

Resolution No. 2022-23-10
of the Local Agency Formation Commission of Mendocino County

Approving the
Commissioner Teleconferencing Policy

WHEREAS, Local Agency Formation Commissions have been created under the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 et. seq. of the Government Code, as independent agencies, with the power to adopt policies and procedures to carry out their functions, (§56300); and

WHEREAS, the Commission directed the Policies & Procedures Committee to develop a policy implementing the new teleconferencing requirements of Assembly Bill 2449 that allow for limited teleconferencing for members of governing bodies.

WHEREAS, the Policies & Procedures Committee held a public meeting on the proposed commissioner teleconferencing policy on February 16, 2023 and at that meeting, the Committee considered the report of the Executive Officer and all oral and written comments with respect to the proposed policy, and recommended the policy to the Commission.

WHEREAS, this Commission held a public meeting on the proposed commissioner teleconferencing policy and at that meeting this Commission received the recommendation of the Policies & Procedures Committee, the report of the Executive Officer, and all oral and written comments with respect to the proposed policy.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Mendocino DOES HEREBY RESOLVE, DETERMINE and ORDER the adoption of the Commissioner Teleconferencing Policy as set forth in Exhibit A.

BE IT FURTHER RESOLVED that the Mendocino LAFCo Policies & Procedures Manual be updated accordingly.

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County this 6th day of March 2023 by the following vote:

AYES: *Mulheren, Ward, Gonzalez, Rodin, Horsley, Christen*

NOES:

ABSTAIN:

ABSENT:


MAUREEN MULHEREN, Commission Chair

ATTEST:



UMA HINMAN, Executive Officer

Exhibit A

Policy 3.8.1.1 Commissioner Teleconferencing

Regular meetings of the Commission shall adhere to the provisions of the Ralph M. Brown Act (GOV 54950 et seq) and the provisions of [GOV 54953](#), which allow for teleconferencing under specific conditions.

To promote transparency and public participation, regular meetings of the Commission will be held in a hybrid format provided the technology to do so is readily available. Commissioners shall participate in-person for all Commission meetings, unless circumstances exist to justify the use of “Expanded Teleconferencing Procedures.” Should a Commissioner request attendance by teleconference for “just cause” or “emergency circumstances,” as defined in GOV 54953(j), the requirements set forth in the statute shall apply.

Commissioners may attend regular Commission meetings by teleconference not to exceed two times per year. Commissioners must make such requests of the Commission prior to or at the start of a regular meeting, stating the reason (“just cause” or “emergency circumstances”) and a brief description of the circumstances relating to the need to appear remotely. The Commission shall take action on the request at the beginning of the meeting.

3.8.1.1.1 Global Teleconferencing Procedures

At the discretion of the Commission and/or the Executive Officer, any employee, consultant or individual presenting or attending a meeting of the Commission, other than a member of the Commission, shall be permitted to attend via teleconference without compliance or conditions set forth herein.

To the extent a commissioner wishes to attend a meeting via teleconference, the commissioner shall generally be required to comply with the “Standard Teleconferencing Procedures” below, unless the circumstances exist to justify the use of “Expanded Teleconferencing Procedures.”

3.8.1.1.2 Standard Teleconferencing Procedures

Members of the Commission, inclusive of all bodies and committees required to comply with the Brown Act, may attend a meeting via teleconference if the following conditions are satisfied:

1. At least a quorum of commissioners participates in the meeting from locations within the County;
2. The agenda posted for the meeting is posted at all teleconference locations, each of which are identified in the notice and the agenda for the meeting; and
3. Each teleconference location is accessible to the public, and the public is permitted to comment at each teleconference location.

3.8.1.1.3 Expanded Teleconferencing Procedures

A commissioner may attend a regular meeting via videoconference only without the need to comply with the Standard Teleconferencing Procedure requirements to notice and post agenda locations or make such locations accessible to the public, if the following conditions are satisfied:

1. At least a quorum of the commissioners participate in-person from a single physical location accessible to the public and as clearly identified in the posted agenda;
2. The public is permitted to attend the meeting either by teleconference or videoconference in a manner such that the public may participate in real-time during the meeting;
3. Notice of the means by which the public may remotely participate and offer comment during the meeting is included within the posted agenda;

4. Commissioners attending remotely have either “just cause” or “emergency circumstance”, as defined in [GOV 54953](#), that justifies their attendance via videoconference:
5. A commissioner who has not attended a regular meeting remotely on the basis of “just cause” more than two times in a calendar year or on the basis of “emergency circumstance” for longer than three consecutive months.

In order to utilize the Expanded Teleconferencing Procedures, a commissioner shall:

1. For “just cause” circumstance, notify the Commission at the earliest opportunity, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstance relating to their need to appear remotely at the given meeting;
2. For “emergency circumstance,” request to participate at a meeting due to an “emergency circumstance” as soon as possible, preferably before the posting of the agenda but up to the start of the meeting, with such request including a general description of the circumstances relating to their need to appear remotely at the given meeting, though any description need not exceed 20 words and need not include any medical information exempt from disclosure by law;
3. The commissioner shall disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the Member’s relationship to such individuals;
4. Participate through videoconferencing, with both visual and audio technology.

Upon request of a commissioner to utilize the Expanded Teleconference Procedures, the Commission shall:

1. Take action by majority vote on a request to participate remotely due to an “emergency circumstance” at its earliest opportunity, which may be taken as a noticed agenda item or as an added item if sufficient time was not provided to place the proposed action on the agenda;
2. In the event of disruption within the power of the Commission that prevents the broadcasting of the meeting to members of the public, or in the event of disruption within LAFCo’s control that prevents members of the public from offering public comment using the teleconferencing or videoconferencing options, take no further action during a meeting until such access is restored.

3.8.1.1.4 Miscellaneous Provisions

With respect to Standard Teleconferencing Procedures and Expanded Teleconferencing Procedures set forth herein, such are intended to comply with [GOV 54953](#)(b) and (f), respectively, and, as such, in the event of conflict between this Policy and such statutory provisions, the statutory provisions shall control and be implemented as if set forth in this Policy.