



## AGENDA ITEM 3.B.

**MEETING:** February 22, 2023  
**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. **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 became effective as of 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 this 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 be utilized by the Commission for the February 22, 2023 meeting 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 finding that the provisions of AB 361 still exist.

### **RECOMMENDATION**

It is recommended that the Commission adopt Resolution No. 2023-01, authorizing remote teleconference meetings of the Commission pursuant to the AB 361, and authorize staff to conduct the LAFCo meeting using a combination in-person and virtual as deemed safe and practical. Alternately, the Commission could choose not to adopt the resolution as proposed and provide revisions to the resolution prior to adoption.

Attachments:  
Resolution No. 2023-01



## RESOLUTION NUMBER 2023-01

### 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 22<sup>nd</sup> day of February 2023, and adopted by the following roll call vote:

AYES:  
NOES:  
ABSTAINS:  
ABSENT:

ATTEST:

APPROVED:

---

Kathy Bull  
Administrator/Clerk

---

Chair