

NOTICE OF PUBLIC HEARING

Meeting of the San Mateo County Community Action Agency Board
 Wednesday, November 16, 2022
 8:30 a.m. – 10:00 a.m.

Link to join Zoom online	https://smcgov.zoom.us/j/93825636920
Phone number to join by phone	669-444-9171
Meeting info	Webinar ID: 938 2563 6920

BY VIDEOCONFERENCE ONLY

On September 16, 2021, the Governor signed AB 361, which amended certain provisions of the Ralph M. Brown Act (Government Code section 54950, *et seq.*) to allow for legislative bodies to conduct their meetings remotely either telephonically or by other electronic means under specified circumstances. Thus, pursuant to Government Code section 54953(e), the San Mateo County Community Action Agency Board meeting will be conducted via remote conferencing.

Public Participation

- Written public comments may be emailed to TSweetser@smcgov.org and should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda.
- Spoken public comments will also be accepted during the meeting through Zoom.
- Please see instructions for written and spoken public comments at the end of this agenda.

Time	Topic	Presenter
8:30	Welcome	Supervisor Horsley
8:35	Public Comment <i>This item is reserved for persons wishing to address the committee on any CAA-related matters that are not on this meeting agenda. Speakers are customarily limited to two minutes, but an extension can be provided to you at the discretion of the CAA co-chairs.</i>	
8:40	Resolution to make findings allowing continued remote meetings under Brown Act Adopt a resolution finding that the ongoing 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 Community Action Agency (CAA) to meet safely in person. See Attachments 1a and 1b.	Jessica Silverberg (Human Services Agency)
8:45	Discussion of future meetings in person	Jessica Silverberg (Human Services Agency)
8:50	Approval of Meeting Minutes	Supervisor Horsley
9:00	Presentation: Core Service Agency: Pacifica Resource Center	Anita M. Rees Executive Director
9:30	Community Action Agency Program Updates a. Program reports and updates b. Customer satisfaction and housing outcomes c. Client story	La Trice Taylor, Laura Bent (Samaritan House)

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9:40	Community Services Block Grant (CSBG) <ul style="list-style-type: none">a. 2022 grant updatesb. 2023 grant and contract updatesc. Follow-up from CSD Monitoring<ul style="list-style-type: none">a. Selection process for community member Board seatsd. 2023 meeting dates	Jessica Silverberg, Jenel Lim (Human Services Agency)
9:50	Appreciation and Farewell for Supervisor Horsley	Teri Chin
10:00	Closure	Supervisor Horsley

Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact Tammie Sweetser at least 2 working days before the meeting at (650) 802-5116 and/or tsweetser@smcgov.org. Notification in advance of the meeting will enable the Council to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Attendees to this meeting are reminded that other attendees may be sensitive to various chemical based products.

Instructions for Public Comment During Videoconference Meetings

During videoconference meetings CAA members of the public may address the CAA members as follows:

***Written Comments:**

Written public comments may be emailed in advance of the meeting. Please read the following instructions carefully:

1. Your written comment should be emailed to TSweetser@smcgov.org
2. Your email should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda.
3. Members of the public are limited to one comment per agenda item.
4. The length of the emailed comment should be commensurate with the two minutes customarily allowed for verbal comments, which is approximately 250-300 words.
5. If your emailed comment is received at least 24 hours prior to the meeting, it will be provided to the CAA members and made publicly available on the CAA website along with the agenda. We cannot guarantee that e-mails received less than 24 hours before the meeting will be read during the meeting, but such emails will still be included in the administrative record of the meeting.

***Spoken Comments:**

Spoken public comments will be accepted during the meeting through Zoom. Please read the following instructions carefully:

1. The November 16, 2022 CAA meeting may be accessed through Zoom online at <https://smcgov.zoom.us/j/93825636920>
The webinar ID is: 938 2563 6920. The CAA meeting may also be accessed via telephone by dialing (669) 900-6833 Enter the meeting 938 2563 6920 then press #.
2. You may download the Zoom client or connect to the meeting using an internet browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.

