

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

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## *AGENDA OF OCTOBER 27, 2021*

### *REGULAR MEETING*

**TO:** John Hidahl, Chair, and  
Members of the El Dorado County Local Agency Formation  
Commission

**FROM:** Mala Subramanian, General Counsel

**AGENDA ITEM #6:** VIRTUAL MEETINGS UNDER COVID-19 STATE OF  
EMERGENCY AND ASSEMBLY BILL 361

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#### **RECOMMENDATION**

Discuss and direct staff.

#### **BACKGROUND AND ANALYSIS**

AB 361 was recently passed by the State Legislature and signed by Governor Newsom and went into effect immediately. AB 361 continues many of the provisions related to the Brown Act that were in place under Executive Orders, which expired September 30, 2021 that allowed for video and teleconferencing during the state of emergency until January 1, 2024.

In order for AB 361 to apply, the Governor's State of Emergency due to COVID-19 must still be in place, and the state of emergency continues to directly impact the ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing.

On September 30, 2021, the El Dorado County Public Health Officer issued recommendations for safe board and commission meetings during the COVID-19 pandemic. Specifically, Dr. Williams made the following recommendations:

- Offer attendees a remote access option to the extent possible, while meeting the intent of the Brown Act about transparency and full participation.
- Arrange seating to encourage staff and members of the public to physically distance.

- Clearly post messages instructing people not to enter meeting venues when they feel unwell and to follow current guidelines for face-coverings, vaccination, and testing, when applicable.
- Consider use of voluntary attendance sheets to collect names and contact information to assist in contact tracing, should any cases be linked to public meetings.

In order to hold video and teleconference meetings, the Commission will need to review and make findings every thirty days or thereafter by majority vote that the Commission has reconsidered the circumstances of the state of emergency and that the state of emergency continues to directly impact the ability of the members to meet safely in person or that state or local officials continue to impose or recommend measures to promote social distancing. This would allow the entire Commission and members of the public to participate by Zoom.

Staff, consultants and members of the public can already participate by technological means under the Brown Act, so long as the Commission meets in a physical space such as the Supervisor's Chambers. If the Commission wants to continue to meet in person as it recently resumed in person meeting as of last month, no action is required to be taken. Likewise, if the Commission wants to allow for a hybrid method for the public to participate virtually, we can work with the County to see if we can accommodate that option. Lastly, if only certain Commissioners would like to participate virtually, AB 361 is not the method to use as the appropriate findings could not be made. We would instead rely on the traditional teleconferencing provisions of the Brown Act, which require that Commissioner to be in a place open to the public and accessible, where the public could attend and participate, and the alternate location would be noticed in advance on the agenda and posted accordingly.

#### Winter Month Teleconference Option

As a courtesy for the South Lake Tahoe Commissioner, LAFCO offers a teleconferencing option during the winter months of December through March. Since this option is weather-dependent, it is typically arranged the week prior to each meeting in order to properly notice the teleconference location (South Lake Tahoe City Council Chambers, 1901 Airport Road, SLT) and coordinate with city staff. As mentioned above, the teleconference location must remain open and accessible to the public for the entire meeting; in the event the SLT Commissioner is unable to attend part or all of the meeting at the teleconference location, SLT city staff are required to be present in their place keep the chambers open.