



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY
3160 Airway Avenue Costa Mesa, CA 92626 (949) 252-5170 Fax (949) 252-6012

AGENDA ITEM 2

September 30, 2021

TO: Commissioners/Alternates
FROM: Lea U. Choum, Executive Officer
SUBJECT: COVID Pandemic

The Governor's Executive Orders relaxing teleconference requirements for Brown Act meetings was set to expire on September 30, 2021. The purpose of this agenda item is for your Commission to discuss and decide whether to make findings to continue with teleconferencing, pursuant to the new adopted law.

On September 16, 2021, the Governor signed Assembly Bill (AB) 361 into effect. AB 361 allows local governments to continue to conduct virtual meetings under certain circumstances. Under AB 361, the normal/strict teleconference requirements under the Brown Act (e.g., posting the agenda and allowing the public to attend at each teleconference location where a member of the ALUC is located) may be suspended (as they were under the Executive Orders), but only if:

1) there is a proclaimed state of emergency

AND

2) either of the following exist: (a) state or local officials have imposed or recommended measures to promote social distancing, OR (b) the body holds a meeting to determine or has already determined by majority vote that meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency.

Since there is still a proclaimed state of emergency for COVID and both the California Department of Health and Orange County's Health Officer and Director of Health Care Agency, Dr. Chau, have recommended social distancing, the Airport Land Use Commission (ALUC) would qualify by meeting #1 AND #2(a) above.

If the state of emergency remains active and officials have imposed or recommended social a distancing measure, in order to continue to teleconference without complying with the normal teleconferencing rules, the ALUC must make certain findings by majority vote:

1) the body has considered the circumstances of the state of emergency

AND

2) either of the following exist: a) the state of emergency continues to directly impact the ability of the members to meet safely in person, OR b) state or local officials continue to impose OR recommend measures to promote social distancing.

This vote must happen not later than 30 days after the ALUC teleconferences for the first time pursuant to AB 361 and every 30 days thereafter. Thus, the ALUC will have to take a vote on the necessity of continued teleconferencing a month after its first remote meeting under the new law. So, if ALUC meets once every thirty days, the commissioners would vote at each meeting for purposes of the next meeting. If ALUC's meetings occur more than 30 days apart, whether it be due to not having a meeting one month or the meetings not occurring within thirty days of each other ALUC would not be able to make the required teleconferencing findings within that 30 day period (i.e., ALUC would not be able to teleconference under the suspended rules at its next meeting).

The new law permits in person meetings. If the Commission prefers to return to in person meetings, there is no need to make any findings. However, if there is a desire to continue teleconferencing, a motion to that effect will need to be made and pass by majority vote so the special findings are made.

Recommendation:

- 1) That the Commission agrees to make special findings to continue with teleconferencing for the next ALUC meeting.

Or

- 2) That the Commission agrees not to make special findings to allow for teleconferencing and return to in person ALUC meetings.

Respectfully submitted,



Lea U. Choum
Executive Officer