

To: LGBTQ Commission
From: Tanya Beat, Director
Subject: Resolution to make findings allowing continued remote meetings under Brown Act

RECOMMENDATION:

Adopt a resolution finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

BACKGROUND:

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act. The original Executive Order provided that all provisions of the Brown Act that required the physical presence of members or other personnel as a condition of participation or as a quorum for a public meeting were waived for public health reasons. If these waivers fully sunsetted on October 1, 2021, legislative bodies subject to the Brown Act would have to contend with a sudden return to full compliance with in-person meeting requirements as they existed prior to March 2020, including the requirement for full physical public access to all teleconference locations from which board members were participating.

On September 16, 2021, the Governor signed AB 361, a bill that formalizes and modifies the teleconference procedures implemented by California public agencies in response to the Governor's Executive Orders addressing Brown Act compliance during shelter-in-place periods. AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders when certain circumstances occur or when certain findings have been made and adopted by the local agency.

AB 361 also requires that, if the state of emergency remains active for more than 30 days, the agency must make findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. The findings are to the effect that the need for teleconferencing persists due to the nature of the ongoing public health emergency and the social distancing recommendations of local public health officials. Effectively, this means that local agencies must agendaize a Brown Act meeting once every thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying upon the law's provision for teleconference procedures in lieu of in-person meetings.

AB 361 provides that Brown Act legislative bodies must return to in-person meetings on October 1, 2021, unless they choose to continue with fully teleconferenced meetings because a specific declaration of a state or local health emergency is appropriately made. AB 361 allows local governments to continue to conduct virtual meetings as long as there is a gubernatorially-proclaimed public emergency in combination with (1) local health official recommendations for social distancing or (2) adopted findings that meeting in person would present risks to health. AB 361 is effective immediately as urgency legislation and will sunset on January 1, 2024.

Further, the Board of Supervisors strongly encourages all legislative bodies of the County of San Mateo that are subject to the Brown Act, including but not limited to, the Planning Commission, the Assessment Appeals Board, the Civil Service Commission, and all other oversight and advisory boards, committees and commissions established by the Board of Supervisors and subject to the Brown Act, to make a similar finding and avail themselves of teleconferencing until the risk of community transmission has further declined

DISCUSSION:

Because local rates of transmission of COVID-19 are still in the “substantial” tier as measured by the Centers for Disease Control, we recommend that the LGBTQ Commission avail itself of the provisions of AB 361 allowing continuation of online meetings by adopting findings to the effect that conducting in-person meetings would present an imminent risk to the health and safety of attendees. A resolution to that effect, and directing staff to return each 30 days with the opportunity to renew such findings, is attached hereto.

FISCAL IMPACT:

None

RESOLUTION NO.

RESOLUTION FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY DECLARED BY GOVERNOR NEWSOM, MEETING IN PERSON FOR MEETINGS OF THE LGBTQ COMMISSION WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES

WHEREAS, on March 4, 2020, the Governor proclaimed pursuant to his authority under the California Emergency Services Act, California Government Code section 8625, that a state of emergency exists with regard to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder, and as of the date of this Resolution, neither the Governor nor the Legislature have exercised their respective powers pursuant to California Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that 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; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or

safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

WHEREAS, 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 that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,

WHEREAS, the CDC has established a “Community Transmission” metric with 4 tiers designed to reflect a community’s COVID-19 case rate and percent positivity; and,

WHEREAS, the County of San Mateo currently has a Community Transmission metric of “substantial” which is the second most serious of the tiers; and,

WHEREAS, the LGBTQ Commission has an important governmental interest in protecting the health, safety and welfare of those who participate in its meetings; and,

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the LGBTQ Commission deems it necessary to find that meeting in person would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing;

WHEREAS, The Board of Supervisors strongly encourages all legislative bodies of the County of San Mateo that are subject to the Brown Act, including but not limited to, the Planning Commission, the Assessment Appeals Board, the Civil Service Commission, and all other oversight and advisory boards, committees and commissions established by the Board of Supervisors and subject to the Brown Act, to make a similar finding and avail themselves of teleconferencing until the risk of community transmission has further declined;

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that

1. The recitals set forth above are true and correct.
2. The LGBTQ Commission finds that meeting in person would present imminent risks to the health or safety of attendees.
3. Staff is directed to return no later than thirty (30) days after the adoption of this resolution with an item for the LGBTQ Commission to consider making the findings required by AB 361 in order to continue meeting under its provisions.
4. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

* * * * *

May 18th

2:30PM - 4:30PM

LGBTQ+

Behavioral Health Virtual Convening

Please Join Us!

**Register by
Clicking Here**

For too long, diverse and intersectional voices within the LGBTQ+ community have been left out in critical decision-making processes. With the roll out of key state-wide efforts like the Child and Youth Behavioral Initiative and CalAIM, it is now more important than ever that your perspectives and lived expertise are amplified in a meaningful way.



DEPARTMENT OF HEALTH AND HUMAN SERVICES
BEHAVIORAL HEALTH AND
RECOVERY SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.





San Mateo County PRIDE Initiative Report

- *Dana Johnson (they/ them/ theirs)- PRIDE Initiative co-chair*
- **LGBTQ Commission Meeting-** Tuesday, May 3, 2022 @6:30pm

- ❖ **About the PRIDE Initiative:** The PRIDE Initiative is committed to creating welcoming and inclusive environments grounded in equality and parity for LGBTQ+ community members living and working in San Mateo County. By adopting an interdisciplinary and inclusive approach to collaborating, the PRIDE Initiative looks to partner with individuals, organizations, and providers that work to ensure that services are sensitive and respectful of LGBTQ+ issues.

