



Coastside Fire Protection District

STAFF REPORT

TO: Honorable Board of Directors

FROM: Kai Ruess, Deputy District Counsel

CC: Jean Savaree, District Counsel
Jonathan Cox, Deputy Fire Chief

DATE: September 28, 2022

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 HELD IN HYBRID FORMAT TO ALLOW ATTENDANCE IN PERSON OR REMOTELY PURSUANT CALIFORNIA TO 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 in “hybrid” format to allow Board members, staff, and the public to attend meetings either in person or remotely.

Background

On October 27, 2021, December 15, 2021, January 26, 2022, and February 23, 2022, March 23, 2022, and April 13, 2022, the Board of Directors approved resolutions that made the findings required to continue the District’s practice of holding public meetings by Zoom videoconference. Specifically, those resolutions found that:

- 1) the declared state of emergency in response to the COVID-19 pandemic remained in effect;
- 2) State or local officials have imposed or recommended measures to promote social distancing; and
- 3) meeting in person would present imminent risks to the health and safety or attendees.

At the Board’s April 27, 2022 meeting, it directed by resolution that meetings of the Board would switch to a hybrid format to allow attendees to participate in the meeting

either in person or by Zoom videoconference. The resolution directing that meetings be held in hybrid format made similar findings to the prior resolutions authorizing fully-remote meetings; mainly that attendance at in-person meetings presents an imminent risk of COVID-19 transmission. On May 25, 2022, June 22, 2022, July 27, 2022, and August 24, 2022, the Board approved resolutions making these same findings and directing that Board meetings continue to be held in hybrid format.

Pursuant to AB 361, the Board's findings and authorization to continue meeting in hybrid format cannot remain effective for more than thirty (30) days. As such, the Board must reconsider its determination at each of its monthly meetings to reauthorize hybrid meetings until the Board no longer believes hybrid or remote meetings are necessary.

On February 9, 2022, the San Mateo County Health Officer, in conjunction with health officers from the other Bay Area counties, announced that he would align the County with the State's masking requirements. While the State subsequently lifted its indoor masking requirements for vaccinated people on February 16, 2022, and for unvaccinated people on March 1, 2022, the California Department of Public Health (CDPH) continues to strongly recommend that all persons, regardless of vaccination status, continue indoor masking.

The San Mateo County Health Officer made a similar recommendation when announcing the County's alignment with the State. Specifically, County Health noted that "[c]ontinuing to mask in indoor public settings, especially crowded or poorly ventilated spaces, remains the safest choice for an individual and protects those who are medically vulnerable or are not able to get vaccinated, like our youngest children." Further, the County recommended that "[p]eople should continue to choose layered prevention strategies, such as wearing well-fitted masks (N95 or double layer cloth over surgical are best); staying home and testing when symptomatic; testing before gatherings; and improving indoor ventilation in situations where these strategies can add protection for themselves and others."

On September 13, 2022, Louise Rogers, Chief of San Mateo County Health, issued a message which noted:

The key messages for prevention and protection remain relevant as we head into the fall and winter seasons. In addition to vaccination, including boosters, we continue to strongly recommend wearing a high-quality mask in indoor public settings and increasing ventilation – such as by opening windows and doors where possible – to help prevent infection.¹

Holding hybrid meetings protects against the ongoing threat of COVID-19 transmission and is the least disruptive method 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 face coverings, testing, and ventilating indoor spaces can reduce transmission, they cannot eliminate the threat.

¹ <https://www.smchealth.org/health-officer-updates/september-13-2022-message-chief>

Conducting hybrid meetings allows attendees to fully participate without requiring that they gather in the same indoor space. Further, hybrid meetings allow those that wish to attend meetings in person to do so, while also allowing attendees to participate in meetings even if they are not comfortable or safe attending in person. Hybrid meetings also allow attendees to participate remotely if 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 and San Mateo County Health Officer recommends face coverings and other distancing measures when people gather in indoor public locations, Staff recommends that the Board of Directors approve the attached resolution to continue utilizing a hybrid meeting format.

Attachments:

1. Resolution

ATTACHMENT 1

PROPOSED RESOLUTION

RESOLUTION NO. 2022-55

RESOLUTION OF THE COASTSIDE FIRE PROTECTION DISTRICT BOARD OF DIRECTORS FINDING THAT MEETINGS OF THE BOARD OF DIRECTORS VIA HYBRID FORMAT PROTECTS AGAINST THE ONGOING AND IMMINENT HEALTH AND SAFETY RISKS POSED BY COVID-19 AND DETERMINING THAT ALL SUCH MEETINGS WILL CONTINUE TO BE HELD IN HYBRID FORMAT TO ALLOW ATTENDANCE IN PERSON OR REMOTELY 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 met remotely by Zoom videoconference from March 2020 to April 2022 and found it to be an effective method of receiving public input, holding deliberations, and conducting the general business of the District; and

WHEREAS, the California Department of Public Health (CDPH) and San Mateo County Health Officer lifted their respective indoor mask requirements on February 16, 2022, but still “strongly recommend” that people wear masks when in indoor public settings; and

WHEREAS, the San Mateo County Health Officer continues to recommend additional strategies to prevent transmission of the COVID-19 virus, including staying home and testing when symptomatic and improving indoor ventilation; and

WHEREAS, in accordance with the social distancing measures still encouraged by CDPH and the San Mateo County Health Officer, the Board finds that it is important to continue to provide the option for attendees of its meetings to participate remotely; and

WHEREAS, holding meetings in hybrid format, in which attendees can participate

either in person or remotely by videoconference, allows people who are at particular risk if exposed to COVID-19 to participate in meetings without requiring that they attend in person; and

WHEREAS, holding meetings in hybrid format allows attendees who have been exposed to COVID-19 or are experiencing symptoms to participate in Board meetings remotely and avoid exposing other attendees; and

WHEREAS, on April 27, 2022 meeting, the Board of Directors determined that it was appropriate to move from fully-remote meetings to a “hybrid” model for public meetings of the Board; and

WHEREAS, on May 25, 2022, June 22, 2022, July 27, 2022, and August 24, 2022, the Board of Directors reconsidered this action and each time, by resolution, directed that its meetings continue to be held in hybrid format; and

WHEREAS, the Board of Directors has reconsidered its direction to meet in hybrid format again and finds that meeting in hybrid format continues to be necessary due to the ongoing threat of COVID-19.

NOW, THEREFORE, BE IT RESOLVED, that the Coastside Fire 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 and San Mateo County Health Officer continue to recommend face coverings be worn in indoor public settings as a social distancing measure; and
3. The California Department of Public Health and San Mateo County Health Officer continue to recommend that people take measures to prevent the transmission of COVID-19, particularly when gathering in indoor public settings; and
4. Holding meetings in person creates an imminent risk to the health and safety of attendees because COVID-19 spreads particularly quickly during indoor public gatherings; and
5. Holding hybrid meetings will reduce the possibility of COVID-19 transmission during those meetings by allowing 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, or as soon thereafter as the Board shall meet, the Board will review whether this action remains necessary to protect the health and safety of meeting attendees, the Board of Directors and any subcommittees thereof, shall meet in hybrid format, offering attendees both in-person and videoconference/teleconference access. Any public comment periods at any such meetings shall allow comments from members of the public attending remotely in the

same form and fashion as comments taken from those attending in-person. If at any time during any such meeting the ability to broadcast the meeting and accept public comments from remote attendees 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.

Passed and adopted by the Coastside Fire Protection District Board of Directors at a meeting thereof held on the 28th day of September, 2022, 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