



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

5e

AGENDA REPORT
 Consent | Action

April 4, 2022

TO: Commissioners

FROM: Holly O. Whatley, Commission Counsel
 Tamaron Lockett, Commission Clerk

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 Assembly Bill 361 and its allowances for 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 April 3, 2022 to May 3, 2022. Commission approval is recommended and would accommodate – among other items – an anticipated Fallbrook-Rainbow Ad Hoc Committee meeting later in April.

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:

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92123 T 619.321.3380 www.sdlafco.org lafco@sdcountry.ca.gov</p>	<p>Joel Anderson County of San Diego</p> <p>Chair Jim Desmond County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vice Chair Paul McNamara City of Escondido</p> <p>Mary Casillas Salas City of Chula Vista</p> <p>Kristi Becker, Alt. City of Solana Beach</p>	<p>Chris Cate City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
--	---	---	--	---	--

“If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, 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 2021, November 2021, December 2021, January 2022, February 2022, and March 2022 meetings. A new approval would retroactively extend the allowance from April 3 to May 3, 2022.

ANALYSIS

All required findings under Assembly Bill 361 can be readily made by San Diego LAFCO.

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. This recommendation is provided as Alternative One in the proceeding section.

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 April 3, 2022.

Alternative Two:

Approve an amended resolution authorizing the continued use of hybrid or fully remote meetings through April 4, 2022 and provide direction to staff as appropriate with respect to holding future meetings of the Commission and its committees.

PROCEDURES

This item has been placed on San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

On behalf of Commission Counsel,

A handwritten signature in blue ink that reads "Tamaron Lockett". The signature is written in a cursive style with a large initial 'T'.

Tamaron Lockett
Commission Clerk

Attachment:

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

Blank for Photocopying

RESOLUTION NO. ____

RESOLUTION OF THE SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

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

WHEREAS, the San Diego County 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 and local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, such conditions now exist and marked by the Governor proclaiming a State of Emergency on March 4, 2020 due to COVID-19 that remains in effect; and

WHEREAS, on June 11, 2020 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, 2020, 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, December 6, 2021, January 5, 2022, February 7, 2022, and March 7, 2022 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, 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 April 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 April 4, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING: