



AGENDA ITEM 3.B.

MEETING: December 20, 2022
TO: Trinity LAFCo Commissioners
FROM: Colette 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, amending the Brown Act to allow 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 goes 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 members remotely after the February 21, 2023 meeting. 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”.

DISCUSSION

AB 361 will continue to be utilized by the Commission through February 2023 to allow for hybrid in-person and remote meeting access for Commissioners. As such, the Commission will need to formally vote and adopt a resolution at each 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.

RECOMMENDATION

It is recommended that the Commission adopt Resolution No. 2022-09, authorizing remote teleconference meetings of the Commission pursuant to the AB 361, and authorize staff to continue conducting LAFCo meetings using a combination in-person and virtual as deemed safe and practical, and return with extension resolutions for the Commission’s consideration for each meeting as warranted until the end of the COVID-19 State of Emergency on February 28, 2023.

Alternately, the Commission could choose not to adopt the resolution as proposed, thereby returning to in-person public meetings only.

Attachments:
Resolution No. 2022-09



RESOLUTION NUMBER 2022-09

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 including a proclaimed state of emergency for which meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the Brown Act, Government Code Section 54954(e), also allows for remote teleconferencing participation during the duration of an emergency if a fire, flood, earthquake, or other emergency makes the usual meeting place unsafe; and

WHEREAS, the proliferation of COVID-19 in addition to local conditions that may pose imminent risks to health and safety and directly impact 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 through February 28, 2023, the regulations of Cal/OSHA recommending physical distancing, and local conditions that often correspond with local or regional advisory or mandatory evacuation orders related to wildfires or extreme storm events.

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 20th day of December 2022, and adopted by the following roll call vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

ATTEST:

APPROVED:

Kathy Bull
Administrator/Clerk

Keith Groves
Chair