

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member _____

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO AB 361 TO
CONTINUE TO HOLD TELECONFERENCED PUBLIC MEETINGS DURING THE
COVID 19 STATE OF EMERGENCY

WHEREAS, the Brown Act (Government Code section 54950 et seq.) allows for public meetings of a legislative body to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction; and

WHEREAS, in response to the COVID-19 state of emergency, the Governor temporarily suspended the rules described above when he issued Executive Order N-29-20 on March 17, 2020 and authorized local legislative bodies to hold virtual public meetings subject to specific public accessibility and noticing requirements; and

WHEREAS, the Governor signed AB 361 prior to the expiration of Order N-29-20; and

WHEREAS, AB 361 amends the Brown Act to the legislative body of a local agency to hold a teleconferenced meeting during a state of emergency without complying with the normal teleconferencing requirements described above if it meets requirements related to providing notice of the meeting, public access and participation via call-in or internet-based service options, real-time public comments, and conduct of the meeting in a manner that protects statutory and constitutional rights of any parties and the public appearing before the legislative body; and

WHEREAS, AB 361 does not require legislative bodies to take any specific action prior to holding an initial teleconferenced meeting during a state of emergency, however, to hold a subsequent teleconferenced meeting a legislative body must act no later than 30 days after the initial teleconferenced meeting, and every 30 days thereafter, by making findings specified in the statute justifying the continued use of teleconferenced public meetings; and

WHEREAS, it shall be the policy of the City that the appointed boards and commissions of the City will hold teleconferenced public meetings in compliance with the provisions of AB 361 during the COVID-19 state of emergency; and

WHEREAS, the COVID-19 state of emergency declared by the Governor remains active; and

WHEREAS, public meetings involve many people in shared indoors spaces for hours, when the number of people present does not always allow for a minimum six-foot distance between persons, and close contacts raise the risk of the spread of COVID-19; and

WHEREAS, the Alameda County Health Officer has issued Order No. 20-06t (originally issued April 3, 2020 and most recently amended on August 24, 2022) imposing a mandate that all individuals diagnosed with COVID-19 must isolate themselves and follow requirements further specified in the Order; and

WHEREAS, Order No. 20-06t also aligns with California Department of Public Health Guidance on Isolation and Quarantine of the General Public, specifically that individuals having close contacts/exposure to infected persons are not required to quarantine as long as they remain asymptomatic but are recommended to test and wear a mask as specified by the Order and California Department of Public Health guidance; and

WHEREAS, the Alameda County Health Officer has issued Order No. 22-03 (effective on June 25, 2022), rescinding the general mask mandate imposed by Order No. 22-02; and

WHEREAS, the Alameda County Public Health Department currently requires face coverings in the following situations:

- Indoors when required by businesses, government offices, youth-serving facilities, and workplace settings.
- When required by trains, buses, ferries, taxis and rideshare operators.
- Indoors in transportation hubs like bus terminals, train stations, marines, seaports or other ports, subway stations, or any other area that provides transportation, when required by transit systems.
- Healthcare settings.
- Long-term care settings and adult and senior care facilities.
- Correctional facilities and detention centers.
- Clinical areas, including isolation and quarantine areas, of homeless shelters, emergency shelters and cooling/heating centers, or any locations within those facilities where healthcare is being delivered.
- Persons exposed to someone with COVID-19 should wear a mask for 10 days.
- Persons with COVID-19 should wear a mask for 10 days when with others, even if able to leave isolation before then.

WHEREAS, with the exception of the situations described above, effective September 23, 2022, the California Department of Public Health and Alameda County Public Health Department guidance on use of face masks for the general population shifts from strong recommendation in all indoor settings at all times to use of Centers for Disease Control Community Levels to help inform masking recommendations; and

WHEREAS, current CDC COVID 19 Community Level for Alameda County is Medium. Consequently, the general public may mask based on personal preference, informed by their own personal level of risk. Vulnerable people are encouraged to wear a mask in crowded indoor public places. Vulnerable people include the unvaccinated, people who are immunocompromised, people with certain disabilities or underlying health conditions, or those at risk of severe illness or death if infected with COVID-19. When COVID levels are Medium or High, non-healthcare high risk indoor settings such as homeless shelters, emergency shelters, and heating/cooling centers must reinstate universal masking requirements for all staff and residents, regardless of if there are no outbreaks within the facility.; and

