



AGENDA ITEM 6A

MEETING: January 18, 2023
TO: Humboldt LAFCo Commissioners
FROM: Colette Santsche, Executive Officer
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.

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. On October 17, 2022, the Governor announced that the COVID-19 State of Emergency will end on February 28, 2023. AB 2449 was recently signed into law and went into effect on January 1, 2023. AB 2449 allows less than a majority of members to participate remotely based on "just cause" or "emergency circumstances" if a majority of the legislative body conducts the meeting in-person from a location open to the public.

As such, Commission members will no longer be able to attend remotely after February 28, 2023. Less than a majority of Commissioners may still attend remotely up to twice per year under AB 2449 if there is "just cause" or "emergency circumstances". The Commission will be considering meeting location and AB 2449 considerations in more detail in Agenda Item 7C.

RECOMMENDATION

Staff recommends the Commission adopt Resolution No. 2023-01, authorizing remote teleconference meetings of the Commission pursuant to the AB 361 until February 28, 2023.

Attachments

Resolution No. 23-01



RESOLUTION NO. 23-01

**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 until February 28, 2023; and

WHEREAS, the COVID 19 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.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 18th day of January 2023, by the following roll call vote:

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

Debra Lake, Vice Chair
Humboldt LAFCo

Attest:

Colette Santsche, Executive Officer
Humboldt LAFCo