

# MEMORANDUM

**TO:** Local Agency Formation Commission

**FROM:** Stephen Lucas, Executive Officer

**SUBJECT:** Consideration of Emergency Resolution

**DATE:** April 29, 2020 for the meeting of May 7, 2020

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## Summary

The Commission is presented with a draft resolution (*Attachment 1*) approving certain emergency procedures in response the COVID-19 pandemic.

The COVID-19 Emergency has and is likely to continue to create unforeseen and disruptive conditions which have and may require further modifications to the normal operations of the Butte Local Agency Formation Commission LAFCo. Most notably the conduct of public meetings and closure of the office to the public.

The Commission has an appointed Executive Officer authorized under State law and Commission policy to conduct and manage the affairs of the agency and a Chair of the Commission to conduct meetings and consult with and advise the Executive Officer between meetings of the Commission:

During the COVID-19 Emergency, it is prudent that the Commission Chair and the Executive Officer be empowered to effect all necessary responses and actions on behalf of the Commission in response to the emergency that they determine are necessary and appropriate to reduce the potential health and safety consequences to the Commissioners, staff and the public and safeguard the integrity of the public process to the extent reasonable.

Any such actions shall be reported to the Commission at the next meeting. Unless the Commission acts to modify or reject the action, it shall be deemed ratified by the Commission.

**ACTION REQUESTED:** Consider and adopt Resolution No. 09 2019/20

RESOLUTION NO. 09 2019/20

**RESOLUTION OF THE  
BUTTE LOCAL AGENCY FORMATION COMMISSION  
ADOPTING EMERGENCY PROCEDURES IN RESPONSE TO THE COVID-19  
EMERGENCY**

**WHEREAS**, on March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

**WHEREAS**, on March 6, 2020, Butte County Assistant Chief Administration Officer, Brian Ring, proclaimed a local emergency and the Butte County Health Officer, Dr. Andy Miller, declared a local public health emergency in response to COVID-19 as the number of positive California cases rises; and

**WHEREAS**, the COVID-19 Emergency has and is likely to create unforeseen and disruptive conditions which have and may require further modifications to the normal operations of the Butte Local Agency Formation Commission LAFCo.

**WHEREAS**, the Butte Local Agency Formation Commission may need to promulgate emergency orders and regulations and extend deadlines for action to facilitate compliance with the State and County Emergency Orders and reduce potential health and safety concerns; and

**WHEREAS**, while the Cortese Knox Hertzberg Reorganization Act of 2000 establishes defined procedures and timelines for various actions to be taken by the Commission, Government Code Section 56106 provides that with sole exception of GC§56658(h) and 56895(b), all other provisions of the Act are directory rather than mandatory; allowing flexibility in most deadlines; and

**WHEREAS**, the Commission has an appointed Executive Officer authorized under State law and Commission policy to conduct and manage the affairs of the agency and a Chair of the Commission to conduct meetings and consult with and advise the Executive Officer between meetings of the Commission:

**BE IT RESOLVED**, that during the COVID-19 Emergency, the Commission Chair and the Executive Officer shall be empowered to effect all necessary responses and actions on behalf of the Commission in response to the emergency that they determine are necessary and appropriate to reduce the potential health and safety consequences to the Commissioners, staff and the public and safeguard the integrity of the public process to the

extent reasonable. Any such actions shall be reported to the Commission at the next meeting. Unless the Commission acts to modify or reject the action, it shall be deemed ratified by the Commission.

**BE IT FURTHER RESOLVED**, that, during the Emergency, the Executive Officer may use his reasonable discretion to modify LAFCo procedures, including, without limitation, the following:

1. Extend hearing dates for projects, with consideration of the likely level of public interest and participation.
2. Extend public comment periods and comment protocols whenever feasible.
3. Arrange for live participation in meetings via telephone or video conference and online tools, and record and place on the LAFCo website for later access.
4. Provide ample time for public comment during meetings and offer multiple ways for the public to submit comments, including email, participation in the telephonic or video meeting, voice messages and other means.
5. Provide alternative work protocols to protect the health and safety of staff and ensure the ongoing functions of Commission business.
6. Provide delivery of hard copy materials for those without access to the internet
7. Provide a written record of online public meetings, including documentation of any Q&A or supporting materials
8. Ensure all public meeting requirements as directed by the Governor's Emergency Orders are upheld and keep up to date with any new guidance or changes to meeting terms.
9. Such other and further actions as are appropriate and necessary.

**PASSED AND ADOPTED** by the Butte Local Agency Formation Commission this 7th day of May 2020 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINS:**

**ATTEST:**

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Stephen Lucas, Executive Officer

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Carl Leverenz, Chair  
Butte Local Agency Formation Commission