

Date: September 22, 2021

To: All Yolo County Boards and Commissions

From: Dr. Aimee Sisson, Health Officer

Subject: Remote Public Meetings

In light of the ongoing public health emergency related to COVID-19 and the high level of community transmission of the virus that causes COVID-19, the Yolo County Public Health Officer recommends that public bodies continue to meet remotely to the extent possible. Board and Commissions can utilize the provisions of newly-enacted AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws.

Among other reasons, the grounds for the remote meeting recommendation include:

- The continued threat of COVID-19 to the community. As of September 22, 2021, the current case rate is 24.1 cases per 100,000 residents per day. This case rate is considered “high” under the Centers for Disease Control and Prevention’s (CDC) framework for assessing community COVID-19 transmission; and
- The unique characteristics of public governmental meetings, including the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges of ensuring compliance with safety requirements and recommendations at such meetings.

Meetings that cannot feasibly be held virtually should be held outdoors when possible, or indoors only in small groups with face coverings, maximal physical distance between participants, use of a portable HEPA filter (unless comparable filtration is provided through facility HVAC systems), and shortened meeting times.

This recommendation is based upon current conditions and available protective measures. The Public Health Officer will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.

**MEMORANDUM**

TO: All Bodies Subject to the Ralph M. Brown Act

FROM: Philip J. Pogledich, County Counsel  
Eric May, Senior Deputy County Counsel

DATE: September 30, 2021

SUBJECT: Remote Meetings Pursuant to AB 361

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This memorandum provides a short explanation of how bodies subject to the Ralph M. Brown Act (“Brown Act”)<sup>1</sup> can properly hold a remote (teleconference or videoconference) meeting using simplified procedures added to California law through newly-enacted Assembly Bill 361 (“AB 361”). This memorandum and related materials, including the full text of AB 361, will be maintained on the County Counsel’s webpage under the “Resources for Local Governing and Advisory Body Members” tab.<sup>2</sup>

Before the pandemic, the Brown Act had numerous requirements for bodies wishing to meet remotely. The requirements were burdensome and, as a result, few bodies met remotely. AB 361 amended the Brown Act to add simplified procedures that make it easier to hold remote meetings during a state of emergency and when state or local officials impose or recommend measures to promote social distancing. *See* Gov. Code § 54953(e). These new rules supersede and replace similar rules in the Governor’s Executive Order No. N-29-20, which many local boards, commissions, and committees have relied on to hold remote meetings since the onset of the COVID-19 pandemic. AB 361’s new rules apply starting October 1, 2021, and the transition to AB 361 should be straightforward for any bodies that are currently meeting remotely the Executive Order No. N-29-20 procedures.

<sup>1</sup> The Brown Act applies to “legislative bodies,” which the Act defines as including (i) a governing body of a local agency or local body created by state or federal statute, (ii) a commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by a legislative body. *See* Gov. Code § 54952.

<sup>2</sup> <https://www.yolocounty.org/government/general-government-departments/county-counsel>, or just search for “Yolo County Counsel” in any search engine.



In summary, the benefits of conducting remote meetings pursuant to AB 361 versus the alternative Brown Act procedure are as follows:

Brown Act Requirements (“Old Rules”)	AB 361 Rules
<ul style="list-style-type: none"> <li>Agendas <b>must</b> be posted at each teleconference location</li> <li>All teleconference locations must be listed on the agenda</li> </ul>	<ul style="list-style-type: none"> <li>Agendas <b>do not</b> need to be posted at each teleconference location</li> </ul>
<ul style="list-style-type: none"> <li>Each teleconference location <b>must</b> be accessible to the public, and the public <b>must</b> be allowed to offer comments from each location</li> </ul>	<ul style="list-style-type: none"> <li>Local agencies <b>do not</b> need to allow public participation at each (or any) teleconference location, but instead must “clearly advertise” how members of the public can participate on the agenda</li> <li>Public participation <b>must</b> allow for either a call-in option or an internet-based service option to directly address the body in real-time during public comment</li> <li>In the event the meeting broadcast is disrupted, the meeting <b>must</b> pause until it is restored</li> </ul>
<ul style="list-style-type: none"> <li>At least a quorum of the legislative body <b>must</b> be present within the agency’s territory</li> </ul>	<ul style="list-style-type: none"> <li>Legislative body members <b>may</b> participate from anywhere</li> </ul>

