

ERRATA No. 1
PLANNING COMMISSION HEARING
OCTOBER 29, 2021
ITEM No. 1

SUBJECT: Adopt a Resolution Authorizing Teleconferenced Public Meetings Pursuant to Government Code Section 54953(e)

This errata is submitted to the Planning Commission to replace the resolution entitled PLANNING COMMISSION RESOLUTION AUTHORIZING TELECONFERENCED PUBLIC MEETINGS PURSUANT TO GOVERNMENT CODE SECTION 54953. The replaced resolution adds the following language to the resolution in order to provide another option for compliance with AB 361:

If the legislative body does not hold a meeting within the next 30 days, the chair is directed to review the status of the state of emergency and whether state or local officials continue to impose or recommend measures to promote social distancing. If both conditions exist, the chair is directed to memorialize such determination in writing and such writing will be presented for ratification at the next meeting of the legislative body.

PLANNING COMMISSION RESOLUTION AUTHORIZING
TELECONFERENCED PUBLIC MEETINGS PURSUANT TO GOVERNMENT
CODE SECTION 54953

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on January 30, 2020, the World Health Organization ("WHO") declared a Public Health Emergency of International Concern as a result of the COVID-19 virus. On January 31, 2020, the United States Secretary of Health and Human Services also declared a Public Health Emergency of the COVID-19 virus; and

WHEREAS, on February 14, 2020, the San Diego County Health Officer declared a Local Health Emergency as a result of the COVID-19 virus, which was subsequently ratified by the Board of Supervisors on February 19, 2020; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency ("State of Emergency") pursuant to section 8625 of the California Emergency Services Act, in response to the COVID-19 pandemic; 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 AB 361 which provides that a legislative body subject to the Brown Act may use revised teleconference rules provided under section 53593(e) if the legislative body makes certain findings and those findings are reconsidered every thirty (30) days, as applicable; and,

WHEREAS, the proclaimed State of Emergency remains in effect; and,

WHEREAS, the California Occupational Safety and Health Standards Board adopted California Code of Regulations, Title 8, Section 3205 which states, "particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination;" and

WHEREAS, on or about September 23, 2021, Dr. Wilma Wooten, the County of San

Diego's Public Health Officer issued a letter recommending the utilization of teleconferencing options for public meetings as an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 virus (the "Teleconferencing Recommendation"); and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, this legislative body deems it necessary to take action for purposes of utilizing the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission as follows:

1. The recitals set forth above are true and correct and form the basis for the finding of this Resolution.
2. This legislative body finds that there is an existing proclaimed State of Emergency and state and local officials have imposed or recommended measures to promote social distancing, including but not limited to the Teleconferencing Recommendation.
3. In order to satisfy the requirements of Section 54953(e)(3) of the Brown Act, which allows local legislative bodies to continue utilizing simplified teleconferencing options under the Brown Act if certain findings are made no later than thirty (30) days after such simplified teleconferencing options are first used, the PDS Director is directed, to the extent reasonably feasible, to return no later than thirty (30) days after the adoption of this Resolution with an item for this legislative body's reconsideration of these findings.
4. The PDS Director is directed to take any other necessary or appropriate actions to implement the intent and purposes of this Resolution.
5. This finding is intended to apply to all of the legislative body subcommittees this legislative body has created.
6. If the legislative body does not hold a meeting within the next 30 days, the chair is directed to review the status of the state of emergency and whether state or local officials continue to impose or recommend measures to promote social distancing. If both conditions exist, the chair is directed to memorialize such determination in writing and such writing will be presented for ratification at the next meeting of the legislative body.
7. This Resolution shall take effect immediately upon its adoption.