RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD

FOR THE COUNTY OF CONTRA COSTA

Adopted this Resolution on 09/26/2022 by the following vote:

AYE:	
NO:	
ABSENT:	
ABSTAIN:	
RECUSE:	

Resolution: 2022/37

A RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD OF CONTRA COSTA COUNTY AUTHORIZING TELECONFERENCE MEETINGS UNDER GOVERNMENT CODE SECTION 54953(e) (ASSEMBLY BILL 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, 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 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 proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing.

F. 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.

G. On February 25, 2022, Governor Newsom issued Executive Order N-04-22, terminating certain provisions of the State of Emergency dated March 4, 2020, but confirming the State of Emergency remained active and necessary to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic.

H. On August 9, 2022, the Contra Costa Health Services, Office of the Director, issued Recommendations for Safely Holding Public Meetings. The Health Officer’s Recommendations advised that the highly transmissible Omicron variant of COVID 19 and its subvariants are present in the County, and the Covid-19 case rate, test positivity, hospitalizations, and amount present in wastewater surveillance remain high. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are encouraged, where practical, 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 and/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, face masking of all attendees, and encouraging attendees to be up-to-date on their COVID-19 vaccine; (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; (5) consider holding public meetings outdoors; and (6) consider a voluntary attendance sheet to assist in contact tracing of any cases linked to a public meeting. These recommendations are still in effect.

I. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Countywide Oversight Board intends to invoke the provisions of Assembly Bill 361 related to holding meetings by teleconference.

NOW, THEREFORE, the Countywide Oversight Board resolves as follows:

1. The Countywide Oversight Board finds that: the state of emergency proclaimed by Governor Newsom on March 4, 2020, is currently in effect; the Contra Costa County Health Officer has 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; and meeting in person would present imminent risks to the health or safety of attendees because COVID-19 test positivity in the County has been increasing.

2. As authorized by Assembly Bill 361, the Countywide Oversight Board will use teleconferencing for its meetings in accordance with the provisions of Government Code section 54953(e).

3. The Secretary is 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.

PASSED AND ADOPTED on September 26th, 2022, by the following vote:

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

ATTEST:

_____ Maureen Toms,
Oversight Board Secretary

Contact:

cc: Maureen Toms, Contra Costa County