



AGENDA ITEM 6.A.

MEETING: December 21, 2021
TO: Trinity LAFCo Commissioners
FROM: Colette Metz Santsche, Executive Officer & Kathy Bull, Administrator/Clerk
SUBJECT: Authorizing Teleconferencing of Meetings in accordance with AB 361

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. If the Commission desires to continue to offer remote meeting access for Commissioners, the Commission will need to formally vote and adopt a resolution at a future meeting 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 access at 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.

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. Based on the above criteria, the Commission will need to adopt Resolution No. 2021-08 to allow continued remote teleconference meetings. In addition, 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

It is recommended that the Commission adopt Resolution No. 2021-08, authorizing remote teleconference meetings of the Commission pursuant to the Assembly Bill No. 361, and authorize staff to continue conducting LAFCo meetings using a combination in-person/virtual (hybrid) platform, and return with extension resolutions for the Commission's consideration for each meeting as warranted. Alternately, the Commission could choose not to adopt the resolution as proposed, thereby returning to in-person public meetings only (no hybrid platform).

Attachments:
Resolution No. 2021-08

Colette Santsche, Executive Officer/e-mail: colette@trinitylafco.org
Kathy Bull, Clerk Administrator/e-mail: kathy@trinitylafco.org



RESOLUTION NUMBER 2021-08

DECLARING ITS INTENT TO CONTINUE REMOTE TELECONFERENCE 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 Trinity 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 continue 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.

NOW THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED 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 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 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.

THE FOREGOING RESOLUTION was introduced at a public meeting of the Trinity LAFCo Commission on the 21st day of December, 2021, and adopted by the following roll call vote:

AYES:
NOES:
ABSTAINS:
ABSENT:

ATTEST:

APPROVED:

Kathy Bull
Administrator/Clerk

Keith Groves
Chair