



AGENDA ITEM 5A

MEETING: July 20, 2022

TO: Humboldt LAFCo Commissioners

FROM: Colette Santsche, Humboldt LAFCo

SUBJECT: AB 361 for Continued Remote Meetings

The Commission will consider adopting a resolution for continued remote meetings per AB 361. This item has been agendaized as part of the consent calendar. Accordingly, if interested, the Commission is invited to pull this item for additional discussion and/or to provide future direction with the concurrence of the Chair.

BACKGROUND

The Legislature approved as an urgency matter AB 361, which was signed by the Governor on September 16, 2021, which amends the Brown Act to allow continued public meetings flexibility following the Governor's Executive Orders expiration. The AB 361 modified meeting rules allowing remote meeting access can only be used in the event there is a Governor issued state of emergency. The Governor's COVID-19 state of emergency satisfies this requirement.

At the time that the Commission can no longer make the findings required under Government Code section 54953(e) by majority vote, the Commission will return to in-person meetings and any remote participation by a commissioner will be subject to the standard Brown Act provisions related to remote participation; specifically that notice of the meeting be posted at, and that the public be allowed to attend and participate from, the remote location from which the member of the body is participating.

DISCUSSION

AB 361 allows legislative bodies to continue to utilize remote/virtual platforms for meetings during a declared state of emergency by the Governor via Government Code §54953(e) et seq. AB 361 requires the Commission to continually evaluate the COVID-19 emergency and determine if remote teleconference meetings will continue due the circumstances of the state of the emergency and facts related to the potential risks to the health and safety of meeting attendees.

RECOMMENDATION

Staff recommends the Commission adopt Resolution No. 2022-08, authorizing remote teleconference meetings of the Commission pursuant to the AB 361, and direct staff to return with extension resolutions for the Commission's consideration for each meeting as warranted, with additional information regarding hybrid meeting options and costs for consideration.

Attachments

Resolution No. 2022-08



DRAFT RESOLUTION NO. 22-08

**DECLARING ITS INTENT TO CONTINUE REMOTE TELECONFERENCE ONLY
MEETINGS DUE TO THE GOVERNOR'S PROCLAMATION OF STATE EMERGENCY
AND STATE REGULATIONS RELATED TO PHYSICAL DISTANCING DUE TO THE
THREAT OF COVID-19**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," is committed to preserving and promoting public access and participation in meetings of the Commission; and

WHEREAS, all meetings of Commission 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 observe 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, such conditions now exist in the State, specifically, the Governor of the State of California proclaimed a state of emergency on March 4, 2020, related to the threat of COVID19, which remains in effect; and

WHEREAS, the proliferation of the Delta and Omicron variants of the virus continues to pose imminent risk to health and safety and directly impacts the ability of the public and the Commission to meet safely in person, accordingly, the Commission hereby recognizes the proclamation of state of emergency by the Governor of the State of California and the regulations of Cal/OSHA recommending physical distancing; and

WHEREAS, to allow for physical distancing and remote meeting attendance, the Commission does hereby find that the Commission shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Commission 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 meetings will be accessible to the public to attend electronically or via phone.

NOW, THEREFORE, BE IT RESOLVED by the Humboldt Local Agency Formation Commission as follows:

1. 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 of the Commission in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for remote only teleconference meetings.
2. The Executive Officer is hereby directed to continue to monitor the conditions and health and safety conditions related to COVID-19, the status of the Governor's state of emergency, the local orders related to physical distancing, and the state regulations related to social distancing, and present to the Commission at its next regularly scheduled meeting the related information and recommendations for remote only meetings pursuant to the provisions of Government Code section 54953(e)(3) and to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 20th day of July 2022, by the following roll call vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

Virginia Bass, Chair
Humboldt LAFCo

Attest:

Colette Santsche, Executive Officer
Humboldt LAFCo