



**CITY OF FORT BRAGG**

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**PLANNING COMMISSION ITEM SUMMARY REPORT**

**MEETING DATE:** SEPTEMBER 29, 2021  
**TO:** PLANNING COMMISSIONERS  
**FROM:** SARAH PETERS, ADMINISTRATIVE ASSISTANT  
**AGENDA ITEM TITLE:** Receive Report and Consider Adoption of Planning Commission Resolution Making the Legally Required Findings to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

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**BACKGROUND AND OVERVIEW:**

On March 4, 2020, Governor Newsom declared a state of emergency. That declaration is still in effect. Since March 12, 2020, Executive Orders from the Governor relaxed various Brown Act meeting requirements to allow remote meetings and to temporarily suspend the Brown Act provisions requiring the physical presence of members at the public meeting. The most recent extension of that authorization will expire at the end of September 2021.

Starting October 1, and running through the end of 2023, to participate in remote meetings, public agencies must comply with the requirements of new subsection (e) of Government Code section 54953 (Attachment 3). Adoption of this resolution will allow the Planning Commission to continue to meet remotely via video conference. After the adoption of this initial resolution and its findings, the Planning Commission will need to make the same determination every 30 days. The City Attorney's office recommends (Attachment 4) that the simplest course of action is for the Planning Commission to approve a consent calendar item at each subsequent meeting to make the legally required finding described in Government Code subsection (e)(3) to thereby allow the legislative body to continue to meet remotely.

**FOR CONSIDERATION:**

- In the August 5, 2021 Health Order, County Health Officer Andy Coren, MD, stated that the Delta variant has been circulating in the county since May 2021, and that this variant is highly transmissible in indoor settings. Also stated in this order is that

one of the major drivers of COVID-19 transmission in Mendocino County is small gatherings.

- We are still in a declared state of emergency. As of September 17, County Health Officer Andy Coren, MD, stated that COVID-19 remains widespread in Mendocino County. He urged all members of the community to take the virus seriously and protect those that are medically vulnerable or ineligible for vaccination.
- Dr. William Miller, Medical Director and Chief of the Medical Staff at Adventist Health, writes in the September 23, 2021 edition of The Miller Report, that due to the county's surge in COVID cases, all three hospitals in our county are at capacity and all are dealing with serious staffing shortages.
- As of September 26, 2021, there have been 7,002 COVID-19 cases and 82 deaths in Mendocino County (32 since July). The largest number of cases by source is Community Spread. Of the 7,002 COVID-19 cases, the incidence in school age children (6-18 years old) is 14 percent. The incidence in people over age 18 is 83 percent. The majority of attendees at Planning Commission meetings are in this latter category.
- Per the most recently published county COVID-19 dashboard, the 7-Day average of new positive cases per day is 35.86, and the number of cases on the North Coast to date is 757.
- Noticing requirements established by the City's Land Use Codes Require Public Hearing Notices be distributed at least 10 days before a hearing. This requirement means, that City staff must send notice to the local newspaper at least 17 days in advance of a hearing to ensure sufficient publication noticing. In order for the notice language to be legal, we must identify the place in which the hearing will be held, and a modification in this prior to a hearing could invalidate a land use entitlement.

### **RECOMMENDATION:**

Staff recommends this initial resolution and its' findings be adopted in order to continue to have the flexibility to meet remotely via video conference during a time of widespread COVID-19 in the county. It would be easy to return to full in-person meetings with a majority vote not to adopt the resolution at any subsequent Planning Commission meeting.

### **ATTACHMENTS:**

ATT - #1 RESO Authorizing Remote Meetings

ATT - #2 Executive Order N-15-21

ATT - #3 Gov Code Section 54953

ATT - #4 Fort Bragg – AB 361 - Remote Meetings

ATT - #5 County Covid Dashboard 9-26-2021