

PLANNING COMMISSION, COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING CONTINUED TELECONFERENCE MEETINGS
OF THE COUNTY OF LAKE PLANNING COMMISSION DURING THE EXISTING
STATE OF EMERGENCY**

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic pursuant to his authority under the California Emergency Services Act, Government Code section 8625; and

WHEREAS, the proclaimed State of Emergency remains in effect as of the date of this Resolution; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that 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; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that 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; and

WHEREAS, on September 16, 2021, Governor Newsom signed into law Assembly Bill 361 which allows, until January 1, 2024, a legislative body subject to the Brown Act to use teleconferencing without complying with specified Brown Act restrictions in certain state emergencies; and

WHEREAS, Assembly Bill 361 further provides that if the State of Emergency remains active or state or local officials have imposed measures to promote social distancing, the legislative body must, in order to continue to meet subject to this exemption to the Brown Act, no later than 30 days after it commences using the exemption, and every 30 days thereafter, make specified findings; and

WHEREAS, on September 20, 2021, Governor Newsom issued Executive Order N-15-21 that clarified that, except as therein specified, the requirements of Executive Order N-08-21 continue to govern the meeting of legislative bodies subject to the Brown Act through September 30, 2021; and

WHEREAS, the Lake County Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare and safety within the unincorporated areas of the County; and

WHEREAS, on September 28, 2021, the Lake County Board of Supervisors adopted Resolution No. 2021-127 authorizing continued teleconferenced meetings of the Board of Supervisors and other board appointed commissions; and

WHEREAS, the County has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of the County’s various legislative bodies subject to the Brown Act; and

WHEREAS, COVID-19 and variants thereof remain a current threat to the health and safety of the general public, County staff, and members of this Commission; and

WHEREAS, in response to the current threat to the public of the COVID-19 virus and its existing and potential variants, there is a desire to implement teleconference meetings pursuant to the requirements of the Brown Act so long as this State of Emergency continues to exist.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the County of Lake that it hereby finds, orders, determines, and declares as follows:

1. The recitals set forth above are true and correct and establish the factual basis for the Planning Commission's resolution.
2. A State of Emergency continues to exist as a result of COVID-19 and the County of Lake has implemented and continues to require social distancing measures for County facilities.
3. The Planning Commission finds that meeting in person may impact the ability of the Commission members to meet safely in person and may present imminent risks to the health and safety of the members, staff, and attendees.
4. The Planning Commission finds that the Planning Commission is subject to the requirements of the Brown Act and is similarly subject to the emergency conditions and findings herein and authorized to continue teleconference meetings pursuant to the provisions of Assembly Bill 361.
5. Staff is directed to return no later than thirty (30) days after the adoption of this resolution with an item for the Commission to consider making the findings required by Assembly Bill 361 in order to continue meeting under its provisions.
6. The Secretary of the Planning Commission is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

PASSED AND ADOPTED this ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

SO ORDERED

Batsulwin Brown, Chair
Lake County Planning Commission