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Public Hearing to consider a resolution authorizing remote teleconference meetings for the period of December 9, 2021 to January 8, 2022 as a result of the continuing COVID-19 pandemic state of emergency

..body

Published Notice Required? Yes \_\_\_\_\_ No X  
Public Hearing Required? Yes \_\_\_\_\_ No X

### **DEPARTMENTAL RECOMMENDATION:**

The Department of Resource Management recommends that the Airport Land Use Commission **ADOPT** the resolution authorizing remote teleconference meetings for the period of December 9, 2021 to January 8, 2022 as a result of the continuing COVID-19 pandemic state of emergency.

### **SUMMARY:**

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and the proclaimed state of emergency remains in effect. 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. 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.

On September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Ralph M. Brown Act ("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.

The CDC has established a "Community Transmission" metric with four (4) tiers designed to reflect a community's COVID-19 case rate and percent positivity. Solano County currently has a Community Transmission metric of "Substantial".

In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Airport Land Use 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 provided that all teleconferenced meetings are conducted in such a manner that protects the statutory and constitutional rights of the parties and the public appearing before this legislative body.

### **Attachments**

A – Draft Resolution

**SOLANO COUNTY AIRPORT LAND USE COMMISSION  
RESOLUTION NO. 21-10**

**RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE  
PERIOD OF DECEMBER 9, 2021-JANUARY 8, 2022 AS A RESULT OF THE CONTINUING  
COVID-19 PANDEMIC STATE OF EMERGENCY**

**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 that provides that a legislative body subject to the Ralph M. Brown Act ("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**, Solano County currently has a Community Transmission metric of "Substantial"; and,

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, this 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 provided that all teleconferenced meetings are conducted in such a manner that protects the statutory and constitutional rights of the parties and the public appearing before this legislative body.

**NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of the Solano County Airport Land Use Commission as follows:

1. The recitals set forth above are true and correct.
2. This Commission finds that meeting in person would present imminent risks to the health or safety of attendees and therefore, shall conduct its meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.
3. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 8, 2022, or such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which this Board may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

I certify that the foregoing resolution was adopted at a regular meeting of the Solano County Airport Land Use Commission on December 9, 2021 by the following vote:

AYES: Commissioners \_\_\_\_\_

\_\_\_\_\_

NOES: Commissioners \_\_\_\_\_

\_\_\_\_\_

ABSTAIN: Commissioners \_\_\_\_\_

\_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

\_\_\_\_\_

By \_\_\_\_\_

Bill Seiden, Chairman  
Solano County Airport Land Use Commission

Attest:

By: \_\_\_\_\_  
Terry Schmidtbauer, Secretary to the Commission