

**SAN MATEO COUNTY EVENT CENTER**

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**RESOLUTION FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19  
PANDEMIC STATE OF EMERGENCY, MEETING IN PERSON WOULD PRESENT  
IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES**

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**RESOLVED**, by the San Mateo County Expo Center Board of Directors (“SMCEC”) that:

**WHEREAS**, on March 4, 2020, pursuant to Government Code Section 8550, *et seq.*, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus (“COVID-19”) 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 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 provided that the legislative body makes such finding at least every 30 days during the term of the declared state of emergency; and

**WHEREAS**, the California Department of Public Health and the United States Centers for Disease Control and Prevention 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, that it 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; and

**WHEREAS**, the SMCEC has an important interest in protecting the health and safety of those who participate in its meetings; and

**WHEREAS**, the COVID-19 pandemic has informed legislative bodies about the unique advantages of remote public meetings, which are substantial, as well as the unique challenges, which are frequently surmountable; and

**WHEREAS**, on September 28, 2021, 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 Board of Supervisors found that meeting in person would present imminent risks to the health or safety of its attendees, and, therefore, invoked the provisions of AB 361 related to teleconferencing for its meetings, and strongly encouraged other County legislative bodies to make similar findings and to continue meeting remotely through teleconferencing; and

**WHEREAS**, the SMCEC concludes that there is a continuing threat of COVID-19 to the community, and that the SMCEC meetings have characteristics that give rise to risks to the health and safety of meeting participants such as the increased person-to-person contact 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.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that:

1. The above recitals are true and correct.
2. The SMCEC 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 SMCEC and its Brown Act governed committees only as online teleconference/remove meetings. The public meetings include the following: Facilities Committee; Fair Oversight Committee; Finance Committee; Executive Committee and Board of Directors' meetings.
3. To the extent applicable, staff is directed to return to this SMCEC in a public meeting no later than 30 days after the date of adoption of this resolution with an item for the SMCEC to consider regarding whether to make the findings required by AB 361 in order to continue meeting remotely under its provisions.

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