



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

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AGENDA REPORT Consent | Action

November 1, 2021

TO: Commissioners

FROM: Holly O. Whatley, Commission Counsel
Keene Simonds, Executive Officer

SUBJECT: **Authorizing Continued 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 ongoing use of hybrid and fully teleconferenced meetings for a 30-day period. The item addresses the Commission's requirement under Assembly Bill 361 and its allowances to allow public agencies, under specified circumstances, to continue to utilize remote meetings under modified Brown Act provisions given the pandemic. Approval would extend the Commission's previous authorization for hybrid and/or fully remote meetings at its October 4th meeting through December 4, 2021. Commission approval is recommended.

BACKGROUND

Assembly Bill 361 is an urgency ordinance and took effect upon Governor Newsom's signature on September 16, 2021. The legislation responds to the desire on the part of local governments to maintain teleconferenced meetings as may be necessary during the current COVID pandemic. 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:

Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92123 T 619.321.3380 www.sdlafco.org	Vice Chair Jim Desmond County of San Diego	Mary Casillas Salas City of Chula Vista	Chris Cate City of San Diego	Jo MacKenzie Vista Irrigation	Chair Andy Vanderlaan General Public
	Nora Vargas County of San Diego	Bill Wells City of El Cajon	Marni von Wilpert, Alt. City of San Diego	Barry Willis Alpine Fire Protection	Harry Mathis, Alt. General Public
	Joel Anderson, Alt. County of San Diego	Paul McNamara, Alt. City of Escondido		David Drake, Alt. Rincon del Diablo	

“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 making the required findings under statute to allow the Commission and any of its Committees to continue with hybrid or fully remote meetings. Approval would extend the hybrid or fully remote meeting allowance an additional 30-days from the initial approval made by the Commission at its October 4, 2021 meeting.

ANALYSIS

Staff believes all the required findings under Assembly Bill 361 can be readily made by the Commission and specifically as it relates to providing social distancing options for those members of the Commission, staff, and public that may be at higher risk to COVID.

RECOMMENDATION

It is recommended San Diego LAFCO adopt the resolution authorizing the continued use of hybrid or fully teleconferenced meetings for the Commission and all Committees for a 30-day period effective November 4, 2021 and extending to December 4, 2021.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Approve the resolution authorizing the continued 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 as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

On behalf of Commission Counsel:



Keene Simonds
Executive Officer

Attachment:

- 1) Draft Resolution

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RESOLUTION NO. ____

RESOLUTION OF THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

**AUTHORIZING CONTINUED 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, on October 4, 2021, the Commission made the perquisite findings to 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 under (2) of subdivision (e) of section 54953; and

WHEREAS, the Commission does hereby find that continuing to organize 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 are 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 on November 4, 2021 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 November 1, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING: