



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: April 27, 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 BY TELECONFERENCE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54953(e)

Staff Recommendation

It is recommended that the Board of Directors receive public input, deliberate, and determine whether meetings of the Board of Directors should continue to be held remotely, or instead held in “hybrid” format or fully in-person. Staff has prepared two resolutions: one to continue the District’s practice of holding remote meetings, and the other to hold future meetings in hybrid format, in which members of the Board and attendees could participate in person or via Zoom. The Board should provide direction on how it wishes to proceed by either adopting one of the two attached resolutions or by taking no action on this item, which will result in a return to fully in-person meetings.

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 of attendees.

Pursuant to AB 361, the Board's findings and authorization to continue meeting remotely 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 remote meetings until the Board no longer believes remote meetings are necessary.

The first of the two attached resolutions concludes that remote meetings should continue and makes similar findings to those made by the Board on April 13, 2022. Staff believes that these finding can again be made by the Board, due to the ongoing threat of COVID-19 transmission.

Alternatively, the second of the attached resolutions concludes that meetings should be held in hybrid format, in which Board members, staff members, and members of the public can attend the meetings in person or remotely via Zoom.

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."

Both fully remote and hybrid meetings protect against the ongoing threat of COVID-19 transmission and are 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 face coverings, testing, and ventilating indoor spaces can reduce transmission, they cannot eliminate the threat. Conducting meetings remotely precludes any threat of transmission among the participants at each meeting. Similarly, hybrid meetings allow attendees to fully participate without requiring that they gather in the same indoor space. Further, they allows those that wish to attend meetings in person to do so, while also allows attendees to participate in meetings even if they are not comfortable or safe attending in person, and 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 one of the attached resolutions, either to continue meeting remotely by videoconference or to begin utilizing a “hybrid” meeting format.

Depending on which of the resolutions the Board approves, the next meet of the Board of Directors will be conducted either remotely or in hybrid format. Because the Board must reconsider and reaffirm this action at least every 30 days, similar resolutions will appear on the agenda for each subsequent Board meeting until the Board no longer finds it necessary to meet remotely.

If the Board takes no action on this item, the existing authorization to meet remotely will expire and the Board will hold its next meeting in-person, similar to the format that the Board utilized for meetings prior March 2020.

Attachments:

1. Resolution Authorizing Remote Meetings to Continue
2. Resolution Authorizing Hybrid Meetings

ATTACHMENT 1

PROPOSED RESOLUTION AUTHORIZING REMOTE
MEETINGS

RESOLUTION NO. _____

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 Zoom 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, 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, testing before gatherings, and improving indoor ventilation; and

WHEREAS, on October 27, 2021, the Board of Directors considered the imminent risk to the health and safety of attendees at in-person meetings and the distancing measures required and recommended by Federal, State, and local health officials; and

WHEREAS, after such consideration, the Board of Directors directed by resolution dated October 27, 2021 that all meetings of the Board of Directors would continue to be held remotely by Zoom videoconference; and

WHEREAS, the Board of Directors reconsidered its direction to continue meeting by videoconference on December 15, 2021, January 26, 2022, and February 23, 2022, March 23, 2022, and April 13, 2022, and each time directed by resolution that meetings continue to be held by videoconference; and

WHEREAS, the Board of Directors has reconsidered this action again and finds that meeting by videoconference 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 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 the Board of Directors shall hold meetings remotely by videoconference/teleconference 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. 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 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 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 27th day of April, 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

ATTACHMENT 2

PROPOSED RESOLUTION AUTHORIZING HYBRID MEETINGS

RESOLUTION NO. _____

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 Coastsides Fire Protection District Board of Directors has met by Zoom 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, 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, testing before gatherings, and improving indoor ventilation; and

WHEREAS, in recognition of the determination by CDPH and the San Mateo County Health Officer that masking in public places should no longer be required due to the decreasing threat of COVID-19, the Board finds that it is appropriate to again hold its meetings in person; 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, the Board of Directors has reconsidered its prior actions directing that Board meetings be held remotely by Zoom videoconference and now finds that it is appropriate to begin meeting in hybrid format.

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 27th day of April, 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