



Legislation Text

File #: 22-771, **Version:** 1

Resolution of the City Council of the City of South San Francisco declaring the continuing need for the City legislative bodies to meet remotely to ensure the health and safety of the public and making related findings.

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 11, 2020, the City Council adopted Resolution No. 35-2020 declaring a local emergency due to COVID-19; and

WHEREAS, on May 13, 2020, the City Council adopted Resolution No. 57-2020 amending and updating a local emergency due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up virtual meetings for all City Council and legislative body meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which placed an end date of September 30, 2021, for agencies to meet remotely; and

WHEREAS, since issuing Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, on August 3, 2021, in response to the Delta variant, the San Mateo County Health Department ordered all individuals to wear masks when inside public spaces and maintain social distancing; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 (AB 361) (2021) which allows for local legislative bodies to continue to conduct meetings via teleconferencing under specified conditions, including that the City Council makes specified findings; and

WHEREAS, since the passage of AB 361, the Delta and Omicron variants and sub-variants have spread across the Bay Area, the state and nationwide, causing an additional spike in COVID-19 cases and creating significantly higher risks of infection and hospitalization; and

WHEREAS, in response to the fast-spreading Omicron variant, the California Department of Public Health

issued an order on December 15, 2021, requiring everyone in the state to wear masks in indoor public spaces and workplaces, which order and the County Health Department's order are effective through February 15, 2022; and

WHEREAS, the County Health Department continues to recommend indoor masking, especially for gatherings that include the elderly, immunocompromised, or people who are not vaccinated; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least six feet (6') from others outside of the household; and

WHEREAS, the City cannot maintain social distancing requirements for the public, staff, Councilmembers, and advisory body members in their respective meeting locations; and

WHEREAS, because of the rise in cases due to the Omicron variant and sub-variants, the City is concerned about the health and safety of all individuals who intend to attend Council and advisory body meetings; and

WHEREAS, on September 21, 2021, the City Council adopted an initial Resolution No. 166-2021 making findings and declaring the need for the Council and advisory bodies to continue meeting remotely in order to ensure the health and safety of the public and authorizing remote teleconference meetings pursuant to Government Code section 54953(e), and thereafter has both utilized a hybrid in-person/teleconference meeting model as well as reviewed and adopted additional resolutions reconsidering the circumstances of the public health emergency and making findings and declaring the need for the Council and advisory bodies to continue meeting remotely in order to ensure the health and safety of the public and authorizing remote teleconference meetings pursuant to Government Code section 54953(e); and

WHEREAS, the City Council has again reconsidered the circumstances of the Governor's state of emergency proclamation pursuant to Government Code section 8625, which remains active; and

WHEREAS, the circumstances described under Resolutions No. 166-2021 and subsequent resolutions continue to exist and the City continues to be concerned about the health and safety of all individuals who intend to attend Council and advisory body meetings; and

WHEREAS, the City shall ensure that its meetings comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH SAN FRANCISCO RESOLVES AS FOLLOWS:

1. The above recitals are true and correct, and incorporated into this Resolution.
2. In compliance with AB 361 (2021), and to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the City Council makes the following findings:
 - a) The City Council has reconsidered the circumstances of the state of emergency; and
 - b) The state of emergency, as declared by the Governor and City Council, continues to directly impact the ability of the City Council and the City's advisory bodies, as well as staff and members

of the public, from meeting safely in person; and

- c) The CDC continues to recommend physical distancing of at least six feet (6') from others outside of the household; however, the City cannot maintain social distancing requirements for the Councilmembers, advisory bodies, staff and public in the meeting spaces; and
 - d) The City Council and advisory bodies continue to need to be able to meet remotely due to present imminent risks to the health or safety of attendees.
3. City Council and City's legislative body meetings may continue to be conducted remotely in compliance with AB 361, to better ensure the health and safety of the public.
4. The City Council will revisit the need to conduct meetings remotely within 30 days of the adoption of this resolution.

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