

**BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

**RESOLUTION NO. 2021-\_\_**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BENITO  
COUNTY FINDING THAT MEETING IN PERSON FOR MEETINGS OF ALL  
COUNTY- RELATED LEGISLATIVE BODIES SUBJECT TO THE RALPH M.  
BROWN ACT WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR  
SAFETY OF ATTENDEES.**

**WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

**WHEREAS**, the proclaimed state of emergency remains in effect; and,

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that 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; and,

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that 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; and,

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

**WHEREAS**, 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 that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,

**WHEREAS**, the CDC has established a “Community Transmission” metric with 4 tiers designed to reflect a community’s COVID-19 case rate and percent positivity; and,

**WHEREAS**, San Benito County currently has a Community Transmission metric of “high” which is the most serious of the tiers; and,

**WHEREAS**, the Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare and safety within the

unincorporated areas of the County; and,

**WHEREAS**, the County has an important governmental interest in protecting the health, safety and welfare of those who participate in meetings of the County's various legislative bodies subject to the Brown Act; and,

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Benito County Board of Supervisors deems it necessary to find that meeting in person for meetings of all County of San Benito related legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of San Benito as follows:

1. The recitals set forth above are true and correct.
2. The Board of Supervisors finds that meeting in person for meetings of all County of San Benito related legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health or safety of attendees.
3. This finding applies to all County of San Benito related legislative bodies subject to the Brown Act, including but not limited to, Board standing committees, the Planning Commission, the Assessment Appeals Board, and all other committees and commissions established by the County Code or Board of Supervisors and subject to the Brown Act.
4. Staff is directed to return no later than thirty (30) days after the adoption of this resolution with an item for the Board to consider making the findings required by AB 361 in order to continue meeting under its provisions.
5. The County Administrative Officer and County Counsel are directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

**PASSED AND ADOPTED** by the Board of Supervisors, County of San Benito, State of California on this \_\_\_\_ day of November 2021, by the following vote:

AYES:	SUPERVISORS
NOES:	SUPERVISORS
ABSTAINING:	SUPERVISORS
ABSENT:	SUPERVISORS

By \_\_\_\_\_  
Bea Gonzales, Chair  
Board of Supervisors, County of San Benito

ATTEST:

Jennifer Frechette, Clerk of the Board

APPROVED AS TO LEGAL FORM:

Barbara J. Thompson, County Counsel

By: \_\_\_\_\_

Date: \_\_\_\_\_

By: Barbara Thompson  
County Counsel

Date: 11/2/21