

MONO COUNTY PLANNING COMMISSION

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

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Bridgeport, CA 93517
760.932.5420, fax 932.5431
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AB361 SPECIAL MEETING AGENDA

February 16, 2023 – 9:00 a.m.

Hybrid Meeting: Zoom & Mono Lake Room

Mono Lake Room-Mono County Civic Center
1290 Tavern Rd
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.

TELECONFERENCE INFORMATION

1. Joining via Zoom

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

To join the meeting by computer

Visit: <https://monocounty.zoom.us/j/85741674555>

Or visit <https://www.zoom.us/> and click on “Join A Meeting.” Use Zoom Meeting ID: 857 4167 4555

To provide public comment (at appropriate times) during the meeting, press the “Raise Hand” hand button on your screen and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

To join the meeting by telephone

Dial (669) 900-6833, then enter Webinar ID: 857 4167 4555

To provide public comment (at appropriate times) during the meeting, press *9 to raise your hand and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

2. Viewing the Live Stream

You may also view the live stream of the meeting without the ability to comment **by visiting:**

http://monocounty.granicus.com/MediaPlayer.php?publish_id=18ba204e-42f6-4d0a-9d3d-fc6b89b99aae

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

**Agenda sequence (see note following agenda).*

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**
2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda.
3. **CONSIDER ADOPTION OF RESOLUTION 23-01 AB 361 TO CONTINUE DIGITAL MEETINGS.** (pg. 1)
4. **ADJOURN** to February 16, 2023

NOTE: Although the Planning Commission generally strives to follow the agenda sequence, it reserves the right to take any agenda item – other than a noticed public hearing – in any order, and at any time after its meeting starts. The Planning Commission encourages public attendance and participation.

In compliance with the Americans with Disabilities Act, anyone who needs special assistance to attend this meeting can contact the Commission secretary at 760-924-1804 within 48 hours prior to the meeting to ensure accessibility (see 42 USCS 12132, 28CFR 35.130).

*The public may participate in the meeting at the teleconference site, where attendees may address the Commission directly. Please be advised that Mono County does its best to ensure the reliability of videoconferencing but cannot guarantee that the system always works. If an agenda item is important to you, you might consider attending the meeting in Bridgeport.

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni’s restaurant). Agenda packets are also posted online at [www.monocounty.ca.gov / departments / community development / commissions & committees / planning commission](http://www.monocounty.ca.gov/departments/community-development/commissions-committees/planning-commission). For inclusion on the e-mail distribution list, send request to bperatt@mono.ca.gov.

Commissioners may participate from a teleconference location. Interested persons may appear before the Commission to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing. Project proponents, agents or citizens who wish to speak are asked to be acknowledged by the Chair, print their names on the sign-in sheet, and address the Commission from the podium.

Mono County Community Development Department

PO Box 347
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February 16, 2023

TO: Mono County Planning Commission

FROM: Wendy Sugimura, Director

SUBJECT: Assembly Bill 361 Virtual Meetings

RECOMMENDATION

Adopt Resolution R23-01 to continue meeting under modified teleconferencing rules.

BACKGROUND

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.

DISCUSSION

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 to the draft proposed resolution (Attachment 1).

In order to continue meeting virtually under those modified rules after March 16, the Commission will again need to reconsider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

Attachment

1. AB 361 Resolution with Public Health recommendation



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6 **A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION**
7 **AUTHORIZING REMOTE TELECONFERENCE MEETINGS**
8 **FOR THE PERIOD OF FEBRUARY 16, 2023, THROUGH MARCH 16, 2023,**
9 **PURSUANT TO AB 361**

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

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

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

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

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

26 **WHEREAS**, in the interest of public health and safety, and in response to the local
27 recommendation for measures to promote social distancing, the Mono County Planning
28 Commission (the "Legislative Body") deems it necessary to invoke the provisions of AB 361
29 related to teleconferencing.

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

31 **SECTION ONE:** The recitals set forth above are true and correct and are adopted as
32 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.

1 **SECTION FOUR:** Staff is directed to return to the Legislative Body no later than thirty
2 (30) days after the adoption of this resolution, or at the next meeting of the Legislative Body, if
3 later, for the Legislative Body to consider whether to again make the findings required to meet
4 under the modified teleconference procedures of AB 361.

4 **PASSED, APPROVED and ADOPTED** this 16th day of February 2023, by the
5 following vote, to wit:

6 **AYES:**

7 **NOES:**

8 **ABSENT:**

9 **ABSTAIN:**

Patricia Robertson, Chair

12 **ATTEST:**

APPROVED AS TO FORM:

Heidi Willson
Secretary of the Planning Commission



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.