

RESOLUTION NO.

RESOLUTION FINDING THAT THE COVID-19 PANDEMIC STATE OF EMERGENCY CONTINUES TO PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES AND THAT IT CONTINUES TO DIRECTLY IMPACT THE ABILITY OF MEMBERS OF THE PARKS COMMISSION TO MEET SAFELY IN PERSON

WHEREAS, on March 4, 2020, the Governor proclaimed pursuant to his authority under the California Emergency Services Act, California Government Code section 8625, that a state of emergency exists with regard to a novel coronavirus (a disease now known as COVID-19); 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, the Governor issued Executive Order N-08-21, which extended certain provisions of Executive Order N-29-20 that waive otherwise-applicable Brown Act requirements related to remote/teleconference meetings by local agency legislative bodies through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, which provides that a local agency legislative body may continue to meet remotely without complying with otherwise-applicable requirements in the Brown Act related to remote/teleconference meetings by local agency legislative bodies, provided that a state of emergency has been declared and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and provided

that the legislative body continues to make such findings during the term of the declared state of emergency; 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, the County of San Mateo currently has a Community Transmission metric of “substantial” which is the second most serious of the tiers; and

WHEREAS, the County of San Mateo’s Board of Supervisors continues to adopt findings pursuant to AB 361 and strongly encourages other County legislative bodies to consider making similar findings to continue meeting remotely through teleconferencing; and

WHEREAS, at its meeting of October 7, 2021, this Parks Commission adopted, by unanimous vote, a resolution wherein this Parks Commission found, *inter alia*, that as a result of the continuing COVID-19 state of emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, this Parks Commission has not met since its October 7, 2021 meeting; and

WHEREAS, this Parks Commission has reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to impact the ability of members of the Parks Commission to meet in person because there is a continuing threat of COVID-19 to the community, and because Parks Commission meetings have characteristics that give rise to risks to health and safety of meeting participants (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to participate fully in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings)

WHEREAS, the Parks Commission has an important governmental interest in protecting the health, safety and welfare of those who participate in its meetings; and

WHEREAS, in the interest of public health and safety, as affected by the state of emergency caused by the spread of COVID-19, the San Mateo County Parks and Recreation Commission finds that this state of emergency continues to directly impact the ability of members of this Parks Commission to meet safely in person and that meeting in person would present imminent risks to the health or safety of attendees, and the Parks Commission will therefore invoke the provisions of AB 361 related to teleconferencing for meetings of the Parks Commission.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that

1. The recitals set forth above are true and correct.
2. This Parks Commission has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19.
3. This Parks Commission finds that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of members of the Parks Commission to meet safely in person.
4. The Parks Commission further finds that meeting in person would present imminent risks to the health or safety of meeting attendees and directs staff to continue to agendize public meetings of the Parks Commission only as online teleconference meetings.
5. Staff is directed to return prior to the next Parks Commission meeting to consider making the findings required by AB 361 in order to continue meeting under its provisions.
6. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

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