

CITY OF SAN MATEO
RESOLUTION NO. __ (2021)

**AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF CITY OF SAN MATEO
EFFECTIVE OCTOBER 18, 2021 UNTIL THE EARLIER OF NOVEMBER 17, 2021 OR SUCH TIME THE CITY COUNCIL
ADOPTS A SUBSEQUENT RESOLUTION, PURSUANT TO THE BROWN ACT**

WHEREAS, the City of San Mateo is committed to preserving and nurturing public access and participation in meetings of the City Council and its Boards and Commissions; and

WHEREAS, all meetings of City of San Mateo's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, the Governor has proclaimed a state of emergency exists for the state of California due to the conditions caused by the COVID-19 pandemic and the impact on the health and safety of its residents; and

WHEREAS, the Delta variant is highly transmissible in indoor spaces, the California Department of Public Health is currently investigating how long vaccine protection lasts, and the Center for Disease Control and Prevention recommends avoiding indoor spaces that do not offer fresh air from the outdoors; and

WHEREAS, in accordance with Assembly Bill 361, the City Council does hereby find that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees and the Council desires to authorize continued remote teleconferenced meetings of its legislative bodies; and

WHEREAS, as a consequence of the local emergency, the City Council does hereby find that the legislative bodies of City of San Mateo shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the City of San Mateo has taken measures to conduct public meetings via virtual tools that allow for members of its legislative bodies and members of the public to join and participate in meetings remotely and provide public testimony in the virtual environment and via teleconference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. AB 361 Findings.
 - a. On March 4, 2020, the Governor of the State of California issued a Proclamation of State of Emergency, which remains in effect.
 - b. Meeting in person would present imminent risk to the health or safety of attendees, because:
 - (1) The Delta variant of the coronavirus is highly transmissible in indoor settings.
 - (2) The California Department of Public Health is currently investigating how long vaccine protection lasts.
 - (3) The Center for Disease Control and Prevention recommends avoiding indoor spaces that do not offer fresh air from the outdoors as much as possible.
3. Remote Teleconference Meetings. The City Manager and legislative bodies of the City of San Mateo are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting remote teleconferenced meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
4. Effective Date and Term. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 17, 2021, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of San Mateo may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.