

A RESOLUTION OF THE HAZARDOUS MATERIALS COMMISSION OPERATIONS
COMMITTEE TELECONFERENCE MEETINGS UNDER ASSEMBLY BILL 361

Recitals

- A. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.
- B. On March 10, 2020, the Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout the County.
- C. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which 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.
- D. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which 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.
- E. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing.
- F. On September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing.
- G. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of

separation between attendees – and face masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.

- H. The 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 even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations.
- I. The emergence of the Delta variant has led to a severe rise of COVID-19 infections, hospitalizations and deaths in Contra Costa County in the past two months. The Delta variant became the predominant strain among samples sequenced in Contra Costa County and California in early July 2021, and currently represents over 95% of samples sequenced both at the Contra Costa County Public Health lab and per reports of statewide sequencing.
- J. As of September 13, 2021, the seven-day rolling average of new cases in the County was 223 cases per day, a case rate that is in the “high” community transmission tier, the most serious of the CDC’s community transmission tiers.
- K. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Hazardous Materials Commission Operations committee intends to invoke the provisions of Assembly Bill 361 related to teleconferencing.

NOW, THEREFORE, the Hazardous Materials Commission Operations committee resolves as follows:

1. The Hazardous Materials Commission Operations committee finds that the Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
2. The Hazardous Materials Commission Operations committee finds that meeting in person for meetings of the Hazardous Materials Commission Operations committee would present imminent risks to the health or safety of attendees because the case rate of COVID-19 infections in the County is in the “high” community transmission tier, the most serious of the CDC’s community transmission tiers.
3. As authorized by Assembly Bill 361, the Hazardous Materials Commission Operations committee will use teleconferencing for its meetings in accordance with the provisions of Government Code section 54953(e).
4. Staff is authorized and directed to take all actions necessary to implement the intent and

purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.

5. Staff is directed to return no later than 30 days after this resolution is adopted with an item for the Hazardous Materials Commission Operations committee to consider whether to continue meeting under the provisions of Assembly Bill 361.

PASSED AND ADOPTED on October 8, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: