotely with staggered onsite visits to handle paper and mail processing. In addition, the Board has conducted and continues to conduct all of its meetings virtually.

¹ Executive Orders N-25-20, N-29-20, and N-35-20.

B. Update on COVID-19 Related Executive Orders and Protocols

Effective June 15, 2021, Governor Newsom terminated the Stay at Home Order thereby ending restrictions related to physical distancing, capacity limits, and the County COVID-19 color coded tier system. LA County updated its protocols to be consistent with the state. Mayor Garcetti updated the Safer LA order on July 17, 2021 in alignment with the County and the State. However, the State of Emergency which gives Governor Newsom the power to issue COVID-19 related executive orders has not been terminated. Consistent with these changes, the Governor issued Executive Order N-08-21 which extended the Brown Act waivers to September 30, 2021.

C. Proposed Plan to Return to In-Person Board Meetings

With the Governor's Executive Order waiving some of the Brown Act requirements for telecommuting meetings set to expire on September 30, 2021, unless otherwise extended or modified, staff is planning to resume in-person DCP Board meetings, beginning with the October 19, 2021 meeting, as follows²:

- 1) The Board meeting will be held in-person at the Civil Service Commission Boardroom (Boardroom) located at the Personnel Department, 700 E. Temple Street, Los Angeles, CA 90012. Over the last year, several upgrades to the Commission Boardroom have been completed including the installation of new seats and a video monitor with built-in audio to allow meeting participants to attend virtually.
- 2) DCP staff plans to conduct the meeting in a hybrid approach as follows:
 - DCP staff will attend the meeting in-person and prepare the Boardroom for in-person attendance for those participants who choose to attend in-person. Seats in the Boardroom have been roped off to allow for six-foot social distancing.
 - Unless otherwise directed by the LA County Public Health Department, per current guidelines, all participants choosing to attend the meeting in-person will be required to wear a mask in the Boardroom, regardless of their vaccination status.
 - Board members may choose to attend virtually or in-person. If choosing to attend virtually, Brown Act requirements for attending the meeting virtually must be followed (i.e. posting the location of remote meeting locations on the agenda, posting an agenda at each remote location, and requiring that the remote location be accessible to the public and compliant with the Americans with Disabilities Act). Staff will work with those Board members to ensure all Brown Act requirements for attending meetings virtually are adhered to.
 - Board members attending virtually may do so by connecting via Zoom. Board members and DCP staff attending in-person will be able to view each other on the Boardroom video monitor.
- 3) DCP vendors and consultants have the option to attend meetings in-person or virtually. As most DCP vendors are located outside of Los Angeles, having a virtual option for meeting attendance provides vendors and consultants the ability to attend all meetings

² Presently, there are a number of bills pending with the State's legislature modifying the public meeting requirements under the Brown Act. Any legislative changes will be brought to the attention of the Board in future meetings. In-person meetings may also be modified to the extent needed to be in compliance with LA County Public Health Department guidelines.


in a more efficient manner, regardless of their physical location. DCP vendors and consultants must also adhere to their own company protocols for out-of-state travel. Staff will work with each DCP vendor and consultant to coordinate presentations over Zoom, as needed.

- 4) Staff is currently researching implementing a permanent dial-in option for participants to listen into DCP Board meetings that occur in-person moving forward (similar to dialing into Council Phone for City Council meetings). Staff will report back on this item once more information is available.

Staff also reached out to other City departments with Boards and Commissions regarding their plans to return to in-person meetings and they provided the following in response to staff's inquiry:

- Los Angeles Fire and Police Pensions (LAFPP) – LAFPP moved forward with tentative plans to open their Boardroom to the public in August for those who wished to attend in person. LAFPP plans to hold meetings in a hybrid approach through September 30, 2021. Staff and money managers will make presentations via Zoom.
- Los Angeles City Employees' Retirement System (LACERS) – LACERS plans to conduct its first in-person Board meeting in October 2021. At the time of staff's inquiry, LACERS staff indicated that they have not yet finalized procedures for conducting the in-person meeting.
- Civil Service Commission (CSC) – The CSC secretary informed staff that the CSC plans to continue virtual meetings for as long as possible until September 30, 2021. At the time of staff's inquiry, the CSC secretary informed staff that should the Executive Order not be modified, revised, or extended, the CSC will return to in-person CSC meetings after September 30, 2021.
- City Council – The City Council reconvened meetings in Council Chambers effective June 15, 2021. Only fully vaccinated individuals are allowed inside the Council chambers. As such, only fully vaccinated Councilmembers, and one staff member each, are allowed to be present during the Council meeting. Currently, City Hall remains closed to the public and no date has been set for when City Hall will reopen to the public.

This situation remains fluid given the ever-changing state of the COVID-19 pandemic. Staff will continue to remain flexible and change course as needed based on updated State, County, and City COVID-19 guidelines and protocols which may impact the conduct of future Board meetings. Staff will update the Board as needed should any changes to the current plan to resume in-person meetings need to be modified.

Submitted by: 

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