

**RESOLUTION NO. 2021-01**

**FIRST 5 ALAMEDA COUNTY COMMISSION**

**ADOPTING FINDINGS THAT THERE IS A PROCLAIMED STATE OF EMERGENCY AND THAT MEETING IN PERSON POSES IMMEDIATE HEALTH AND SAFETY RISKS TO ATTENDEES AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE COMMISSION AND COMMITTEES FOR THE PERIOD OF OCTOBER 7, 2021 THROUGH NOVEMBER 6, 2021**

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency in the State of California; and

**WHEREAS** in light of ongoing concerns about public health and safety, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act (the “Brown Act”) in order to allow local government bodies to conduct open meetings safely during the coronavirus pandemic. On June 11, 2021, the Governor issued Executive Order N-08-21, extending the suspension of these provisions to allow local government bodies to continue to conduct their meetings remotely through September 30, 2021; and

**WHEREAS**, on September 10, 2021, the Legislature took additional action to allow local agencies to forego compliance with Brown Act teleconferencing requirements under specific circumstances after the expiration of the Governor’s order by adopting AB 361, which amends the Brown Act’s requirements for teleconferencing during a proclaimed state of emergency and when certain other conditions are met and certain findings are made. Because the bill contained an urgency clause, it took effect upon Governor Newsom’s signature on September 16, 2021; and

**WHEREAS**, the Brown Act, as amended, allows local agencies to make an initial determination to hold open meetings via teleconferencing when there is a proclaimed state of emergency and any of the following circumstances exist:

- 1) State or local officials have imposed or recommended social distancing

- 2) The local agency holds a meeting for the purposes of determining by majority vote if meeting in person would pose imminent health and safety risks to attendees
- 3) The local agency holds a meeting after having determined by majority vote that, as a result of the emergency, meeting in person would pose imminent risks to the health or safety of attendees.

The local agency must reconsider whether the state of emergency continues to impact the ability of the members to meet safely in person or whether local or state officials continue to impose or recommend social distancing every 30 days; and

**WHEREAS** the rates of transmission of COVID-19 and variants in Alameda County continue to pose imminent risks for health of attendees at indoor gatherings involving individuals from outside the same household; and

**WHEREAS**, to help protect against the spread of COVID-19 and variants, and to protect the health and safety of the public, the First 5 Alameda County Commission ("Commission") wishes to take the actions necessary to comply with the Brown Act, as amended and to continue to hold its Commission and Committee meetings remotely via teleconference.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission hereby finds that pursuant to the Governor's State of Emergency Declaration, issued on March 4, 2020, there is a proclaimed State of Emergency in the State of California; and

**BE IT FURTHER RESOLVED** that the Commission finds that meeting in person in the next 30 days would pose imminent health and safety risks to attendees; and

**BE IT FURTHER RESOLVED** that the Commission approves meeting via teleconference for all Regular and Special and Committee Meetings of the Commission for the 30 days following this resolution, in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Regularly passed and adopted this 7th day of October 2021 by the following vote:

AYES:

NOES:

ABSENT:

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Chair, First 5 Alameda County Commission

ATTEST:

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Commission Secretary