WHEREAS, workplaces must comply with Cal/OSHA safety standards; and

WHEREAS, the California Department of Public Health has issued the following current guidance:

- Face masks are required in healthcare settings, long term care settings, adult and senior care facilities, and all clinical areas, including isolation and quarantine areas, of homeless shelters, emergency shelters and cooling/heating centers, and state and local correctional facilities or detention centers, or any locations within those facilities where healthcare is being delivered.
- Businesses and venue operators, including K-12 school and childcare settings must allow any individual to wear a mask if they desire to.
- Persons with COVID-19 symptoms or who test positive for COVID-19 are required to isolate.
- Persons working or housed in specified high-risk settings are required to isolate and quarantine in the event of an exposure to someone infected with COVID-19.
- Members of the general public, regardless of vaccination status, are not required to isolate if they are asymptomatic after exposure to a person infected with COVID-19. Testing and masking are recommended, and vaccination/boosting is strongly encouraged; and

WHEREAS, Alameda County Health Order No. 21- 04 (effective November 1, 2021), which allows a stable group of fully vaccinated individuals to remove masks in certain indoor situations, is not applicable to the City's public meetings because they do not necessarily involve a stable group of vaccinated individuals.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward makes the following findings pursuant to AB 361 to continue holding teleconferenced public meetings during the COVID-19 state of emergency:

- The City Council has reconsidered the circumstances of the state of emergency.
- The COVID 19 state of emergency declared by the Governor remains active and continues to directly impact the ability of Councilmembers to meet safely in-person.
- State and local officials continue to recommend or impose measures to promote social distancing.
- The Alameda County Health Officer has issued orders imposing measures to promote social distancing via isolation and quarantine of individuals infected or likely infected with COVID-19 and individuals with close contact to persons infected with COVID-19.
- The Alameda County Health Officer requires face coverings to be worn in the following settings:
 - Indoors when required by businesses, government offices, youth-serving facilities, and workplace settings.
 - When required by trains, buses, ferries, taxis and rideshare operators.
 - Indoors in transportation hubs like bus terminals, train stations, marines, seaports or other ports, subway stations, or any other area that provides transportation, when required by transit systems.
 - Healthcare settings.
 - Long-term care settings and adult and senior care facilities.
 - Local correctional facilities and detention centers.
 - Clinical areas, including isolation and quarantine areas, of homeless shelters, emergency shelters, and cooling/heating centers, or any locations within those facilities where healthcare is being delivered.
 - Persons exposed to someone with COVID-19 should wear a mask for 10 days.
 - Persons with COVID-19 should wear a mask for 10 days when with others, even if able to leave isolation before then.
- The California Department of Public Health has issued the following guidance:
 - Face masks are required in healthcare settings, long term care settings, adult and senior care facilities, and all clinical areas, including isolation and quarantine areas, of homeless shelters, emergency shelters and cooling/heating centers, and state and local correctional facilities or detention centers, or any locations within those facilities where healthcare is being delivered.
 - Businesses and venue operators, including K-12 school and childcare settings must allow any individual to wear a mask if they desire to.
 - Persons with COVID-19 symptoms or who test positive for COVID-19 are required to isolate.
 - Persons working or housed in specified high-risk settings are required to isolate and quarantine in the event of an exposure to someone infected with COVID-19.

- Members of the general public, regardless of vaccination status, are not required to isolate if they are asymptomatic after exposure to a person infected with COVID-19. Testing and masking are recommended, and vaccination/boosting is strongly encouraged.
- Workplaces must comply with Cal/OSHA safety standards.

BE IT FURTHER RESOLVED that in the interest of public health and safety, based on the findings contained herein, the City Council of the City of Hayward and the appointed boards and commissions identified in Exhibit A of this Resolution shall continue to hold teleconferenced public meetings pursuant to AB 361.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward