

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

RESOLUTION NO. 2022-____

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 Omicron variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, 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/omicron-variant.html>); and,

WHEREAS, the transmission and existence of COVID-19 remains prevalent in the community, as evidenced by the statistics located on the County’s website at <https://hhsa.cosb.us/public-health/covid-19/>

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 24th day of May 2022, 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: _____

By: *Barbara Thompson*
County Counsel

Date: _____

Date: 05/17/2022

EXHIBIT "A"



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

DAVID GHILARDUCCI, MD, FACEP
INTERIM HEALTH OFFICER

TRACEY BELTON
AGENCY DIRECTOR

PUBLIC HEALTH SERVICES
Healthy People in Healthy Communities

September 30, 2021

CAO Ray Espinosa
San Benito County Administration

Re: Recommendation on Social Distancing and Hybrid Meetings

Given the considerable impact on our community from the COVID-19 virus and the Delta variant, I strongly recommend that all legislative bodies, including but not limited to the County, cities, and special districts, local commissions and committees, and subsidiary bodies, continue social distancing measures for public meetings, including offering, at the legislative body's discretion, a remote or hybrid format for public meetings. Social distancing and masking remain crucial strategies in our fight to prevent contagion. Conducting public meetings in a remote or hybrid manner allows for members of the community to participate from the comfort of their homes without having to risk contracting the virus by attending in-person meetings.

These measures serve to help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where a virus can potentially spread among attendees and participants. However, when combined with social distancing and masking policies, and the continued effort to increase vaccination within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of contagion for not only the public, but for agency staff, presenters, and legislative body members as well.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

Sincerely,

Handwritten signature of David Ghilarducci MD in black ink.

David Ghilarducci MD
Interim Health Officer

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08/23/21