

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On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the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.

* * * * *



[San Mateo County Pride Center](#) (click for website)

June 2022 Updates

Did someone say PRIDE?! That's so Gay! We're in!

- **Pride Center Special Programming for Pride Month:**

- **Community SOGIE 101**

Ever wondered what's the difference between sex and gender? Want to learn about the difference between bisexual and pansexual? Continue your Pride Month on **Wednesday, June 15th from 5:30-7:30 pm PST** with the San Mateo County Pride Center and ACS Outlet as we go back to the LGBTQ basics. We are proud to offer our virtual Sexual Orientation and Gender Identity/Expression (SOGIE) 101 training to all community members! Our goal is to work with **YOU** to understand how to create affirming environments for LGBTQ youth and adults through an engaging and interactive training filled with matching games, videos, and polls. Through the generous support of our sponsors, we are able to offer this training **at no cost to you!** All are welcome!

Bring your dinners and an open mind as we break down the latest LGBTQ terminology and work to build your strengths and grow as LGBTQ+ advocates and leaders. Register at <https://tinyurl.com/SMCPCSOGIE2022>.

- **Resource Roadmap SMC: A Service Provider's Guide to Supporting Transgender and Gender Diverse Clients**

Are you a service provider who wants to learn how to better support clients who are transgender, nonbinary, or gender diverse? Join us on **Wednesday, June 22, from 2-4 pm**, for this free and comprehensive capacity-building workshop led by our Health Equity Coordinator, Alex Golding. Together, we will cover relevant tips and strategies to help you and your clients navigate different resources across San Mateo County (housing, health & wellness, employment, legal, social, and more). We will also hold space to discuss ways that we as providers can begin to identify, address, and overcome any judgments and biases we may have that can impact our work with the transgender and gender-diverse community. There will be an interactive presentation followed by an in-depth Q&A. Registration link: tinyurl.com/provider-roadmap-june2022

Intended audience: Case Managers/Social Workers, Healthcare professionals, Mental Health Clinicians, Peer Support/Community Workers Please contact alex.golding@sanmateopride.org with any questions.

Accessibility: *The workshop will be in English via Zoom; closed captioning can be provided.*

- **Pride Center 5-Year Anniversary Celebration**

Please join us on **Thursday, June 30 from 6 pm – 8 pm PST**, as we virtually celebrate the San Mateo County Pride Center’s 5- year anniversary milestone event. We will hear from county leaders, community partners, some of our founding team members, and YOU (yes, YOU!) about the impact the Pride Center has made. Our celebration will be MCed by none other than Jesus U Bettawork and feature performances by the ever-popular Drag King troupe the Rebel Kings!

You’ve never witnessed an event like this before! There will be an integrative art component while we also pay homage to those of you who helped get us to become the Community Center we are today. Did we mention we put the FUN in fundraising?! The Pride Center will host a 50/50 draw when 1 lucky winner gets to walk away with HALF of what we raise. If that’s not enough, this will be your chance to shut the Program Director, Frankie Sapp (he/him) up! Make the awful dad jokes stop! Donate to throw a pie in the face of the “Boss that Bakes!”

Make some popcorn, grab your drinks, and get ready for a GAY OLD TIME! Register now at <https://tinyurl.com/SMCPC5Year> to end Pride month with the San Mateo County Pride Center.

- **For more information about the Pride Center's monthly activities, events, and resources, visit:** <https://sanmateopride.org/events/>.
- For registration and more information about this event and **more San Mateo County Pride 2022 celebration events**, click [here](https://www.smcpridecelebration.com/): <https://www.smcpridecelebration.com/>. To check out the virtual Pride calendar, click here: <https://www.smcpridecelebration.com/calendar>.
- **Coming Soon!**
 - **Become a Monthly Donor!**



- **New Online Store!**

More colors! More Fabulous – Just like us!



.....and more!!!

- **Bisexual/Multi-sexual Clinical Group**

New clinical-led group coming soon to hold space of community and clients wishing to process experiences of biphobia/invisibility being multi-sexual within and outside of the LGBTQ+ community. More information coming soon! Can't wait to find out? Contact Mental Health Clinician Andrea Roth (she/her) at andrea.roth@sanmateopride.org or MFT/PCC Trainee Kira/Ki Willow (ey/she/they/he) at k.willow@sanmateopride.org.

For questions about our programs and services, contact us at:

E: info@sanmateopride.org

P: 650-591-0133

To sign up for our mailing list, please use this link: tinyurl.com/smcpc-newsletter



CoastPride invites you to celebrate Pride Month with us. Thanks to our coastside Cities, from Pescadero to Pacifica, our local businesses, and our beautiful communities—coastside and over the hill, Pride is popping!

Half Moon Bay Pride

- June 1st- Stop by City Hall at noon to join in raising the Progress Flag
- June 2nd- Shop local and stop by CoastPride table at Make it Main
- June 7th through the end of the Month. Thanks to the Beautification Committee, when you stroll down Main Street you will see our Pride banners from 92 to the Farm Bureau.
- June 18th, 2pm - 6pm- Cool World
 - [Fancy Pants Costume](#) and CoastPride has a brand new production unlike anything you've seen! The scene will be no-host food trucks from [Sam's Chowder House](#) and [Tacos San Buena](#), beverages from [HopDogma](#) and [Table Wine](#), with [FishWife Sweets](#) for dessert. Guest-star performances and parade down Main Street will be highlights!

Pescadero Pride – May 31st

- Join our young leaders- 50 strong- as they march from the school at 8:45 am to town Center where they will raise the Progress Flag and share remarks with civic leaders.

Pacifica Pride

Make history and join CoastPride and the City of Pacifica as it celebrates its first Pride!

11AM - Parade Kickoff at the Community Center: 540 Crespi Dr, Pacifica, CA 94044

Be sure to stop by historic downtown Sharp Park, Pacifica and check out the local businesses that are having special Pride promotions! For more on the parade route & and learn about business promotions

https://www.facebook.com/events/532103778414438?active_tab=about

Finding Pride Online: Sacred Pride

June 5th, from 4-m - 5pm, CoastPride Multi-Faith Partners invite you to hear Maggid Jhos Singer. Jhos is an out transman who advocates for deepening understanding of the role of gender in spirituality. He is a rogue scholar: on the one hand, he holds a BA in Music from UCLA and an MA in Jewish Studies from the Graduate Theological Union—and on the other, he also finds as much wisdom in pop culture, mixology, home gardening, and sharing a fine afternoon

with friends and family. Where: via Zoom Register:

<https://interland3.donorperfect.net/weblink/WebLink.aspx?name=E353176&id=13>

Finding Pride Over the Hill? Ha– Still Here Still Proud!

San Mateo County Fair- June 2nd

Stop by the Pride Center and CoastPride resource table and enjoy the Family Pride Day at the Fair from 10:30am - 2pm.

Filoli Gardens- June 5th

Catch CoastPride and live performances, including Drag Queen Storytime at 11:00am and Mexican folk dancing by Folclorico Colibri at 3:30pm. <https://filoli.org/visit/pride/>

San Mateo County Pride- June 11th

Join us as we celebrate 10 years of Pride on the Peninsula in Central Park from 11am - 5pm.

<https://www.smcpridecelebration.com>