

Mono County Local Agency Formation Commission

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

SPECIAL AB361 MEETING AGENDA

September 8, 2022 – 2:00 pm

**Hybrid Meeting: Zoom & Dana Room or
Bridgeport CAO Conference Room**
Dana Room-Mono County Civic Center
1290 Tavern Rd. (Dana Room on 2nd Floor)
Mammoth Lakes, CA

This meeting will be held in person and via teleconferencing, and members of the Commission may attend from separate, remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing.

Members of the public may participate in person and via the Zoom Webinar, including listening to the meeting and providing comment, by following the instructions below.

The meeting may be joined by video at

<https://monocounty.zoom.us/j/84382130920?pwd=dTdmeFl4cjlPVepUVmFublBROXZxZz09>

or by telephone at: 669-900-6833 (**Meeting ID# is 843 8213 0920, password 5678**) where members of the public shall have the right to observe and offer public comment.

An alternate method to access the video meeting is <https://zoom.us/join> and enter **Meeting ID: 843 8213 0920, password 5678**)

If you are unable to join the Zoom webinar and wish to make a public comment prior to the meeting, please submit your comment, limited to 250 words or less, to cddcomments@mono.ca.gov by 5:00 PM on Friday, September 7, 2022. Comments longer than 250 words may be summarized, due to time limitations. All comments will be made a part of the record.

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ADOPT RESOLUTION R22-03** to meet remotely under the Brown Act remote meeting laws per Assembly Bill 361 (pg. 1)
- 3. PUBLIC COMMENT**
- 4. ADJOURN** to September 8, 2022 at 2:05pm.

LAFCO COMMISSIONERS

Hank Brown, Tom Cage, Sarah Rea, Lynda Salcido, Jennifer Kreitz, Rhonda Duggan, Bruce Woodworth

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Staff Report

September 8, 2022

To: Mono County LAFCO

From: Wendy Sugimura, Executive Officer

SUBJECT: Assembly Bill 361 Virtual Meetings

RECOMMENDATION / DISCUSSION Adopt Resolution R22-03 to meet remotely under the Brown Act and under AB 361.

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That Proclamation remains in effect. Subsequently, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which modified the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), in order to allow legislative bodies to meet from remote locations without opening those locations to the public or complying with certain agenda requirements. Those modifications remained in effect through September 30, 2021.

In anticipation of the expiration of the applicable provisions of Executive Order N-29-20, the California legislature adopted, and Governor Newsom signed, AB 361. AB 361 amended the Brown Act to allow local legislative bodies to continue to meet under the modified teleconferencing rules until January 1, 2024, if the meeting occurs during a proclaimed state of emergency and the legislative body finds that it has reconsidered the circumstances of the state of emergency and either:

- measures to promote social distancing have been imposed or recommended by local health officials; or
- the state of emergency continues to directly impact the ability of the members to meet safely in person.

The Local Health Officer and the Director of Mono County Public Health have recommended that measures be implemented to promote social distancing, including the holding of virtual meetings. A copy of the memo memorializing that recommendation is attached.

In order to continue meeting virtually, the Commission will again need to consider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

Attachments: Resolution 22-03 with public health recommendation

RESOLUTION 22-03
OF THE LOCAL AGENCY FORMATION COMMISSION AUTHORIZING REMOTE TELECONFERENCE
MEETINGS FOR THE PERIOD OF SEPTEMBER 8, 2022, THROUGH OCTOBER 8, 2022, PURSUANT
TO AB 361

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, which Proclamation remains in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, modifying the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), subject to compliance with certain requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, providing that the modifications would remain in place through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, providing that a legislative body subject to the Brown Act may continue to meet under modified teleconferencing rules if the meeting occurs during a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Local Health Officer and the Director of Mono County Public Health have recommended that measures be implemented to promote social distancing, including the holding of virtual meetings of legislative bodies within the County of Mono, a copy of that recommendation is attached as an exhibit and incorporated herein; and

WHEREAS, in the interest of public health and safety, and in response to the local recommendation for measures to promote social distancing, the Local Agency Formation Commission (the "Legislative Body") deems it necessary to invoke the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, THE LEGISLATIVE BODY FINDS AND RESOLVES that:

SECTION ONE: The recitals set forth above are true and correct and are adopted as findings of the Legislative Body.

SECTION TWO: The Legislative Body has reconsidered the circumstances of the State of Emergency.

SECTION THREE: State or local officials have recommended measures to promote social distancing, including the holding of virtual meetings for legislative bodies within the County of Mono that are subject to the Brown Act.

SECTION FIVE: Staff is directed to return to the Legislative Body no later than thirty (30) days after the adoption of this resolution, or at the next meeting of the Legislative Body, if later, for

the Legislative Body to consider whether to again make the findings required to meet under the modified teleconference procedures of AB 361.

PASSED, APPROVED and ADOPTED this 8 day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

LAFCO Chair

ATTEST:

APPROVED AS TO FORM:

Heidi Willson, Secretary

Chris Beck, LAFCO Counsel



MONO COUNTY HEALTH DEPARTMENT

Public Health

P.O. BOX 476, BRIDGEPORT, CA 93517 PHONE (760) 932-5580 • FAX (760) 932-5284

P.O. BOX 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 • FAX (760) 924-1831

To: Board of Supervisors

From: Bryan Wheeler, Director of Public Health

Re: Recommendation regarding Social Distancing and Virtual Meetings

Both Mono County “covering” Health Officer Dr. Rick Johnson and I strongly recommend that physical/social distancing measures continue to be practiced throughout our Mono County communities, including at meetings of the Board of Supervisors and other County-related legislative bodies subject to the Brown Act, to minimize the spread of COVID-19.

Whether vaccinated or not, positive individuals are contracting the Delta variant and infecting others in our communities. Social distancing and masking are crucial mitigation measures to prevent the disease’s spread. Virtual board meetings allow for the participation of the community, county staff, presenters, and board members in a safe environment, with no risk of contagion. It is recommended that legislative bodies in Mono County implement fully-remote meetings to the extent possible.

If you have any questions regarding this recommendation, please do not hesitate to contact me. We will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.