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3. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
4. When the CAA Clerk calls for the item on which you wish to speak, click on “raise hand.” The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
5. When called, please limit your remarks to the time limit allotted.

Date: November 16, 2022
To: Community Action Agency (CAA)
From: Human Services Agency Staff
Subject: Resolution to make findings allowing continued remote meetings under Brown Act

RECOMMENDATION:

Adopt a resolution finding that the ongoing 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 Community Action Agency (CAA) to meet safely in person.

BACKGROUND:

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which waived, through September 30, 2021, certain provisions of the Brown Act relating to teleconferences/remote meetings by local agency legislative bodies. The Executive Order waived, among other things, the provisions of the Brown Act that otherwise required the physical presence of members of local agency legislative bodies in a particular location as a condition of participation in, or to constitute a quorum for, a public meeting.

The waivers set forth in the Executive Order expired on October 1, 2021, and absent any further State action, local agency legislative bodies subject to the Brown Act would have been required to fully comply with the Brown Act's meeting requirements as they existed prior to March 2020, including the Brown Act's various restrictions and requirements related to teleconferences.

On September 16, 2021, the Governor signed into law Assembly Bill (AB) 361, a bill that came into effect immediately and that codifies certain of the teleconference procedures that local agencies have adopted in response to the Governor's Brown Act-related Executive Orders. Specifically, AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders as long as there is a proclaimed state of emergency, in combination with either (1) local health official recommendations for social distancing or (2) findings adopted by majority vote of the local agency legislative body that meeting in person would present imminent risks to the health or safety of meeting attendees.

AB 361 also requires that, if the state of emergency lasts for more than 30 days, the local agency legislative body must make findings every 30 days to continue using the bill's exemption to the otherwise-applicable Brown Act teleconferencing rules.

Specifically, the legislative body must reconsider the circumstances of the state of emergency and find that the state of emergency continues to directly impact the ability of members of the local agency legislative body to meet safely in person.

As noted, local agency legislative bodies were required to return to in-person meetings on October 1, 2021, unless they chose to continue with fully teleconferenced meetings and made the findings prescribed by AB 361 related to the existing state of emergency.

At its meetings on October 19, 2021, November 16, 2021, December 14, 2021, January 11, 2022, February 8, 2022, March 8, 2022, April 5, 2022, May 3, 2022, June 14, 2022, and July 12, 2022, the Board of Supervisors (“Board”) unanimously adopted resolutions (Nos. 078482, 078550, 078609, 078653, 078701, 078752, 078803, 078859, 078920, and 079026, respectively) finding that the existing COVID-19 state of emergency continues to directly impact the ability of members of the Board to meet safely in person and that meeting in person would present imminent risks to the health or safety of meeting attendees.

At its meetings of November 2, 2021, February 15, 2022, May 24, 2022, and August 16, 2022, CAA unanimously adopted resolutions finding that the existing COVID-19 state of emergency likewise continues to directly impact the ability of CAA to meet safely in person and that meeting in person would present imminent risks to the health or safety of meeting attendees.

DISCUSSION:

If CAA desires to continue meeting remotely pursuant to the provisions of AB 361, it must reconsider the circumstances of the state of emergency. As described below, the circumstances, though improved, remain materially similar to those in existence on September 28, 2021 when the Board adopted Resolution No. 078447 first invoking the provisions of AB 361, as well as on October 19, 2021, November 16, 2021, December 14, 2021, January 11, 2022, February 8, 2022, March 8, 2022, April 5, 2022, May 3, 2022, June 14, 2022, and July 12, 2022, when the Board reconsidered the circumstances of the COVID-19 state of emergency.

As noted at those times, the County’s high vaccination rate, successfully implemented local health measures, and best practices by the public have proven effective, in combination, at controlling the local spread of COVID-19.

Reducing the circumstances under which people come into close contact remains a vital component of the County’s COVID-19 response strategy. While local agency public meetings are an essential government function, the last two-plus years have proven that holding such meetings in person is often not essential.

