



Coastside Fire Protection District

STAFF REPORT

TO: Honorable Board of Directors

FROM: Jean Savaree, District Counsel

DATE: October 27, 2021

SUBJECT: RESOLUTION FINDING THAT MEETINGS OF THE BOARD OF DIRECTORS VIA TELECONFERENCE PROTECT AGAINST THE ONGOING AND IMMINENT HEALTH AND SAFETY RISKS POSED BY COVID-19 AND DETERMINING THAT ALL SUCH MEETINGS WILL CONTINUE TO BE BY TELECONFERENCE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54953(e)

Staff Recommendation

It is recommended that the Board of Directors adopt the attached resolution, making the findings required under AB 361 (California Government Code Section 54953) to continue holding public meetings of the Board of Directors by Zoom videoconference/teleconference to allow Board members, staff, and the public to attend meetings remotely.

Background

On March 4, 2020, Governor Newsom declared a state of emergency in response to the COVID-19 pandemic and, on March 16, 2020, issued the first “shelter in place” order requiring people to stay home and not gather with people outside of their households. The following day, March 17, 2020, the Governor issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act, to allow local agencies to hold public meetings remotely by teleconference or video conference. Pursuant to that Order, and as it was subsequently amended and extended, the Board of Directors has continued to meet exclusively via Zoom videoconference. These videoconferences also allow members of the public to participate by telephone.

On October 1, 2021, the Governor’s Order allowing for remote meetings officially ended. However, prior to its expiration, on September 16, 2021, AB 361 was adopted on an emergency basis to allow local agencies the ability to continue meeting remotely beyond October 1, 2021, so long as:

- 1) the declared state of emergency remains in effect;

- 2) State or local officials have imposed or recommended measures to promote social distancing; and
- 3) the legislative body of the agency has determined, by majority vote, that meeting in person would present imminent risks to the health and safety of attendees.

Further, after making the findings above, the legislative body of the local agency must reconsider the decision to continue remote meetings and make either of the following additional findings every 30 days:

- 1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or
- 2) State or local officials continue to impose or recommend measures to promote social distancing.

At the time that the legislative body of a local agency can no longer make these findings by majority vote, the agency must return to in-person meetings and any remote participation by a member of the board or committee will be subject to the standard Brown Act provisions related to remote participation; specifically that notice of a meeting be posted at, and the public be allowed to attend and participate from, the remote location from which the member of the body is participating.

As discussed in the San Mateo County Health Officer's most recent distancing order requiring face coverings in all indoor public settings (Order No. c19-12, dated August 2, 2021), the threat of COVID-19 transmission is still prevalent, particularly due to the B.1.617.2 (Delta) variant. The face covering mandate issued through Order No. c19-12 attempts to balance that threat of transmission with the "strategy to support the continued operations of businesses, activities, and schools." The Order finds that "Universal indoor use of face coverings, also known as masking, is the least disruptive and most immediately impactful additional measure to take."

On October 7, 2021, the Bay Area Counties – including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, and Sonoma – announced that their respective Health Officers had reached consensus on the criteria for lifting indoor mask mandates. Specifically, indoor masking requirements will be rescinded when:

- 1) The jurisdiction reaches the moderate (yellow) COVID-19 transmission tier, as defined by the Centers for Disease Control & Prevention (CDC), and remains there for at least three weeks; and
- 2) COVID-19 hospitalizations in the jurisdiction are low and stable, in the judgment of the health officer; and
- 3) Either:
 - a. 80% of the jurisdiction's total population is fully vaccinated with two doses of Pfizer or Moderna or one dose of Johnson & Johnson (booster doses not considered); or
 - b. Eight weeks have passed since a COVID-19 vaccine has been authorized for emergency use by federal and state authorities for 5- to 11-year-olds.

While agreement on these criteria signals that San Mateo County may soon lift indoor making requirements for fully vaccinated people, the masking requirement remains in place and will likely remain in place until younger children (5- to 11-year-olds) are able to be vaccinated. The Counties have also indicated that businesses, nonprofits, churches, and other entities that operate indoor public spaces will be permitted to impose their own masking and distancing requirements after the mandates are lifted. Further, all State mask requirements will remain in effect, meaning that unvaccinated people will be required to wear masks in indoor public spaces, and that everyone – regardless of vaccination status – will be required to wear a mask while in healthcare facilities, on public transit, and in adult and senior care facilities.

Much like the justification for implementing the face covering requirement articulated by the San Mateo County Health Officer, continuing to meet remotely is one of the least disruptive methods the Board can utilize to protect against the ongoing threat of COVID-19 transmission. COVID-19 spreads easily and quickly through airborne droplets, particularly when indoors. While masks can suppress transmission, they cannot entirely eliminate the threat. Conducting meetings remotely allows attendees to fully participate in each meeting without requiring that they gather in the same indoor space. Further, it allows members of the Board of Directors, Staff, and members of the public to participate in meetings even if they have been exposed to COVID-19 or are experiencing symptoms of COVID-19.

Conclusion

As the California state of emergency in response to COVID-19 remains effective and because the California Department of Public Health recommends – and the San Mateo County Health Officer requires – face coverings for certain people and for everyone in indoor public locations, Staff believes that the Board of Directors can make the findings required under AB 361 to continue meeting remotely by videoconference.

If the Board approves the attached resolution, the Board of Directors will continue to hold meetings by videoconference. Because the Board must reconsider and reaffirm this action at least every 30 days, similar resolutions will appear on the Board's November 24, 2021 and each subsequent agenda until the Board can no longer make the findings required to continue meeting remotely.

Attachments:

1. Resolution

RESOLUTION NO. 2021-52

RESOLUTION OF THE COASTSIDE FIRE PROTECTION DISTRICT BOARD OF DIRECTORS FINDING THAT MEETINGS OF THE BOARD OF DIRECTORS VIA TELECONFERENCE PROTECTS AGAINST THE ONGOING AND IMMINENT HEALTH AND SAFETY RISKS POSED BY COVID-19 AND DETERMINING THAT ALL SUCH MEETINGS WILL CONTINUE TO BE BY TELECONFERENCE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54953(e)

WHEREAS, on March 4, 2020, the Governor declared a state of emergency in response to the COVID-19 pandemic and California remains in a declared state of emergency; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20, temporarily suspending certain provisions of the Ralph M. Brown Act to allow local agencies to hold public meetings teleconference; and

WHEREAS, through subsequent Executive Orders, local agencies were able to continue holding public meetings by teleconference through September 30, 2021; and

WHEREAS, on an emergency basis, on September 16, 2021, the State adopted AB 361, codified at California Government Code Section 54953, which allows local agencies to continue meeting by teleconference under certain circumstances and after making certain findings; and

WHEREAS, the Coastside Fire Protection District Board of Directors has met by videoconference since March 2020 and found it to be an effective method of receiving public input, holding deliberations, and conducting the general business of the District; and

WHEREAS, remote meetings held by videoconference, which also allow attendees to participate by telephone, allow attendees of the meetings to avoid the risk of potential COVID-19 exposure and allows those that may have been exposed or experiencing symptoms of COVID-19 to participate in meetings without posing a threat to other attendees; and

WHEREAS, Order No. C19-12 of the San Mateo County Health Officer, which was issued August 2, 2021, remains in effect and “directs that face coverings shall be worn, regardless of vaccination status, over the mouth and nose, in all indoor public settings...”; and

WHEREAS, the San Mateo County Health Officer’s Order No. c19-12 was based on new evidence on the B.1.617.2 (Delta) variant of the COVID-19 virus which led the Center for Disease Control (CDC) to recommend face coverings for fully-vaccinated persons in indoor public settings and the California Department of Public Health to recommend universal masking in indoor public settings.

NOW, THEREFORE, BE IT RESOLVED, that Coastside Fire Protection District Board of Directors does find and declare as follows:

1. Since March 4, 2020, and continuing through the date of this Resolution, there has been a declared state of emergency in California in response to the COVID-19 pandemic; and
2. The California Department of Public Health continues to recommend face coverings be worn in indoor public settings as a social distancing measure; and
3. Order No. c19-12 of the San Mateo County Health Officer requires face coverings be worn in all indoor public settings and recommends face coverings in other settings and for specific at-risk groups; and
4. Holding meetings in person creates an imminent risk to the health and safety of attendees because, as stated in Order No. c19-12 of the San Mateo County Health Officer, "household transmission and small gatherings are major drivers of COVID-19 transmission in San Mateo County"; and
5. Holding remote meetings by videoconference/teleconference will prevent the possibility of COVID-19 transmission during those meetings and allow those who are at-risk or potentially suffering COVID-19 symptoms to participate in meetings without physically attending.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board of Directors directs that, for at least the next thirty days, at which time the Board will review whether this action remains necessary to protect the health and safety of meeting attendees, the Board of Directors shall hold meetings remotely by videoconference/teleconference. Any public comment period at any such meeting shall allow comments from members of the public attending remotely in the same form and fashion as would be taken during an in-person meeting. If at any time during any such meeting the ability to broadcast the meeting and accept public comments from remote attendees through is disrupted, the Board shall recess until the disruption is resolved or continue the meeting to a later date when videoconference/teleconference participation can be restored.

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Passed and adopted by the Coastside Fire Protection District Board of Directors at a meeting thereof held on the 27th day of October, 2021, by the following vote of the members thereof:

AYES, and in favor thereof, Board members:

NOES, Board members:

ABSENT, Board members:

ABSTAIN, Board members:

President of the Board

ATTEST:

Clerk of the Board