



AGENDA ITEM 6B

MEETING: November 17, 2021
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 and discuss the manner in which Commissioners want to hold meetings in the near future.

BACKGROUND

The Humboldt LAFCo Commission has been meeting remotely via Zoom since April 2020 and conducting its meetings under the Governor's Executive Orders issued in connection with the COVID-19 pandemic. The Executive Orders modified certain Brown Act requirements including the following:

- Waived the requirement that there be a physical meeting location open to the public to attend Commission meetings and comment during the meeting.
- Waived the requirement that the agenda identify and notice each teleconference location of each member of the Commission that is participating by teleconference.
- Waived the requirement that each teleconference location be accessible to the public.
- Waived the requirement that members of the public be able to address the Commission at each teleconference location.
- Waived the requirement that local agencies post agendas at all teleconference locations.
- Waived the requirement that at least a quorum of the Commission participate from within the boundaries of the territory of the Commission's jurisdiction.

The Governor's Executive Orders expired on September 30, 2021. On September 16, 2021, Governor Newsom signed Assembly Bill 361 amending the Brown Act to allow continued public meetings flexibility following the Governor's Executive Orders expiration. The amendments of concern to LAFCo are to Government Code section 54953 which allow more liberal use of teleconferencing at local agency public meeting during a proclaimed state of emergency. AB 361 took effect beginning October 1, 2021.

DISCUSSION

The AB 361 modified teleconference meeting rules can be used when there is a Governor issued state of emergency which currently exists due to the Governor's COVID-19 state of emergency proclamation. In addition, there are state and local orders recommending social distancing. AB 361 requires the Commission to continually evaluate the COVID-19 emergency and determine if teleconference only 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.

In addition, the Commission previously discussed the possibility of returning to in-person meetings once the Board Chambers is reopened to in-person meetings again. At the October 26, 2021 Board of Supervisor's meeting, the Board unanimously approved resuming in-person meetings in the Board Chambers as of the first Tuesday of January 2022 and to have a Hybrid Model as soon as the equipment is available. LAFCo staff will continue to coordinate with Clerk of the Board staff for guidance on the ability to hold in-person meetings in the Chambers. There may be some challenge to implement the Hybrid Model for the Commission since the dais in the chambers cannot accommodate seven members with social distancing. Further coordination will be needed to determine the capability to meet in the Board Chambers under a Hybrid Model.

Moving forward, if the Commission desires to continue to meet remotely, the Commission needs to formally vote and adopt Resolution No. 2021-13 providing direction to staff and finding that the provisions of AB 361 exist. In addition, AB 361 requires the Commission to continually evaluate the COVID-19 emergency and determine if teleconference only 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:

1. Receive a briefing on AB 361 relating to the use of remote conferencing of meetings during a proclaimed state of emergency;
2. Receive information on the ability to hold hybrid meetings at the Board of Supervisors Chambers;
3. Provide direction to staff regarding the manner in which Commissioners want to hold meetings in the near future; and
4. Adopt Resolution 2021-13 as required by AB 361 should the Commission determine it will hold a remote conference meeting.

Attachments

Resolution No. 2021-13



RESOLUTION NO. 21-13

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 variant 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 17th day of November 2021, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Virginia Bass, Chair
Humboldt LAFCo

Attest:

Colette Santsche, Executive Officer
Humboldt LAFCo