

RESOLUTION AUTHORIZING CONTINUANCE OF TELECONFERENCED
PUBLIC MEETINGS PURSUANT TO GOVERNMENT CODE SECTION 54953

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and,

WHEREAS, on January 30, 2020, the World Health Organization ("WHO") declared a Public Health Emergency of International Concern as a result of the COVID-19 virus. On January 31, 2020, the United States Secretary of Health and Human Services also declared a Public Health Emergency of the COVID-19 virus; and,

WHEREAS, on February 14, 2020, the San Diego County Public Health Officer declared a Local Health Emergency and the Emergency Services Director proclaimed a Local Emergency as a result of the COVID-19 virus, which were subsequently ratified by the Board of Supervisors on February 19, 2020; and,

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency ("State of Emergency") pursuant to Government Code section 8635 (California Emergency Services Act), in response to the COVID-19 pandemic; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the Ralph M. Brown Act ("Brown Act") (Government Code section 54950 *et seq.*), 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 Assembly Bill 361 (AB 361) which provides that a legislative body subject to the Brown Act may use revised teleconference rules provided under Government Code section 54953(e) if the legislative body makes certain findings and those findings are reconsidered every thirty (30) days, as applicable; and,

WHEREAS, the proclaimed State of Emergency remains in effect; and,

WHEREAS, the California Occupational Safety and Health Standards Board adopted California Code of Regulations, title 8, section 3205, which states, "particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination;" and,

ATTACHMENT A

WHEREAS, on September 23, 2021, the San Diego County Public Health Officer issued a letter recommending the utilization of teleconferencing options for public meetings as an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 virus (the “Teleconferencing Recommendation”) and that letter is still in effect; 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, this Resolution is a regulation in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Board of Supervisors deems it necessary to take action for purposes of utilizing the provisions of AB 361 related to teleconferencing.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of San Diego and also sitting as the legislative body of the Housing Authority of the County of San Diego, County of San Diego In-Home Supportive Services Public Authority, San Diego County Fire Protection District, San Diego County Sanitation District, San Diego County Flood Control District, County of San Diego Successor Agency to the County of San Diego Redevelopment Agency, as follows:

1. The recitals set forth above are true and correct and form the basis for the finding of this Resolution.
2. The Board of Supervisors has reconsidered the circumstances of the State of Emergency, which remains in effect, and state or local officials continue to recommend measures to promote social distancing, including but not limited to the Teleconferencing Recommendation.
3. To the extent legally permissible, this finding applies to all boards, commissions and committees of the County of San Diego, including those established by the Board of Supervisors or where the Board of Supervisors sits as the legislative body of the applicable entity and are subject to the Brown Act, and further to all County of San Diego related legislative bodies subject to the Brown Act, including, but not limited to, the First 5 Commission of San Diego, and the San Diego County Planning Commission.
4. In order to satisfy the requirements of Government Code section 54953(e)(3), the Chief Administrative Officer is directed to return no later than thirty (30) days after the adoption of this Resolution with an item for the Board’s consideration of appropriate findings.

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5. The Clerk of the Board, County Administrative Officer, staff of any legislative body subject to this Resolution, and County Counsel are directed to take any other necessary or appropriate actions to implement the intent and purposes of this Resolution.
6. This Resolution shall take effect immediately upon its adoption.

Approved as to Form and Legality

CLAUDIA SILVA, Acting County Counsel
By Lisa M. Macchione, Senior Deputy