



San Diego County
Local Agency Formation Commission
 Regional Service Planning | Subdivision of the State of California

SPECIAL MEETING AGENDA

**SAN DIEGO COUNTY
 LOCAL AGENCY FORMATION COMMISSION**

WEDNESDAY, JANUARY 5, 2022
 VIDEOCONFERENCE ATTENDANCE ONLY

Chair Andy Vanderlaan
 Vice Chair Jim Desmond

Executive Officer Keene Simonds
 Commission Counsel Holly O. Whatley

County of San Diego	Cities	City of San Diego	Special Districts	General Public
Jim Desmond	Paul McNamara	Chris Cate	Jo MacKenzie	Andy Vanderlaan
Nora Vargas	Mary Casillas Salas	Marni von Wilpert, Alt.	Barry Willis	Harry Mathis, Alt.
Joel Anderson, Alt.	Kristi Becker, Alt.		David A. Drake, Alt.	

The January 5, 2022 special meeting will be held remotely through videoconferencing. The public may participate in the special meeting through the following options.

1. The public may watch the meeting live using the link on our website home page: www.sdlafco.org.
2. The public may provide comments in real-time by emailing erica.blom@sdcounty.ca.gov. E-mailed comments will be read into the record by LAFCO staff.
3. The public may also provide comments in real-time by telephone or video by pre-registering no later than 4:00 pm on January 4, 2022. Pre-register by calling 619-321-3380 or emailing lafco@sdcounty.ca.gov.
4. All comments are subject to a three-minute limit.

1. 10:00 A.M. – CALL TO ORDER BY CHAIR | ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. AGENDA REVIEW & COMMISSION DISCLOSURES

The Chair will consider requests to remove or rearrange items on the agenda. The Chair will also request Commissioners disclose any ex parte communications with any individuals associated with proposals, requests, or other material action on the agenda.

4. PUBLIC COMMENT AND RELATED REQUESTS

Opportunity for members of the public to speak to the Commission on any subject matter within the Commission’s jurisdiction but not an item listed on the agenda. Each speaker’s presentation may not exceed three minutes. (Please note for items listed on the agenda, speakers should fill out a speaker slip and address the Commission when the item is discussed, and their name is called.)

5. CONSENT ITEMS

All items calendared as consent are considered ministerial or non-substantive and subject to a single motion approval. The Chair will also consider Commissioner requests to pull an item for discussion before entertaining a motion.

None

6. PUBLIC HEARING ITEMS

Public hearing items require expanded public notification per provisions in State law or have been voluntarily scheduled by the Executive Officer to ensure opportunity for public input.

None

7. BUSINESS CALENDAR

Business items involve regulatory, planning, or other items that do not require a noticed hearing.

a) Authorization to Continue to Conduct Remote/Hybrid Meetings (action)

The Commission will consider a resolution making findings in accordance with AB 361 authorizing LAFCO to continue to conduct all meetings – including standing and ad hoc committees – through a combination of in-person and remote participation or entirely by remote as circumstances warrant. Recommendation to approve.

8. EXECUTIVE OFFICER REPORT

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

10. CLOSED SESSION

Closed session items are calendared by Commission Counsel.

None

11. ADJOURNMENT TO NEXT MEETING

February 7, 2022

Attest to Posting:

Tamaron Lockett
Commission Clerk

All associated agenda reports are available for viewing at www.sdlafco.org. Any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCO office at least three business days prior to the meeting for any accommodations.



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AGENDA REPORT
 Business | Action

January 5, 2022

TO: Commissioners

FROM: Holly O. Whatley, Commission Counsel
 Keene Simonds, Executive Officer

SUBJECT: Authorizing Continued Hybrid or Fully Remote Meetings of the Commission and all Committees for a 30-Day Period

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider authorizing the ongoing use of hybrid and/or fully remote meetings for a 30-day period. The item addresses the Commission’s requirement under Assembly Bill 361 and its allowances to allow public agencies, under specified circumstances, to continue to utilize remote meetings under modified Brown Act provisions given the pandemic. Approval would retroactively extend the Commission’s current authorization period for hybrid and/or fully remote meetings from January 3, 2022 to February 2, 2022 and – pertinently – accommodate an anticipated Ad Hoc Committee meeting at the end of January. Commission approval is recommended.