**A. Initial Adoption of Findings Required by AB 361**

To use AB 361’s simplified procedures after October 1, 2021, the Governor must have declared a state of emergency (a local state of emergency is not sufficient), and the state of emergency must be in effect. For the current COVID-19 pandemic, this requirement is satisfied. Additionally, **either** of the following circumstances must be present:

- State or local officials continue to impose or recommend measures to promote social distancing; **or**
- As a result of the declared emergency, the legislative body finds by majority vote that meeting in person would present imminent risks to the health or safety of attendees.

In Yolo County, the Health Officer currently recommends social distancing for public agency meetings. Accordingly, starting October 1, AB 361 **automatically** applies to any remote meeting of a legislative

body in Yolo County. You do not need to do anything to transition from the Executive Order procedures to AB 361 at your first meeting on or after October 1.

That said, this Office recommends that all local legislative bodies consider adding an item for consideration at the beginning of their first meeting on or after October 1 to affirm their intention to proceed using AB 361. The agenda item can be part of a consent agenda or otherwise listed before any other substantive agenda items are considered, using the following (or similar) language:

**Authorize remote (teleconference/videoconference) meetings by finding, pursuant to Assembly Bill 361, that local officials continue to recommend measures to promote social distancing as a result of the COVID-19 pandemic.**

This memo can be provided with the agenda materials to inform all legislative body members of the basis for the agenda item. Also, the County Health Officer has prepared a short memo that covers both social distancing and also, if a legislative body so chooses, information to support an “imminent risks” finding (discussed in subsection B, below). A copy of the Health Officer memo will accompany the distribution of this memo, and it will be updated monthly and posted on the County Counsel’s web page.

**As an additional note, please ensure you update any language about remote meetings on your agenda to reflect the use of AB 361.** Many local boards, commissions, and committees have included standard text on the cover page of their agendas referring to Executive Order N-29-20. Those references are outdated after September 30, 2021, which is the sunset date for the Executive Order. Going forward, you should refer instead to Government Code section 54953(e)(1) instead, which includes the new language from AB 361.

#### **B. Renewal of Findings**

Once a legislative body has an initial meeting under AB 361, it must make certain findings every 30 days to continue meeting remotely using the simplified rules. The findings to be made are as follows:

- (i) The *{name of legislative body}* has reconsidered the circumstances of the state of emergency proclaimed for the COVID-19 pandemic; and
- (ii) Local officials continue to impose or recommend measures to promote social distancing; **and/or**
- (iii) The state of emergency continues to directly impact the ability of the members of the *{name of legislative body}* to meet safely in person.

Similar to the recommended agenda language included above, the “renewal” action can be agendaized for consideration at the beginning of the meeting (including as part of a consent agenda, if one is used) with the following language:

**Renew authorization for remote (teleconference/videoconference) meetings by finding, pursuant to Assembly Bill 361, that (a) the COVID-19 pandemic state of emergency is ongoing, and (b) local officials continue to recommend measures to promote social distancing [, and/or (c) meeting in person would present imminent risks to the health or safety of attendees].**



As indicated, only finding (b) or (c) is required, and the appropriate finding(s) to adopt will necessarily depend on the circumstances existing at the time of renewal. As noted above, renewal of these findings is required every 30 days after a legislative body first meets remotely pursuant to AB 361. For legislative bodies that meet less frequently, this Office believes there is no need to hold a special meeting just to adopt the renewal findings within 30 days of the last meeting, and the same procedure should be followed at the outset of the meeting the next time the body convenes.

### C. Summary of Recommended Actions

In summary, to properly meet remotely using AB 361, a legislative body should:

For its **first meeting** on or after October 1, 2021:

1. Replace any agenda language referring to Executive Order N-29-20 with a reference to AB 361 or Government Code section 54953(e)(1) (either is fine).
2. Also, if desired (for example, to notify the public), include a consent agenda item as follows:

**Authorize remote (teleconference/videoconference) meetings by finding, pursuant to Assembly Bill 361, that, local officials continue to recommend measures to promote social distancing as a result of the COVID-19 pandemic.**

At the **second meeting** on or after October 1, 2021 (or any other subsequent meeting occurring within 30 days of the first meeting), adopt renewal findings as follows:

**Renew authorization for remote (teleconference/videoconference) meetings by finding, pursuant to Assembly Bill 361, that (a) the COVID-19 pandemic state of emergency is ongoing, and (b) local officials continue to recommend measures to promote social distancing [, and/or (c) meeting in person would present imminent risks to the health or safety of attendees].**

### D. Questions

Any questions about this memo or Assembly Bill 361 can be directed to:

Phil Pogledich  
County Counsel  
[Philip.pogledich@yolocounty.org](mailto:Philip.pogledich@yolocounty.org)

Or to:

Eric May  
Senior Deputy County Counsel  
[Eric.may@yolocounty.org](mailto:Eric.may@yolocounty.org)

While e-mail communications are preferred, you may also call 530-666-8172 and ask to speak with either of the above attorneys.

## OLD WILLOWBANK ZONING AND PARKING REGULATIONS

John Lindsey, Vice Chair

Willowbank County Service Area Advisory Committee (WCSA)

10/20/2021

This paper is intended to be helpful to residents of the Old Willowbank neighborhood who have questions about property use and parking regulations and how they are enforced. The paper was authored by the Willowbank County Service Area Advisory Committee with help from the Yolo County Planning Department in response to questions and concerns by certain residents of the WCSA. The purpose of this report is to clarify what is permissible under the Yolo County Zoning Code and the neighborhood Covenants, Codes, and Restrictions (CCR's), to identify options for residents who believe that the Zoning Codes or CCR's are not being observed and wish to rectify the situation, and to provide guidance for remodeling projects.

The Old Willowbank neighborhood in Yolo County was developed starting in the late 1940's and includes three distinct subdivisions built around the three main north-south streets in those developments. The three subdivisions are commonly referred to as Meadowbrook, Oakside, and Willowbank. The Old Willowbank neighborhood Assessor Parcel Numbers range from 069-150-001 to 069-180-038.

### ZONING

There are two ways that property development in Old Willowbank is regulated and both carry great weight. One way that development is regulated is through the [County Zoning Code](#) and the other way is through restrictions placed on deeds called Codes, Covenants, and Restrictions (CCR's)

For County zoning purposes, the three subdivisions in Old Willowbank are currently zoned as [PD-65](#), which stands for Planned Development number 65. PD-65 was adopted in 2014 and succeeded the previous Residential Suburban (R-S) and Residential One Family (R-1) zoning rules that were in turn succeeded by the Low Density Residential (R-L) zoning rules. A provision in PD-65 under Section 10(c) *Compliance and Approvals* that states, "...lots located in the former R-1 zone and the improvements thereto that were developed or constructed under and complied with the then requirements of the Code for such area and the uses thereof, shall be deemed to be **in compliance** with the requirements of this Ordinance, including any renovation or replacement of those improvements after this Ordinance becomes effective." The R-L zoning rules still apply to anything not covered or changed by PD-65 in the Old Willowbank neighborhood, as well as the Yolo County Code. **Any deviation from these rules is enforced by the County either as part of the permitting process or on an as-submitted basis, which is a complaint driven process.** When reviewing PD-65 rules, keep in mind that "yards" are defined as the distance from the property line to the required setback distance. Residential housing units cannot encroach on these required yards unless they were built prior to the 2014 PD-65 rezoning and complied with the R-L, R-S, or RR-1 yard requirements that were then in effect. For PD-65, the distances are 35 feet for front yards, 10 feet for side yards on non-corner lots, 20 feet for street side yards on corner lots,

Approved by the Willowbank County Service Area Advisory Committee at its October 19, 2021, Meeting.

and 40 feet for rear yards. Non-residential accessory buildings between 6 to 15 feet tall must be 20 feet from a rear property line and non-residential accessory buildings shorter than 6 feet can be 5 feet from the rear property line.

