

# LAFCO

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**Santa Barbara Local Agency Formation Commission**  
105 East Anapamu Street ♦ Santa Barbara CA 93101  
805/568-3391 ♦ FAX 805/568-2249  
www.sblafco.org ♦ lafco@sblafco.org

October 6, 2022 (Agenda)

Local Agency Formation Commission  
105 East Anapamu Street  
Santa Barbara CA 93101

## **Assembly Bill 361 Determination**

Dear Members of the Commission:

### RECOMMENDATION:

It is recommended that the Commission adopt pursuant to Government Code § 54953(e)(1), consider determination that 1) local health officials recommend social distancing to reduce transmission of COVID-19 and 2) as a result of the declared pandemic emergency, requiring in-person attendance at Commission hearings presents an imminent risk to the health and safety of attendees and, therefore, Commission meetings may be held via teleconferencing pursuant to Government Code § 54953(e)(2).

### DISCUSSION:

The Commission should adopt the attached Resolution affirming its previous determinations that the circumstances set forth in Government Code section 54953(1)(A) and (C) have been met and that Commission hearings, including any committee meetings subject to the Brown Act, may be held pursuant to the teleconferencing requirements of Assembly Bill 361.

### Attachments:

Attachment A: Resolution for AB 361 Determination October 6, 2022

Please contact the LAFCO office if you have any questions.

Sincerely,



Mike Prater  
Executive Officer

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**Commissioners:** Roger Aceves ♦ Cynthia Allen ♦ Jay Freeman ♦ Craig Geyer ♦ Joan Hartmann, Vice-Chair ♦ Bob Nelson  
♦ Jim Richardson ♦ Holly Sierra ♦ Shane Stark, Chair ♦ Etta Waterfield ♦ Das Williams **Executive Officer:** Mike Prater

AB 361 DETERMINATION

LAFCO RESOLUTION XX - 2022

Determination pursuant to Government Code )  
§ 54953(e)(1) that Commission meetings may )  
be held via teleconferencing pursuant to Assembly )  
Bill 361, Government Code § 54953(e)(2). )  
\_\_\_\_\_ )

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 amending the Brown Act, Government Code section 54953, to allow more liberal use of teleconferencing at local agency public meetings during a proclaimed state of emergency. As urgency legislation, this bill took effect immediately.

WHEREAS, on October 7, 2021, the Commission adopted Resolution No. 21-16 determining that sufficient grounds exist for the Commission to hold meetings pursuant to the teleconference requirements of Section 54953(e)(2).

WHEREAS, the Commission’s AB 361 determination was affirmed by the Commission at its regular meetings on November 4, 2021, December 9, 2021, January 6, 2022, February 3, 2022, April 7, 2022, May 5, 2022, June 2, 2022, August 11, 2022, and September 1, 2022.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Santa Barbara County as follows:

(1) The Commission affirms its previous determinations that the circumstances set forth in Government Code section 54953(1)(A) and (C) have been met and that Commission hearings, including any committee meetings subject to the Brown Act, may be held pursuant to the teleconferencing requirements of Assembly Bill 361.

(2) Pursuant to Section 54953(e)(3)(B), the Commission has reconsidered the circumstances under which the original determinations were made and hereby determines as follows:

(a) Evidence cited in County Health Orders show that the declared state of emergency for Covid-19 continues to directly impact the ability of the members of the public and public officials to safely attend Commission hearings in person.

(b) County Health Officer continues to recommend measures to promote social distancing at indoor activities.

This resolution is adopted on October 6, 2022 and is effective on the date signed by the Chair.

AYES:

NOES:

ABSTAIN:

Santa Barbara County Local Agency  
Formation Commission

By: \_\_\_\_\_  
Chair

Print name:  
\_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Natasha Carbajal, Analyst/Clerk  
Santa Barbara County  
Local Agency Formation Commission



**Public Health Administration**

300 North San Antonio Road • Santa Barbara, CA 93110-1316  
805/681-5100 • FAX 805/681-5191

Van Do-Reynoso, MPH, PhD *Director*  
 Suzanne Jacobson, CPA *Chief Financial Officer*  
 Paige Batson, MA, PHN, RN *Deputy Director*  
 Darrin Eisenbarth *Deputy Director*  
 Dana Gamble, LCSW *Interim Deputy Director*  
 Polly Baldwin, MD, MPH *Medical Director*  
 Henning Ansorg, MD *Health Officer*

February 16, 2022

**HEALTH OFFICIALS AB 361 SOCIAL DISTANCE RECOMMENDATION**

COVID-19 disease prevention measures, endorsed by the Centers for Disease Control and Prevention, include vaccinations, facial coverings, increased indoor ventilation, handwashing, and physical distancing (particularly indoors).

