

RESOLUTION NO. _____

RESOLUTION FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY, MEETING IN PERSON FOR MEETINGS OF THE COUNTY OF SAN MATEO EMERGENCY SERVICES COUNCIL WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES

WHEREAS, on March 4, 2020, the Governor proclaimed pursuant to his authority under the California Emergency Services Act, California Government Code section 8625, that a state of emergency exists with regard to a novel coronavirus (a disease now known as COVID-19);

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which 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 followed;

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill (AB) 361, which provides that a local agency legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act, provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and AB 361 further requires that certain findings be made by the legislative body every thirty (30) days, or before each meeting;

WHEREAS, on November 30, 2021, the Omicron variant of COVID-19 was classified as a Variant of Concern in the United States; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has advised that the Omicron variant spreads more easily than the original virus that causes COVID-19 and the Delta variant, and expects that anyone with Omicron infection can spread the virus to others, even if they are vaccinated or do not have symptoms; and

WHEREAS, the presence and severity of symptoms associated with the Omicron variant can be affected by COVID-19 vaccination status, the presence of other health conditions, age, and history of prior infection;

WHEREAS, while preliminary data suggest that Omicron may cause more mild disease than previous variants, some people may still have severe disease, need hospitalization, and could die from the infection, and the CDC warns that, even if only a small percentage of people with Omicron infection need hospitalization, the large volume of cases could overwhelm local healthcare systems; and

WHEREAS, effective February 16, 2022, only unvaccinated persons are required to mask in most indoor settings, but it is recommended that fully vaccinated individuals continue to mask indoors when the risk of transmission may be high; and

WHEREAS, the Council has an important interest in protecting the health and safety of those who participate in meetings of this Council; and

WHEREAS, this Council typically meets in-person in public building where other essential governmental functions take place, such that increasing the number of people present in those buildings may impair the safety of the occupants; and

WHEREAS, the COVID-19 pandemic has informed County agencies about the unique advantages of online public meetings, which are substantial, as well as the unique challenges posed by online public meetings, which are frequently surmountable;

and

WHEREAS, the County of San Mateo's Board of Supervisors continues to adopt findings pursuant to AB 361 and strongly encourages other County legislative bodies to consider making similar findings to continue meeting remotely through teleconferencing;

and

WHEREAS, the Emergency Services Council has an important governmental interest in protecting the health, safety and welfare of those who participate in its meetings;

WHEREAS, AB 361 requires that if a local agency governing board desires to avail itself of the provisions of that law relating to remote meetings, the local agency governing board must make findings every thirty days, or before each meeting, that meeting in person would continue to present imminent risk to the health or safety of meeting attendees and directly impact the ability of members to meet safely in person;

and

WHEREAS, this Council has again reconsidered the circumstances in light of the continued state of emergency in the County and finds that the state of emergency continues to impact the ability of members of the Council to meet in person because there is a continuing threat of COVID19 to the community, and because Council meetings have characteristics that give rise to risks to health and safety of meeting participants (such as 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 participate fully in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings); and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Emergency Services Council deems it necessary to find that meeting in person would present imminent risks to the health or safety of attendees and that the current emergency continues to directly impact the ability of Council members to meet safely in person, and this Council thus intends to invoke the provisions of AB 361 related to teleconferencing.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that

1. The recitals set forth above are true and correct.
2. The Emergency Services Council finds that meeting in person would present imminent risks to the health or safety of attendees and that the COVID-19 public health emergency continues to directly impact the ability of Council members to meet safely in person.
3. Staff is directed to return after the adoption of this resolution with an item for the Council to consider at the beginning of the next meeting whether such findings required by AB 361 in order to continue meeting under the provisions of AB 361 remain appropriate.
4. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

Regularly passed and adopted this 26th day of January, 2023 by the San Mateo County Emergency Services Council.

Ayes:

Noes:

Abstain:

Absent: