



## Legislation Details (With Board Report)

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| <b>File #:</b>       | PC 22-075   | <b>Name:</b>         | AB 361 Finding                         |
| <b>Type:</b>         | Planning Item   | <b>Status:</b>       | Agenda Ready                           |
| <b>File created:</b> | 8/30/2022   | <b>In control:</b>   | County of Monterey Planning Commission |
| <b>On agenda:</b>    | 9/14/2022   | <b>Final action:</b> |  |
| <b>Title:</b>        | Consider finding, pursuant to AB 361 and in order for the Planning Commission to continue to meet remotely, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Planning Commission has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies.<br>Proposed CEQA action: Not a project pursuant to CEQA Guidelines section 15378(b)(5) |                      |  |

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report

| Date | Ver. | Action By | Action | Result |
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**Proposed CEQA action:** Not a project pursuant to CEQA Guidelines section 15378(b)(5)

**RECOMMENDATION:**

It is recommended, pursuant to AB 361 and in order for the Planning Commission to continue to meet remotely, that the Monterey County Planning Commission find: that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Planning Commission has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies of local agencies.

**SUMMARY/DISCUSSION:**

On September 16, 2021, Governor Newsom signed AB 361. This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act’s more narrow standard rules for participation in a meeting by teleconference. AB 361 provides that if a state or local health official recommends social distancing, a “legislative body” - which is defined to include the Planning Commission -- may meet remotely after September 30, 2021, provided that within 30 days of the first meeting after September 30, and every 30 days thereafter, the legislative body finds: 1) the Governor’s proclaimed state of emergency is still in effect; 2) the legislative body has reconsidered the circumstances of the state of emergency; and 3) the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies and/or the state of emergency continues to directly impact the ability of the members to meet safely in person.

The Monterey County Health Officer has recommended and continues to recommend social distancing

measures for meetings of legislative bodies, so the Planning Commission was able to meet remotely the first time after September 30, 2021 and for thirty days thereafter. The Commission made the findings at its meetings on November 10, December 1, and December 15, 2021, and January 12, February 9, March 9 and 30, April 27, May 25, June 29, and July 27, and August 24, 2022 to continue to meet remotely.

The Commission must make the findings at least every 30 days in order to keep meeting remotely. If the Commission declines to make the findings at the September 14, 2022 meeting or at some other date within 30 days after the August 24, 2022 meeting, the next Planning Commission meeting after that 30 day period would be required to be held under the standard Brown Act requirements. Under those standard requirements, the meeting would be held in a physical location accessible to the public, and if any Commissioner were to want to participate by teleconference, that teleconference location would need to be identified on the agenda, that location would need to be accessible and open to the public in a manner that enables the public to participate from that location, and the agenda would need to be posted at that location in addition to the usual posting location.

This action is not a project under CEQA pursuant to CEQA Guidelines section 15378(b)(5) because it is an organizational activity of government that will not result in a direct or indirect physical change in the environment.

OTHER AGENCY INVOLVEMENT:

County Counsel prepared the report. HCD concurs in the recommendation to make the finding to continue to meet remotely and continue meeting via teleconference.

Prepared by: Kelly L. Donlon, Assistant County Counsel

cc: Front Counter Copy; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa);