

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**  
**and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 10/05/2021 by the following vote:

**AYE:**

**NO:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**



**Resolution No. 2021/327**

A RESOLUTION OF THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS, IN ITS CAPACITY AS THE GOVERNING BOARD OF THE COUNTY, THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT, THE HOUSING AUTHORITY OF THE COUNTY OF CONTRA COSTA, THE CONTRA COSTA COUNTY FLOOD CONTROL AND IMPROVEMENT DISTRICT AND THE CONTRA COSTA COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY, AUTHORIZING TELECONFERENCE MEETINGS UNDER GOVERNMENT CODE SECTION 54953 (e) (AB 361)

Recitals

- A. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.
- B. On March 10, 2020, the Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout the County.
- C. On March 17 and 21, 2020, Governor Newsom issued Executive Orders N-29-20 and N 35-20, 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 met and followed.
- D. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Brown Act and further provided that those provisions would remain suspended through September 30, 2021.
- E. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a state declared state of emergency exists and either state or local officials have imposed or recommended measures to promote social distancing or meeting in person would present imminent risks to health and safety of meeting attendees.
- F. On September 20, 2021, Governor Newsom issued Executive Order N-15-21, which suspended the provisions of Assembly Bill 361 until October 1, 2021.
- G. On September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing.
- H. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.

- I. The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations.
- J. The emergence of the Delta variant has led to a severe rise of COVID-19 infections, hospitalizations and deaths in Contra Costa County in the past two months. The Delta variant became the predominant strain among samples sequenced in Contra Costa County and California in early July 2021, and currently represents over 95% of samples sequenced both at the Contra Costa County Public Health lab and per reports of statewide sequencing.
- K. As of September 13, 2021, the seven-day rolling average of new cases in the County was 223 cases per day, a case rate that is in the “high” community transmission tier, the most serious of the CDC’s community transmission tiers.
- L. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Contra Costa County Board of Supervisors, acting in all of its capacities, intends to invoke the provisions of Government Code section 54953 (e), added by Assembly Bill 361, related to teleconferencing.

NOW, THEREFORE, the Contra Costa County Board of Supervisors, in its capacity as the governing board of the County, the Contra Costa County Fire Protection District, the Housing Authority of the County of Contra Costa, the Contra Costa County Flood Control and Improvement District, and the Contra Costa County In-Home Supportive Services Public Authority, and on behalf of all resolves as follows:

1. The Board of Supervisors finds that the state of emergency proclaimed by Governor Newsom on March 4, 2020 remains in place.
2. The Board of Supervisors finds that the Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
3. The Board of Supervisors finds that in person meetings of the Board of Supervisors would present imminent risks to the health or safety of the public, staff and officials attending meetings, in light of the high case rate of COVID-19 infections in the County.
4. As authorized by Assembly Bill 361, effective immediately and for the next 30 days the Board of Supervisors, acting in all its capacities, and all its subcommittees will use teleconferencing for meetings in accordance with the provisions of Government Code section 54953(e).
5. These findings apply to all advisory bodies, committees, and commissions established by the Board in all its capacities, including but not limited to municipal advisory councils and the Measure X Community Advisory Body, except as provided in Section 6. Effective immediately, and for the next 30 days, such bodies shall use teleconferencing for meetings in accordance with the provisions of Government Code section 54953 (e).
6. The Assessment Appeals Board, Merit Board, and Planning Commission, are directed to consider implementation of Government Code section 54953 (e) at their next meeting and are strongly encouraged to use teleconferencing for their meetings in accordance with the provisions of Government Code section 54953 (e) for the next 30 days.
7. The County Administrator/Clerk of the Board and staff to the various Board advisory bodies are authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.
8. The County Administrator/Clerk of the Board is directed to return to the Board acting in all of its capacities, no later than 30 days after this resolution is adopted, with an item to reconsider the state of emergency and whether to continue meeting virtually under the provisions of Government Code section 54953 (e) and to make required findings as to all bodies covered by this resolution.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**Contact: Mary Ann McNett Mason, County Counsel,  
(925) 655-2200**

**ATTESTED: October 5, 2021**

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

**cc:** Mary Ann McNett Mason, County Counsel, Monica Nino, Clerk of the Board of Supervisors