



San Diego County
Local Agency Formation Commission
 Regional Service Planning | Subdivision of the State of California

4a

AGENDA REPORT
 Priority | Action

October 4, 2021

TO: Commissioners

FROM: Holly O. Whatley, Commission Counsel

SUBJECT: **Authorizing Hybrid or Fully Teleconferenced Meetings of the Commission and all Committees For a 30-Day Period**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider authorizing the use of hybrid and fully teleconferenced meetings for a 30-day period.

BACKGROUND

Following the Governor’s declaration of a state of emergency in March 2020 due to COVID-19, San Diego LAFCO switched from in-person Commission meetings to fully remote Commission meetings. The transition was authorized by Executive Orders N-25-20, N-29-20, and N-35-20, which collectively modified requirements of the Ralph M. Brown Act, the State’s local agency public meeting law. On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the prior executive orders modifying the Brown Act effective September 30, 2021.

To accommodate the desire on the part of local governments to maintain teleconferenced meetings as may be necessary during the pandemic, the Legislature approved Assembly Bill 361 (AB 361). AB 361 is an urgency ordinance and took effect upon the Governor’s signature on September 16, 2021. It authorizes local governments to continue to organize fully remote and hybrid meetings should the governing body make the following affirmative findings under Government Code section 54953, which states:

<p>Administration Keene Simonds, Executive Officer County Operations Center 9335 Hazard Way, Suite 200 San Diego, California 92123 T 858.614.7755 F 858.614.7766 www.sdlafco.org</p>	<p>Vice Chair Jim Desmond County of San Diego</p> <p>Nora Vargas County of San Diego</p> <p>Joel Anderson, Alt. County of San Diego</p>	<p>Mary Casillas Salas City of Chula Vista</p> <p>Bill Wells City of El Cajon</p> <p>Paul McNamara, Alt. City of Escondido</p>	<p>Chris Cate City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>Vacant, Alt. Special District</p>	<p>Chair Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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“If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference ... the legislative body shall, not later than 30 days after teleconferencing for the first time ... and every 30 days thereafter, make these findings by majority vote:

- (A) The legislative body has reconsidered the circumstances of the state of emergency.
- (B) Any of the following circumstances exist:
 - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - (ii) State or local officials continue to impose or recommend measures to promote social distancing.”

DISCUSSION

This item is for San Diego LAFCO to consider actions necessary to proceed with hybrid or fully remote meetings in accordance with AB 361. The attached resolution has been accordingly prepared and makes the necessary findings authorizing LAFCO to use hybrid or fully teleconferenced meetings of the Commission and its Committees for the next 30 days. LAFCO will need to adopt a version of this resolution at each of its subsequent meetings if it desires to maintain fully remote or hybrid meetings.

ANALYSIS

None

RECOMMENDATION

It is recommended San Diego LAFCO adopt the resolution authorizing the use of hybrid or fully teleconferenced meetings for the Commission and all Committees for a 30-day period.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO through a single motion:

Alternative One (recommended):

Approve the resolution authorizing the use of hybrid or fully teleconferenced meetings for a 30-day period.

Alternative Two:

Reject the resolution authorizing the use of hybrid or fully teleconferenced meetings for a 30-day period.

PROCEDURES

This item has been placed on San Diego LAFCO's agenda for action as part of the business calendar. The following procedures, accordingly, apply:

- 1) Receive verbal presentation from staff unless waived.
- 2) Initial questions or clarifications from the Commission.
- 3) Invite comments from the public.
- 4) Consider the staff recommendation or alternatives.

Respectfully,

Holly O. Whatley,
General Counsel

Attachment:

- 1) Resolution

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RESOLUTION NO.

RESOLUTION OF THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

**AUTHORIZING HYBRID TELECONFERENCE MEETINGS OF THE
COMMISSION FOR A 30-DAY PERIOD**

WHEREAS, the San Diego Local Agency Formation Commission is committed to preserving and nurturing public access and participation in meetings of the Commissioners; and

WHEREAS, all meetings of the Commission's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Commission conduct its business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, such conditions now exist in the County, specifically, the Governor proclaimed a State of Emergency on March 4, 2020 due to COVID-19; and

WHEREAS, on June 11, 2021, the State Public Health Officer ordered all individuals to follow the state guidance on face coverings and its website recommends physical distancing; and

WHEREAS, on June 15, 2021, the San Diego County Health Officer issued an order requiring isolation and quarantining for exposed individuals and its website recommends physical distancing; and

WHEREAS, as a consequence of the state of emergency and the state and local public health guidance, the Commission does hereby find that the Commission, including all its Committees, shall conduct meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Commission does hereby find that organizing hybrid or fully teleconferenced meetings presents the best compromise between the competing goals of facilitating in-person, public meetings under the Brown Act and social distancing under the public health orders; and

WHEREAS, members of the public will be able to participate remotely through the digital means listed on the meeting agenda, and for hybrid meetings, may also participate in person provided applicable social distancing and masking protocols are observed.

NOW, THEREFORE, BE IT RESOLVED, the Commission hereby finds, determines, and orders the following:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. Hybrid of Fully Teleconferenced Meetings. The Executive Officer is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective for 30 days, or such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.
4. Corrections. As allowed under Government Code 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

PASSED AND ADOPTED by the San Diego County Local Agency Formation Commission on October 4, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING: