

SAN MATEO COUNTY EVENT CENTER

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RESOLUTION OF THE BOARD OF DIRECTORS FINDING THAT THE COVID-19 PANDEMIC STATE OF EMERGENCY CONTINUES TO PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES AND CONTINUES TO DIRECTLY IMPACT THE ABILITY OF THE BOARD OF DIRECTORS TO MEET SAFELY IN PERSON

RESOLVED, by the San Mateo County Expo Center (“SMCEC”) Board of Directors (“Board”) 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 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 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 continue to 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 Board 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, at its meeting on October 27, 2021, the Board adopted, by unanimous vote, a resolution finding that, as a result of the continuing COVID-19 state of emergency, meeting in person would present imminent risks to the health or safety of attendees and, to the extent applicable, directed staff to return to the Board at a public meeting in no later than 30 days for it to reconsider whether to make the findings required by AB 361 in order to continue meeting remotely under its provisions; and

WHEREAS, this Board has reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to impact the ability of the Board to conduct its meetings in person because there is a continuing threat of COVID-19 to the community and that in-person meetings of the Board and its committees, including, without limitation, the Facilities Committee, Fair Oversight Committee, Finance Committee, Executive Committee, and Board of Directors (collectively, “Legislative Bodies”), pose risks to the health or safety of participants through person-to-person contact and make it difficult for those who are immunocompromised or unvaccinated to be able to safely participate, and that it is challenging to ascertain and ensure compliance with vaccination and other safety recommendations at such meetings; and

WHEREAS, in the interest of public health and safety, as affected by the state of emergency caused by the spread of COVID-19, the Board finds that this state of emergency continues to directly impact the ability of the Legislative Bodies to meet safely in person and that meeting in person would present imminent risks to the health or safety of attendees, and the Board will therefore continue to invoke the provisions of AB 361 related to teleconferencing for meetings of the Legislative Bodies.

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

1. The above recitals are true and correct.
2. The Board has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19.
3. The Board finds that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of the Legislative Bodies to meet safely in person.
4. The Board further finds that meeting in person would continue to present imminent risks to the health or safety of meeting attendees and directs staff to continue to agendize public meetings of the Legislative Bodies only as online teleconference/remote meetings.

5. To the extent applicable, staff is directed to return to the Board in a public meeting no later than 30 days after the date of adoption of this resolution with an item for the Board to reconsider whether to make the findings required by AB 361 in order to continue meeting remotely under its provisions.

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