The other sets of rules that govern homes and lots in the neighborhood are the Codes, Covenants, and Restrictions (CCR's) placed on property deeds which are enforced either by individual neighbors or a neighborhood association, as in the Willowbank subdivision. The CCR's in the Meadowbrook subdivision (legally titled Willowbank Addition #1) expired in 2000 so they no longer apply to the lots in Meadowbrook. The Willowbank subdivision has an organization called the Willowbank Club that reviews any remodeling or new construction. The Oakside subdivisions (Oakside 1, Oakside 2, and Oakside 3) did have individual Architectural Review Committees but the committees have not been active for many years, but the CCR provision for the Committees is still valid. **The rules in each set of CCR's are identical or very close to the PD-65 zoning rules which means that PD-65 is a more or less a codification of the individual subdivision CCR's at the county level.** The ultimate enforcement tool for CCR's is for one neighbor or neighborhood association to file a civil suit against the neighbor they believe to be out of compliance. **Per California Code of Civil Procedure Section 336, actions must be commenced within five years from the date of the violation or when the violation would have been reasonably discovered.**

## **PARKING**

Parking rules in Old Willowbank are governed by the Title 8, Chapter 2, Article 13 and Title 4, Chapter 3, Article 1 of the Yolo County Code. Parking rules for recreational equipment and recreational vehicles are covered at [Section 8.2-1314](#) of the Yolo County Government Code and general parking rules can be found at [Section 8.4-3.1](#) of the Yolo County Government Code. Some important rules to note are:

### Recreational Equipment

- Recreational equipment includes any operable equipment intended for outdoor recreational use including, but not limited to, all-terrain vehicles, boats, canoes, jet skis, pop-up campers, snow mobiles, and trailers for transporting such equipment that are under 18 feet in length and under 10,000 pounds gross weight.
- The parking of Recreational equipment in **residential zones** may be located on any area on the parcel, except on the street side of a corner lot. The parking area shall not obstruct required parking spaces for passenger vehicles. The parking area shall be paved in accordance with Section 8-2.1313.

### Recreational Vehicles

- A recreational vehicle includes all of the following: All operable towed vehicles and self-propelled vehicles, including "trailers" as defined in Section 8-2, [Article 10](#) of the County Code, tent trailers, tractor trailers, fifth-wheel trailers, trailers for towing recreational vehicles and equipment, boats, aircraft, self-propelled motor homes, all-terrain vehicles, dune buggies, racing vehicles, and any other self-propelled or towed vehicle over 10,000 pounds gross vehicle weight

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but not used by the residents of the site on which the vehicle is parked for a commercial purpose; and campers and camper shells which are detached from a vehicle.

- No recreational vehicle, as defined in this Section, shall be parked within any required front, side, or rear yard adjacent to a public street. Yard distances are 35 feet for front yards, 10 feet for side yards on non-corner lots, 20 feet for street side yards on corner lots, and 40 feet for rear yards.
- No recreational vehicle, as defined in this section, shall be utilized or occupied as a residential dwelling, either temporarily or permanently, unless an application is approved by the Planning Director for a temporary dwelling during the construction of a home.
- Recreational vehicles may be parked in any area other than a required front, side, or rear yard adjacent to a public street if the area is paved in accordance with Section 8-2.1313.
- Recreational vehicles may be parked within a garage so long as the parking space requirements for the applicable residential use, as set forth in Table 8-2.1306, can still be met.
- The Zoning Administrator is authorized to issue a permit allowing a recreational vehicle to be parked in a required front, side, or rear yard adjacent to a public street in accordance with Section 8-2.206.

