



Lou Ann Teixeira
 Executive Officer

MEMBERS

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|---|--|
| Candace Andersen
<i>County Member</i> | Federal Glover
<i>County Member</i> |
| Donald A. Blubaugh
<i>Public Member</i> | Michael R. McGill
<i>Special District Member</i> |
| Tom Butt
<i>City Member</i> | Rob Schroder
<i>City Member</i> |
| Igor Skaredoff
<i>Special District Member</i> | |

ALTERNATE MEMBERS

- | |
|---|
| Diane Burgis
<i>County Member</i> |
| Stanley Caldwell
<i>Special District Member</i> |
| Charles R. Lewis, IV
<i>Public Member</i> |
| Edi Birsan
<i>City Member</i> |

**April 13, 2022
 Agenda Item 5**

April 13, 2022

Contra Costa Local Agency Formation Commission
 40 Muir Road, 1st Floor
 Martinez, CA 94553

Adoption of Resolution 2022-03 (AB 361) and Format of Future Commission Meetings

Dear Members of the Commission:

Since June 2020, Contra Costa LAFCO has conducted its public meetings via Zoom/teleconference, consistent with the Governor’s Executive Orders allowing teleconferencing and AB 361, which authorizes teleconferencing without following the non-emergency teleconferencing rules in the Brown Act. The Commission has adopted a resolution at each LAFCO meeting authorizing LAFCO to conduct teleconference meetings.

As some public agencies are returning to in-person meetings, it is timely to discuss format options for future LAFCO meetings, including the following:

1. Virtual teleconference meetings – The Commission has used this format since the statewide state of emergency was declared in 2020. Virtual meetings of government agencies have resulted in increased public participation, reduced meeting time commitments, less travel, and reduced carbon emissions. However, there are increased technical costs and challenges associated with hosting virtual meetings. LAFCO can continue to hold virtual teleconference meetings as long as a proclaimed state of emergency exists, and state or local officials have recommended measures to promote social distancing. The County Health Officer currently recommends social distancing at public meetings.
2. In-person meetings – LAFCO could return to in-person meetings. LAFCO staff has confirmed with the Clerk of the Board of Supervisors that LAFCO may hold in-person meetings in the Board of Supervisors’ chambers as we did pre-pandemic. There is no cost associated with this option. As in the former Board chambers, some Commissioners will be unable to sit at the dais and would need to sit on the sidelines.
3. Hybrid meetings: This option combines virtual teleconference and in-person formats. Under this option, LAFCO staff and some Commissioners would be present in the Board chambers, while other Commissioners would participate remotely via Zoom. Members of the public would be allowed to attend the meeting in person or via Zoom/teleconference and provide comment in either format. This option is the most challenging to navigate, will require assistance from County staff, and will result in additional costs to LAFCO.

RECOMMENDATIONS: 1) Adopt Resolution No. 2022-03 authorizing LAFCO to conduct teleconference meetings under Government Code section 54953(e) and make related findings; and 2) discuss and provide direction regarding future LAFCO meetings and preferred format.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – AB 361 – LAFCO Resolution 2022-03

RESOLUTION NO. 2022-03

A RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION AUTHORIZING TELECONFERENCE MEETINGS UNDER GOVERNMENT CODE SECTION 54953(e) (ASSEMBLY BILL 361)

Recitals

- A. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.
- B. On March 10, 2020, the Contra Costa County Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board of Supervisors adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout Contra Costa County.
- C. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the Brown Act), provided certain requirements were met and followed.
- D. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Brown Act and further provided that those provisions would remain suspended through September 30, 2021.
- E. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing.
- F. On March 1, 2022, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing.
- G. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
- H. Because of the prevalence of the Omicron variant of COVID-19 in the Bay Area, case rates and COVID-19 hospitalizations remain high in the County.
- I. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Contra Costa Local Agency Formation Commission (LAFCO) intends to invoke the provisions of Assembly Bill 361 related to teleconferencing.

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission resolves as follows:

1. LAFCO finds that: the state of emergency proclaimed by Governor Newsom on March 4, 2020, is currently in effect; and the Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
2. As authorized by Assembly Bill 361, LAFCO will use teleconferencing for its meetings in accordance with the provisions of Government Code section 54953(e).
3. The Executive Officer is authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.

PASSED AND ADOPTED on April 13, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: April 13, 2022

Lou Ann Teixeira, Executive Officer