



## Monterey County Board of Supervisors

### Board Order

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1st Floor  
Salinas, CA 93901  
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Upon consensus the Board received a report on:

#### **Adoption Resolution No.: 21-322**

A resolution pursuant to AB 361 to find that as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, holding Board of Supervisors meetings in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED on this 28<sup>th</sup> day of September 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)

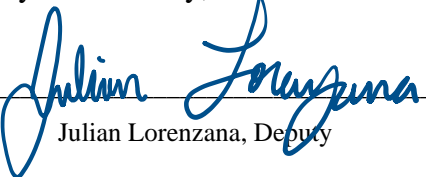
I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting September 28, 2021.

Dated: October 1, 2021

File ID: 21-820

Agenda Item No.: 20

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

  
Julian Lorenzana, Deputy

*Before the Board of Supervisors in and for the  
County of Monterey, State of California*

**Resolution No.: 21-322**

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. )

**WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and

**WHEREAS**, the proclaimed state of emergency remains in effect; 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 June 11, 2021, Governor Newsom issued Executive Order N-08-21 that 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; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361, which took effect immediately, that provides that a legislative body subject to the Brown Act may continue to meet using teleconferencing in accordance with the teleconference requirements of AB 361 instead of following the normal teleconferencing rules in the Brown Act, provided that the legislative body is meeting during the proclaimed state of emergency and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees; and

**WHEREAS**, AB 361 further requires that every thirty (30) days after holding a first meeting via teleconference pursuant to AB 361, the legislative body reconsider the circumstances of the state of emergency and make certain findings in order to continue to meet via teleconference in accordance with the teleconference requirements of AB 361; and

**WHEREAS**, on September 20, 2021, Governor Newsom issued Executive Order N-15-21 that clarified that requirements related to public meetings of local legislative bodies set forth in Executive Order N-08-21 would continue to govern through September 30, 2021, so long as notice of the public meeting is provided and the public has opportunity to observe and participate in the meeting as set forth in in AB 361; 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**, other variants of COVID-19 exist, and it is unknown at this time whether other variants may result in a new surge in COVID-19 cases; and

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

**WHEREAS**, Monterey County has consistently had a Community Transmission metric of “high” which is the most serious of the tiers; and

**WHEREAS**, due to the seriousness of the current pandemic situation, the CDPH has required that all unvaccinated persons wear facial coverings indoors, and the CDC and CDPH recommend that all persons, regardless of vaccination status, wear facial coverings indoors; and

**WHEREAS**, due to the seriousness of the current pandemic situation in the County of Monterey, the Board of Supervisors of the County of Monterey is considering adoption of an indoor mask requirement for all persons regardless of vaccination status; and

**WHEREAS**, the County is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare and safety within the unincorporated areas of the County; and

**WHEREAS**, the County has an important governmental interest in protecting the health, safety and welfare of those who participate in meetings of the County’s various legislative bodies subject to the Brown Act; and

**WHEREAS**, the Board of Supervisors is a “legislative body” as defined by Government Code section 54952 of the Brown Act; and

**WHEREAS**, the Board of Supervisors has been meeting via teleconference during the state of emergency in accordance with Executive Orders N-29-20 and N-08-21, including providing opportunity for public observation and participation in Board meetings; and

**WHEREAS**, the Board of Supervisors desires to continue to have the opportunity to meet via teleconference due to the imminent risks to the health and safety of attendees, with intent to periodically review this determination as required by AB 361; and

**WHEREAS**, this resolution is intended to enable the Board of Supervisors to meet via teleconference during its meetings in the month of October 2021, whether solely via teleconference or via a combination of physical location and teleconference, with such determination to be reconsidered thereafter in accordance with AB 361;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors in and for the County of Monterey as follows:

1. The recitals set forth above are true and correct.
2. The Board of Supervisors finds that as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, holding Board of Supervisors meetings in person would present imminent risks to the health or safety of attendees.

3. No later than thirty (30) days after the Board of Supervisors holds a meeting for the first time via teleconference pursuant to this resolution, staff is directed to put an item on the Board's agenda to reconsider the circumstances of the state of emergency and consider making the findings required by AB 361 in order to continue meeting via teleconference under its provisions.
4. The County Administrative Officer and County Counsel are authorized and directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

**PASSED AND ADOPTED** on this 28<sup>th</sup> day of September 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)

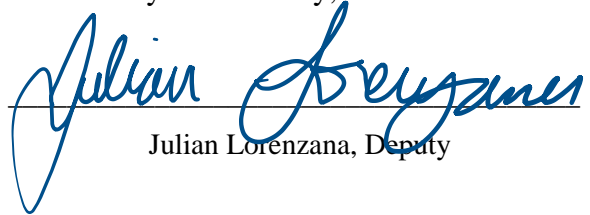
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