#### Commercial vehicles

- No large commercial trucks may be parked in any area within any residential zone, except while loading or unloading property or in connection with, and in the aid of, the performance of a service to or on a property adjacent to the block in which such truck is parked.

#### General Parking Rules

No person who owns or has possession, custody, or control of any vehicle shall park or allow such vehicle to be parked upon any County road for more than a consecutive period of seventy-two (72) hours.

#### **WHAT TO DO IF YOU NOTICE A POTENTIAL VIOLATION**

1. Do your homework and make sure that the issue is in fact a violation of the CCR's or the County Codes.
2. If comfortable, approach your neighbor in the friendliest way possible to see if there is a way to solve the problem collegially.
3. If you are unable to resolve a CCR issue, either contact an attorney or the Willowbank Club if you live in the Willowbank subdivision to see if the Club can offer some relief. If the issue is a County Code violation, contact the Yolo County Community Development Department to report the violation which can be done anonymously using the methods below:
  - a. Call the main office line at (530) 666-8775.
  - b. Complete the online complaint form for the unincorporated areas of Yolo County using this [link](#).



- c. Visit the Department of Community Services office during normal office hours from 8AM to 12PM, Monday through Friday. Afternoons are by appointment only. Location: 292 W Beamer Street, Woodland, CA 95695

If you have questions about the items discussed here or would like to discuss a potential issue with parking or zoning, you can contact Vice Chair John Lindsey from the Willowbank County Service Area Advisory Committee at [johnlindseylaw@gmail.com](mailto:johnlindseylaw@gmail.com). The County Planning Division can be reached using the contact information found [here](#).

Willowbank CSA  
 FY Ending 06/30/22

FY Ending 06/30/22

	Quarter 1	Quarter	Quarter	Quarter	YTD Tot	Budget	%Bgt	
<b>REVENUE ACCOUNTS</b>								
INVESTMENT EARNINGS-POOL	\$ -	\$ 13	\$ -	\$ -	\$ 13	\$ 35	37.1	Investment Earnings
GASB 31 FMV - DFS ONLY	\$ (29)	\$ -	\$ -	\$ -	\$ (29)	\$ -	0	Fair Market Adjustment
SPECIAL ASSESSMENT	\$ -	\$ 4,585	\$ -	\$ -	\$ 4,585	\$ 4,585	100	Assessment
<b>TOTAL REVENUES</b>	<b>\$ (29)</b>	<b>\$ 4,598</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4,569</b>	<b>\$ 4,620</b>	<b>98.9</b>	

<b>EXPENSE ACCOUNTS</b>								
PROF & SPEC SVC-AUDITG & ACCTG	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250	0	
PROF & SPEC SVC-LEGAL SVC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500	0	
PROF & SPEC SVC-OTHER	\$ -	\$ 285	\$ -	\$ -	\$ 285	\$ 3,870	7.4	CSA Management
<b>TOTAL EXPENSES</b>	<b>\$ -</b>	<b>\$ 285</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 285</b>	<b>\$ 4,620</b>	<b>6.2</b>	

Net Fund Impact	\$ (29)	\$ 4,284						Realized Income	\$ 4,569
Beginning Fund Balance	\$ 6,385.62							Beg Fund Balance	\$ 6,385.62
								Subtotal	\$ 10,955
								Q1 Expenses	\$ -
								Q2 Expenses	\$ 285
								Q3 Expenses	\$ -
								Q4 Expenses	\$ -
								Subtotal	\$ 285
								<b>Balance</b>	<b>\$ 10,670</b>

## 2022 Willowbank County Service Area Meeting Schedule

Tuesday, January 18<sup>th</sup>

Tuesday, March 15<sup>th</sup>

Tuesday, May 17<sup>th</sup>

Tuesday, August 23<sup>rd</sup>

Tuesday, October 18<sup>th</sup>