BACKGROUND

Assembly Bill 361 is an urgency ordinance and took effect upon Governor Newsom’s signature on September 16, 2021. The legislation responds to the desire on the part of local governments to maintain remote (teleconference or videoconference) meetings as may be necessary during the current COVID pandemic. It authorizes local governments to continue to organize fully remote and/or hybrid meetings should the governing body make the following affirmative findings under Government Code section 54953, which states:

Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92123 T 619.321.3380 www.sdlafco.org	Vice Chair Jim Desmond County of San Diego Nora Vargas County of San Diego Joel Anderson, Alt. County of San Diego	Mary Casillas Salas City of Chula Vista Bill Wells City of El Cajon Paul McNamara, Alt. City of Escondido	Chris Cate City of San Diego Marni von Wilpert, Alt. City of San Diego	Jo MacKenzie Vista Irrigation Barry Willis Alpine Fire Protection David Drake, Alt. Rincon del Diablo	Chair Andy Vanderlaan General Public Harry Mathis, Alt. General Public
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“If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference ... the legislative body shall, not later than 30 days after teleconferencing for the first time ... and every 30 days thereafter, make these findings by majority vote:

- (A) The legislative body has reconsidered the circumstances of the state of emergency.
- (B) Any of the following circumstances exist:
 - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - (ii) State or local officials continue to impose or recommend measures to promote social distancing.”

DISCUSSION

This item is for San Diego LAFCO to consider making the required findings under statute to allow the Commission and any of its Committees to continue with hybrid or fully remote meetings. The Commission previously approved 30-day allowances at its October, November, and December 2021 regular meetings. A new approval would retroactively extend the allowance from its current term of January 3, 2022 to February 2, 2022.

ANALYSIS

Staff believes all the required findings under Assembly Bill 361 can be readily made by San Diego LAFCO and specifically as it relates to providing social distancing options for those members of the Commission, committees, staff, and public that may be at higher risk to the ongoing COVID pandemic. This includes applying the extension to an anticipated meeting of the Fallbrook-Rainbow Ad Hoc Committee towards the end of the current month.

RECOMMENDATION

It is recommended San Diego LAFCO adopt the resolution authorizing the continued use of hybrid and/or fully remote meetings for the Commission and all Committees for a 30-day period retroactive from January 3, 2022 and extending to February 2, 2022.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO through a single motion:

Alternative One (recommended):

Approve the resolution authorizing the continued use of hybrid or fully remote meetings for a 30-day period retroactive from January 3, 2022.

Alternative Two:

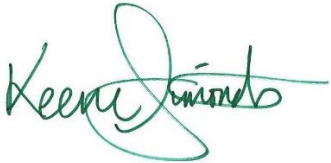
Approve an amended resolution authorizing the continued use of hybrid or fully remote meetings through January 5, 2022 and provide direction to staff as appropriate with respect to holding future Committee meetings.

PROCEDURES

This item has been placed on the agenda for action as part of San Diego LAFCO's business calendar. The following procedures, accordingly, are recommended.

- 1) Receive verbal report from staff unless waived.
- 2) Commission discussion.
- 3) Consider the Commission Counsel's recommendation.

On behalf of Commission Counsel:



Keene Simonds
Executive Officer

Attachment:

- 1) Draft Resolution Authorizing a 30-Day Extension to Conduct Remote and/or Hybrid Meetings

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RESOLUTION NO. _____

RESOLUTION OF THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

**AUTHORIZING CONTINUED HYBRID TELECONFERENCE MEETINGS OF THE
COMMISSION FOR A 30-DAY PERIOD**

WHEREAS, the San Diego Local Agency Formation Commission is committed to preserving and nurturing public access and participation in meetings of the Commissioners; and

WHEREAS, all meetings of the Commission’s legislative bodies 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 watch 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, it is further required that state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, such conditions now exist in the County, specifically, the Governor proclaimed a State of Emergency on March 4, 2020 due to COVID-19; and

WHEREAS, on June 11, 2021, the State Public Health Officer ordered all individuals to follow the state guidance on face coverings and its website recommends physical distancing; and

WHEREAS, on June 15, 2021, the San Diego County Health Officer issued an order requiring isolation and quarantining for exposed individuals and its website recommends physical distancing; and

WHEREAS, on October 4, 2021, November 1, 2021, and December 6, 2021, the Commission made the requisite findings to conduct meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and shall comply with the requirements to provide the public with access to the meetings under (2) of subdivision (e) of section 54953; and

WHEREAS, on December 13, 2021, the California Department of Public Health issued new requirements for masks to be worn in all indoor public settings, irrespective of vaccine status, for the four-week period between December 15, 2021 and January 15, 2022.

WHEREAS, the Commission does hereby find that continuing to organize hybrid or fully teleconferenced meetings presents the best compromise between the competing goals of facilitating in-person, public meetings under the Brown Act and social distancing under the public health orders; and

WHEREAS, members of the public are able to participate remotely through the digital means listed on the meeting agenda, and for hybrid meetings, may also participate in person provided applicable social distancing and masking protocols are observed.

NOW, THEREFORE, BE IT RESOLVED, the Commission hereby finds, determines, and orders the following:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. Hybrid of Fully Teleconferenced Meetings. 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 in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
3. Effective Date of Resolution. This Resolution shall take effect on January 3, 2022 and remain effective for 30 days, or such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.
4. Corrections. As allowed under Government Code 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

PASSED AND ADOPTED by the San Diego County Local Agency Formation Commission on January 5, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING: