

RESOLUTION NO. 1098-1

A RESOLUTION OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT AUTHORIZING CONTINUED REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, on March 4, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency due to COVID-19. Such Proclamation remains and is in effect as of the date of this Resolution, as are the facts, circumstances, and emergency under which it was issued; and

WHEREAS, the Alameda County Mosquito Abatement District (“District”) ordinarily holds its regular meetings on the second Wednesday of the month at 5 p.m. at the Board Room, 23187 Connecticut Street, Hayward, California 94545; and

WHEREAS, the District officially closed its public facilities as of March 16th, 2020 due to the coronavirus pandemic, making the Board Room unavailable to the public; and

WHEREAS, on March 30, 2020 the District’s Board President issued a Declaration altering the regular meeting location to be held via teleconference only pursuant to Executive Order N-29-20.

WHEREAS, the Health Officer of the County of Alameda (“Health Officer”) have issued various health orders and updates designed to slow the spread of COVID-19 (including variants thereof) such as vaccinations, quarantines, face covering requirements, and social distancing recommendations designed to protect public health; and

WHEREAS, on September 20, 2021, Health Officer issued recommendations for safely holding public meetings, including strongly recommending teleconferencing meetings as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19, and further recommended social distancing and face masking of all attendees; and

WHEREAS, as of January 5, 2022 approximately 15-20% of County residents remain unvaccinated or partially vaccinated. The Health Officer recommend social distancing for those who are not fully vaccinated and further recommend avoiding crowded places, close contact settings, and confined places with poor airflow; and

WHEREAS, COVID-19 continues to spread, the Delta variant (a highly-infectious COVID- 19 strain) is prevalent in the Bay Area. COVID-19 poses imminent health and safety concerns. The risk of exposure to COVID-19 depends on the likelihood of coming into close physical contact with people who may be infected and through contact with contaminated surfaces and objects. The severity of the illness varies. Per the US Centers for Disease Control and Prevention about 14% of the cases are severe (meaning, they required hospitalization), with an infection that affects both lungs and has the potential to lead to severe medical complications (such as respiratory failure, shock, or multiorgan dysfunction) that can cause death in some people. The number of cases of infections and deaths occurring locally can be determined by viewing the dashboards of the Health Officer; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which placed an end date of September 30, 2021 on such authority; and

WHEREAS, due the rise in COVID-19 cases, including due to the Delta variant, the District continues to be deeply concerned about protecting the health and safety of attendees, particularly given that even fully vaccinated people have contracted the Delta variant, people may contract and transmit the virus before knowing they are infected and/or if they are asymptomatic; meetings of the District can last several hours, the District has a large board of Trustees, its meeting facilities are limited in space with seats that are close together, and have restricted air flow; and

WHEREAS, the California State legislature adopted AB 361 as an urgency measure that was signed by the Governor on September 16, 2021. AB 361 amends the Brown Act to allow local governments to use teleconferencing and virtual meeting technology as long as there is a gubernatorial “proclaimed state of emergency” upon the local legislative body finding that State or local officials have imposed or recommended measures to promote social distancing or that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the Board desires to continue holding public meetings of the District using teleconferencing and virtual meeting technology in order to avoid the imminent risk to the health and safety of attendees; and

WHEREAS, the District found that conducting its meetings using virtual meeting technology allowed the equivalent, if not improved, access to the meetings for Trustees, staff, and the public based on the ease of use and flexibility of technology. This experience has been confirmed by the Little Hoover Commission, which evaluated the effectiveness of remote meetings statewide; and

WHEREAS, the Board held a duly noticed public meeting on October 13th, 2021; and

WHEREAS, at such public meeting, the Board considered all pertinent oral and written information, exhibits, testimony, and comments received during the public review process, including, without limitation, information received at the public hearing, the oral report from District staff, the written report from staff, this Resolution, and all other information on which each of the Trustees has based their decision (collectively, “Remote Meeting Information”); and

WHEREAS, the Board found that a state of emergency remained active due to the coronavirus pandemic, which affects the ability of attendees to meet safely in person; and

WHEREAS, the Board desires to make the findings necessary to continue to meet remotely in light of the fact that there remains a significant portion of the population that is not eligible for vaccination or booster shots and that even fully vaccinated people may contract and transmit the virus and it is not possible to socially distance within the District’s Board meeting room.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the District as follows:

Section 1. Recitals. The Board hereby finds and determines that the foregoing recitals are true and correct; the recitals are hereby incorporated by reference into each of the findings as

though fully set forth therein. The recitals and the information below constitute findings in this matter, and together with the Remote Meeting Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth herein.

Section 2. AB 361 Findings. The Board, on behalf of itself and its legislative bodies, hereby further finds the following: A state of emergency in California remains active due to the coronavirus pandemic, which continues to directly impact the ability of attendees to meet safely in person. Federal, state, and/or local officials have imposed and/or recommended measures to promote social distancing and use face coverings in indoor settings to shelp stop the spread of the virus. They have strongly recommended public agencies hold their meetings online because doing so presents the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19. COVID-19 continues to pose an imminent risk to the health and safety of attendees to meet in person because it can be contracted and transmitted by people without symptoms and regardless of vaccination status and has the potential to lead to severe disease and death.

Section 4. Remote Meetings. Meetings of the District and its legislative bodies will continue to be conducted remotely using teleconferencing for the next 30 days in compliance with AB 361.

Section 5. CEQA. This action does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), and/or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, this action is categorically exempt pursuant to Section 15061(b)(3), “Review for Exemptions” of the CEQA Guidelines because there is no possibility that it may have a significant effect on the environment, and no further environmental review is required. No unusual circumstances exist and none of the exceptions under CEQA Guidelines Section 15300.2 apply. This determination reflects the Board’s independent judgment and analysis.

DULY AND REGULARLY ADOPTED by the District’s Board of Trustees this 12th day of January, 2022 by the following vote:

AYES: 15
NOES: 0
ABSENT: 0
ABSTAIN: 0

DocuSigned by:
Suhnu Bhat
BF62AB5863DC49F...
President, Board of Trustees,
Alameda County Mosquito Abatement District

DocuSigned by:
Cathy Roache
A7F28794A487475
ATTEST: Secretary of the Board of Trustees, Alameda County
Mosquito Abatement District