- ❖ Join us at the next Pride Initiative meeting and give your input about SMC Pride Celebration 2022 during our planning meeting. It would be great to have LGBTQ Commission representation and visibility during SMC Pride celebration 2022 planning.
 - The next Pride Initiative Meeting is Wednesday, May 11, 2022, from 4:30-6pm.
 - SMC Pride Celebration 2022 Planning will be from 5:15-6pm.
 - ***To join the Virtual Pride Initiative Meeting please see the Zoom Conference Information below:***

<https://us02web.zoom.us/j/284596014?pwd=a0FCcUgrWVNCekkwNTBtVC8wWjRFdz09>

Meeting ID: 284 596 014

Passcode: PRIDEBHRS **(PLEASE NOTE: Password is now required to join)**

- ❖ SMC Pride Celebration 2022 Workgroup Meeting
 - Join us at the next SMC Pride 2022 Workgroup meeting Friday, May 6, 2022, at 9am

To: San Mateo County Commission on the Status of Women
From: Tanya Beat, Director
Date: May 3, 2022
Subject: Status of recent events/projects

General Commission Updates

Virtual, Hybrid, or In-Person Meetings

- April 19th Boards & Commissions All Member meeting, Deputy Attorney Tim Fox presented that virtual meetings due to COVID will be dropped by June.
- The State of California is not clear yet what changes will be implemented. Two pieces of legislation are currently in process involving hybrid meetings and revising the Brown Act about public meeting places.
- The SMC Board of Supervisors will be conducting hybrid meetings starting in May.

Summer Project with Cate Warden, Youth Commissioner

- Focusing in on the stories and treatment of LGBTQ girls (past and present) in SMC juvenile detention

Moments of Silence

- Requesting alternatives to Moments of Silence as a sign of mourning. Please see attached explanation and alternatives.

Moments of Silence

Frankie Sapp, Program Director of the San Mateo County Pride Center

I'd like to share something that may be hard for some to hear. If you know me, please continue to trust that what I say comes from a place of care and love. I have a suggestion about Moments of Silence which are often held as more during your meetings and other occasions to honour and recognize tragic events around the world such as the vast occurring right now.

I highly recommend adding them as an agenda item or instead, consider holding Moments of Outlet. For many of us, we are actively grieving and may be personally impacted by what's happening in the world. Too often Moments of Silence, I find, don't factor that in. Current events are what are happening to "other people" perhaps even in other parts of the world.

To be honest, for many of us, we **are** personally traumatized by current events, and silence might be the last thing we need, especially when not prepared for it. If we know about it, we can opt out. You can also offer outlets instead of silence.

Hold:

Moments of Injustice: name the injustice you see in solidarity with each other

Moments of Rage: what makes you angry about what's happening right now

Moments of Emotions: put a name on how we are feeling right now - it's okay to acknowledge when things are hard

Moments of Hope: what is good about what's happening/ can happen

The list could go on. The point is to stand in solidarity rather than sit in silence. But if you wish to honour in this traditional way, I suggest it be practiced with more informed consent. I can't really afford to breakdown in the middle of my day.

PROCLAMATION

THE BOARD OF SUPERVISORS COUNTY OF SAN MATEO, STATE OF CALIFORNIA
DESIGNATING JUNE 2022 AS

Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual, Ally and Two-Spirit Pride
Month

WHEREAS, San Mateo County strives to promote the principles of equality and justice for all people,
recognizing that the diversity of our communities is one of our greatest strengths, and

WHEREAS, San Mateo County in June 2014 established California's first dedicated LGBTQ
Commission to pursue the development of policies and programs to support the LGBTQ+ community and
ensure access to services that are welcoming, respectful, and responsive; and

WHEREAS, the Board of Supervisors helped launch the San Mateo County Pride Center, which regularly
provides critical programming and mental health services for LGBTQ+ people in San Mateo County and
around the Bay Area, and, in June 2022, will mark its 5th anniversary; and

WHEREAS, the Pride Initiative of the San Mateo County Health Department Office of Diversity and
Equity has advocated for a welcoming environment for LGBTQ+ people who live and work in San Mateo
County and this year will celebrate the 10th Annual San Mateo County Pride Celebration; and

WHEREAS, each year in June marks the anniversary of the Stonewall Rebellion that gave birth to the
modern lesbian, gay, bisexual, and transgender civil rights movement; and

WHEREAS, the Progress Pride Flag is a symbol of support for the LGBTQ+ community and the diversity
within that community, and that flying the flag at the seat of government demonstrates that San Mateo
County is a welcoming, inclusive county in furtherance of this proclamation.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of the County of San
Mateo, State of California, hereby designates June 2022 as Lesbian, Gay, Bisexual, Transgender, Queer,
Questioning, Intersex, Asexual, Ally and Two-spirit (LGBTQQIAA2S) Pride Month and, in furtherance
of that designation, hereby directs that the Progress Pride Flag be raised on the central flag pole in the
courtyard of County Center, and that the County Executive take appropriate actions to cause or to
authorize the Progress Pride Flag to be raised at other locations owned or operated by the County, during
all business days of the month of June 2022.

Dated: May 17, 2022

SUPERVISORS:

DON HORSLEY, President
DAVE PINE
CAROLE GROOM
WARREN SLOCUM
DAVID CANEPA

Attest: _____
Deputy Clerk of the Board of Supervisors