Since March 2020, local legislative bodies-such as commissions, committees, boards, and councils- have successfully held public meetings with teleconferencing as authorized by Executive Orders issued by the Governor. Using technology to allow for virtual participation in public meetings is a social distancing measure that may help control transmission of the SARS-CoV-2 virus. Public meetings bring together many individuals (both vaccinated and potentially unvaccinated), from multiple households, in a single indoor space for an extended time. For those at increased risk for infection, or subject to an isolation or quarantine order, teleconferencing allows for full participation in public meetings, while protecting themselves and others from the COVID-19 virus.

Utilizing teleconferencing options for public meetings is 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 disease. This recommendation is further intended to satisfy the requirement of the Brown Act (specifically Gov't Code Section 54953(e)(1)(A)), which allows local legislative bodies in the County of Santa Barbara to use certain available teleconferencing options set forth in the Brown Act.

Henning Ansorg, MD  
Public Health Officer  
County of Santa Barbara

Van Do-Reynoso, MPH, PhD  
Public Health Director  
County of Santa Barbara

**HEALTH OFFICER ORDER NO. 2022-10.1  
COUNTY OF SANTA BARBARA**

**FOR THE CONTROL OF COVID-19  
FACE COVERINGS  
WITHIN SANTA BARBARA COUNTY**

**Health Officer Order No. 2022-10 is rescinded by this  
Health Officer Order No. 2022-10.1**

**Effective Date: February 16, 2022, 12:00 am PT**

Nothing in this Health Officer Order supersedes State Executive Orders or State Health Officer Orders or guidance provided by the California Department of Public Health available at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Guidance.aspx#>

WHEREAS, on February 7, 2022, the California Department of Public Health updated their Guidance for the Use of Face Masks to take effect on February 16, 2022, requiring unvaccinated persons to wear masks in all indoor public settings, requiring universal masking in only specified settings, and recommending continued indoor masking when the risk may be high (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>). Thus, the County of Santa Barbara Health Officer finds Health Officer Order 2022-10 ordering face coverings within Santa Barbara County is no longer necessary for the control of COVID-19 in the County of Santa Barbara.

**ACCORDINGLY, UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, THE HEALTH OFFICER OF THE COUNTY OF SANTA BARBARA ORDERS:**

1. Order 2022-10 is rescinded effective February 15, 2022 at 11:59 pm (PT). This Order applies in the incorporated and unincorporated areas of Santa Barbara County ("County").

This Order is issued in accordance with, and incorporates by reference: the March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 12, 2020 Declaration of Local Health Emergency and Proclamation of Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in the County; the March 17, 2020 Resolution of the Board of Supervisors ratifying the County Declaration of Local Health Emergency and Proclamation of Emergency regarding COVID-19; the March 13, 2020 Presidential Declaration of a National Emergency due to the national impacts of COVID-19; the March 22, 2020, Presidential Declaration of a Major Disaster in California beginning on January 20, 2020 under Federal Emergency Management Agency (FEMA) Incident DR-4482-CA; CDPH / Cal-OSHA Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments issued February 26, 2021; the State Public Health Order issued June 11, 2021; Governor Gavin Newsom's Executive Order N-07-21 of June 11, 2021; Governor Gavin Newsom's Executive Order N-08-21 of June 11, 2021; the State Public Health Order issued July 26, 2021; the October 15, 2021 guidance issued by the Centers for Disease Control and Prevention titled Interim Public Health

Recommendations for Fully Vaccinated People; the January 12, 2022 California Department of Public Health Guidance for K-12 Schools in California, 2021-22 School Year; the January 13, 2022 guidance issued by the Centers for Disease Control and Prevention titled Guidance for COVID-19 Prevention in K-12 Schools; the January 21, 2022 guidance issued by the Centers for Disease Control and Prevention titled Your Guide to Masks; and the February 7, 2022 California Department of Public Health Guidance for the Use of Face Coverings.

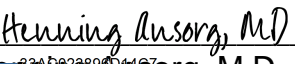
This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101040 and 120175; Health and Safety Code sections 101030 et seq., 120100 et seq.; and Title 17 of the California Code of Regulations section 2501.

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

The violation of any provision of this Order constitutes a threat to public health. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code sections 101029 and 120295, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. Per Health and Safety Code section 101029, "the sheriff of each county, or city and county, may enforce within the county, or the city and county, all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, may enforce within the area subject to his or her jurisdiction all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. This section is not a limitation on the authority of peace officers or public officers to enforce orders of the local health officer. When deciding whether to request this assistance in enforcement of its orders, the local health officer may consider whether it would be necessary to advise the enforcement agency of any measures that should be taken to prevent infection of the enforcement officers."

Copies of this Order shall promptly be: (1) made available at the County Public Health Department; (2) posted on the County Public Health Department's website (publichealthsb.org); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:

DocuSigned by:  
  
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324106208901167  
Henning Ansorg, M.D.  
Health Officer  
Santa Barbara County Public Health Department