



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

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**AGENDA REPORT**  
 Consent | Action

August 1, 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. 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 in 30-day intervals. Approval would take immediate effect and cover the August 1<sup>st</sup> meeting and extend to August 31<sup>st</sup>. Commission approval is recommended and would accommodate a potential Fallbrook-Rainbow Ad Hoc Committee meeting later in August.

**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><b>Administration</b>          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>Chair Jim Desmond          County of San Diego</p> <p>Joel Anderson          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>
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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, 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, March 2022, April 2022, and June 2022 meetings. (No meetings were held in May and July.) A new approval would take effect immediately and extend for the maximum 30-day period to August 31<sup>st</sup>.

## 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 effective August 1<sup>st</sup> through August 31<sup>st</sup>.

Alternative Two:

Approve an amended resolution authorizing the continued use of hybrid or fully remote meetings for August 1<sup>st</sup> only 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,



Tamaron Lockett  
Commission Clerk

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 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 and again on November 1, 2021, December 6, 2021, January 5, 2022, February 7, 2022, March 7, 2022, April 4, 2022, and June 6, 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 at the beginning of business on August 1, 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 August 1, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING: