

**BEFORE THE SAN BENITO COUNTY HOUSING ADVISORY COMMITTEE,
COUNTY OF SAN BENITO**

RESOLUTION NO. 2022-__

**RESOLUTION OF THE SAN BENITO COUNTY HOUSING ADVISORY
COMMITTEE AUTHORIZING CONTINUED REMOTE
TELECONFERENCE MEETINGS**

WHEREAS, the County of San Benito and the is committed to preserving and nurturing public access and participation in meetings of the Board of Supervisors and Committee meetings, subject to the Ralph M. Brown Act (“Brown Act”); and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

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 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 deemed it necessary to find that a *requirement* to meet 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; 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 the Housing Advisory Committee finds:

- a) That it has reconsidered the circumstances of the current state of emergency; and
- b) That a *requirement* to meet 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;
- c) That it intends to invoke the provisions of AB 361 related to teleconferencing; and,

WHEREAS, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing, attached hereto as Exhibit "A", and incorporated herein by this reference; and,

WHEREAS, on October 12, 2021, the Board of Supervisors of San Benito County adopted a resolution authorizing teleconferencing meetings pursuant to AB 361; and

WHEREAS, the Board of Supervisors' adopted resolution applies to all legislative bodies of the County, thus allowing all bodies to utilize the provisions of AB 361; and,

WHEREAS, the Housing Advisory Committee is presented by this resolution for the opportunity to determine whether AB 361 should be specifically applied to Housing Advisory Committee meetings;

WHEREAS, the San Benito County the Housing Advisory Committee has considered all information related to this matter, as presented at the public meetings of the Housing Advisory Committee identified herein and at the Board of Supervisors, including any supporting reports by County Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, which continues to remain in active.

WHEREAS, the San Benito County the Housing Advisory Committee further finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

NOW, THEREFORE, BE IT RESOLVED, by the San Benito County Housing Advisory Committee as follows:

1. The San Benito County Housing Advisory Committee finds that the facts set forth in the recitals to this Resolution are true and correct;
2. The above findings and this resolution apply to all San Benito Housing Advisory Committee meetings;
3. As long as the State Emergency remains in effect or until directed otherwise by the Committee, staff shall present to the Committee at every meeting an item necessary to continue the findings required by AB 361;
4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Committee adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Housing Advisory Committee may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953; and,
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 San Benito County Housing Advisory Committee, County of San Benito, State of California on this 6th day of April 2022, by the following vote:

AYES:
NOES:
ABSTAINING:
ABSENT:

By _____
_____, Chair
San Benito County

ATTEST:
Jennifer Frechette, Clerk of the Board

APPROVED AS TO LEGAL FORM:
Barbara J. Thompson, County Counsel

By: _____

By:  _____
Joel Ellinwood, Assistant County Counsel

Date: _____

Date: _____

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,

David Ghilarducci MD
Interim Health Officer

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08/23/21