According to the San Mateo County Health Message from the Chief November 1, 2022, update, “the hospitalizations, test data, and wastewater surveillance suggest there is still substantial community transmission of COVID in our region. The threat of long COVID symptoms, hospitalizations and deaths are still very real, particularly for older adults.”

Public meetings pose risks for COVID-19 spread for several reasons. These meetings may bring together people from throughout a geographic region, increasing the opportunity for COVID-19 transmission. Further, the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, cough and sneeze etiquette, or other safety measures, while some of the safety measures used by private businesses to control these risks may be less effective for public agencies.

These factors combine to continue to directly impact the ability of members of CAA to meet safely in person.

Staff therefore recommends that CAA adopt findings to confirm that CAA has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19; that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of members of CAA to meet safely in person; and that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees.

A resolution to that effect and directing staff to take such other necessary or appropriate actions to implement the intent and purposes of the resolution, is attached hereto.

FISCAL IMPACT:

None.

RESOLUTION NO. _____

* * * * *

RESOLUTION FINDING THAT THE ONGOING 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 COMMUNITY ACTION AGENCY (CAA) TO MEET SAFELY IN PERSON

RESOLVED, by the Community Action Agency (CAA) of the County of San Mateo, State of California, that:

WHEREAS, on March 4, 2020, pursuant to section 8550 *et seq.* of the California Government Code, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus and, subsequently, the San Mateo County Board of Supervisors declared a local emergency related to COVID-19, and the proclamation by the Governor and declaration by the Board of Supervisors remain in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions in the California Open Meeting Law, codified at Government Code section 54950, *et seq.* (the “Brown Act”), related to teleconferencing by local agency legislative bodies, provided that 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 into law Assembly Bill 361 (“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

WHEREAS, according to the November 1, 2022 San Mateo County Health Message from the Chief, “there is still substantial community transmission of COVID in our region,” and “the threat of long COVID symptoms, hospitalizations and deaths are still very real, particularly for older adults”; and

WHEREAS, CAA has considered the circumstances of the ongoing state of emergency and finds that, as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees because there is a continuing threat of COVID-19 to the community, and because CAA 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); and

WHEREAS, persons experiencing any potential symptoms of COVID-19,

or who test positive but are asymptomatic, or who are exposed to someone with COVID- 19, should follow medical advice regarding self-isolation or self-quarantine, avoiding public gatherings such as in-person meetings of public agencies, and should be able to do so without sacrificing their right to participate in public business during periods of self-isolation or self-quarantine, and

WHEREAS, the onset of symptoms of COVID-19 or a positive test may occur too close to the start of a meeting for alternative arrangements for attendance to be made consistently with the Brown Act, such that a remote attendance option for CAA meetings should be maintained for as long as COVID transmission remains a potential risk of in-person meetings; and

WHEREAS, the County has an important interest in protecting the health and safety of those who participate in meetings of CAA; and

WHEREAS, CAA and several other County legislative bodies typically meet in-person in public buildings where other essential governmental functions take place, such that increasing the number of people present in those buildings may impair the safety of the occupants; and

WHEREAS, the COVID-19 pandemic has informed County agencies about the unique advantages of online public meetings, which are substantial, as well as the unique challenges posed by online public meetings, which are frequently surmountable; and

WHEREAS, in the interest of public health and safety, as affected by the state of emergency caused by the spread of COVID-19, CAA finds that this ongoing state of emergency continues to directly impact the ability of members

of CAA to meet safely in person and that meeting in person would present imminent risks to the health or safety of attendees. CAA therefore reinvokes the provisions of AB 361 related to teleconferencing for meetings of CAA in order to provide its members, as well as staff and members of the public, with the option of participating in its meetings remotely whenever necessary or advisable for them to do so.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that

1. The recitals set forth above are true and correct.
2. CAA has considered the circumstances of the ongoing state of emergency caused by the spread of COVID-19.
3. CAA finds that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of members of CAA to meet safely in person.
4. CAA 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 CAA as remote meetings.
5. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.