



TO: North County Library Authority (NCLA) Commission

FROM: Marcie Scott, Liaison/Patty Francisco, MRG

DATE: November 15, 2021

SUBJECT: Declaration of Local Health Emergency Due to COVID-19 – Necessitating Hosting Virtual Commission Meeting

Summary

The Commission adopted Resolution 2021-04 at the last meeting on October 18, 2021 affirming the need to continue meeting virtually through teleconference meetings due to the public health issue resulting from the COVID-19 global pandemic. Recent legislation requires a regular review of local pandemic restrictions and that the Authority make required findings pursuant to Government Code Section 54953(e)(1) that a declared state of emergency continues or that state or local officials continue to impose or recommend measures to promote social distancing.

Discussion

The State began to relax some public health restrictions in June 2021 as vaccinations dramatically increased and the rate of COVID-19 infections decreased. At that time the Governor issued Executive Order N-08-21 maintaining the suspension of certain provisions of the Ralph M. Brown Act to continue to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means through September 30, 2021.

The State Legislature acted to formalize more flexibility in public meeting laws and approved AB 361, which along with a new Executive Order N-15-21, allow a public entity to waive the following requirements in the Brown Act:

- Ensuring that each teleconference location is physically accessible to the public;
- Maintaining quorum with members physically within the jurisdiction; and
- Providing an opportunity for public comment at each teleconference location.

The exemptions included in A.B. 361 only apply during a declared state of emergency as defined under the California Emergency Services Act. (Gov. Code §§ 52953(e)(1), (e)(4).) In addition, one of the following circumstances must apply:

- State or local officials have imposed or recommended measures to promote social distancing.
- The legislative body is meeting to determine whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The legislative body has determined that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.

Santa Clara County, and the State, have experienced recent increases in COVID-19 cases and hospitalizations, due primarily to the Delta variant of SARS-CoV-2, the virus that causes COVID-19. The current Santa Clara County Public Health Order dated August 2, 2021 states “Emerging evidence indicates that the Delta variant 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.”

Based on this and other factors, the City of Los Altos reaffirmed a local emergency declaration on November 9, 2021. Similarly, the Town of Los Altos Hills acted to declare a local emergency and extend teleconference meetings as part of its October 21, 2021 council agenda.

If an agency such as NCLA desires to continue to meet via teleconference/Zoom, Pursuant to Government Code Section 54953(e)(1), every 30 days during the proclaimed state of emergency and/or the period during which state or local officials have imposed or recommended social distancing measures, the legislative body acting under the teleconference exemptions must make findings about whether the circumstances explained above still apply. The body must find that it reconsidered the circumstances of the state of emergency and that one of the following circumstances exist: “(i) the emergency continues to directly impact the ability of members to safely meet in person,” or “(ii) state or local officials continue to impose or recommend measures to propose social distancing.” (Gov. Code § 54953(e)(3).)

Recommendation

It is recommended the Commission review the attached Resolution 2021-05 and make the findings set forth therein, which will allow continued virtual meetings consistent with Government Code Section 54953(e)(1). This action requires a majority vote of the Commission.

Attachments:
Resolution 2021-05



RESOLUTION NO. 2021-05
A RESOLUTION OF THE NORTH COUNTY LIBRARY
AUTHORITY DECLARING THE EXISTENCE OF A LOCAL
EMERGENCY DUE TO THE COVID-19 PANDEMIC

WHEREAS, on March 4, 2020, the Governor issued a proclamation of a state of emergency relating to the respiratory illness known as COVID-19, which is caused by the novel corona virus SARS-CoV-2; and

WHEREAS, on March 11, 2020, the World Health Organization declared the existence of a pandemic due to the global spread of COVID-19; and

WHEREAS, on March 16, 2020, the Santa Clara County Health Officer issued the first of successive orders requiring all individuals residing in the County to shelter in their places of residence as specified, to socially distance, and to take other measures to prevent community spread of COVID-19; and

WHEREAS, on March 19, 2020, the Governor issued a statewide shelter-in-place order; and on August 28, 2020, the Governor announced a “Blueprint for a Safer Economy,” which provided protocols for slowly reopening the state’s economy following the initial shelter-in-place mandate; and

WHEREAS, the Governor lifted the Blueprint for a Safer Economy on June 15, 2021, and local health restrictions were lifted due to sharp declines in COVID-19 case counts since vaccines first became available; and

WHEREAS, despite progress in addressing the pandemic, not all eligible individuals are fully vaccinated, and new, more virulent variants of the SARS-CoV-2 virus are spreading in California and throughout the world; and

WHEREAS, according to the California Department of Public Health, by July 21, 2021, nearly 85 percent of new COVID-19 cases in California were caused by the highly contagious “delta” variant; and

WHEREAS, due to the spread of the delta variant and because not all eligible persons are vaccinated yet, the incidence of COVID-19 infection increased in Santa Clara County; and

WHEREAS, as a result of rising case counts, on August 2, 2021, the Santa Clara County Health Officer issued a new health order requiring the use of face coverings indoors by all persons; and

WHEREAS, by early November 2021, over 1,875 Santa Clara County residents had died of COVID-19; and

WHEREAS, despite significant progress, COVID-19 remains a threat to public health and safety in the Los Altos and Los Altos Hills communities; and

WHEREAS, in view of the ongoing health crisis, the North County Library Authority now desires to affirm it is safer for the community and members of the Commission to continue with remote meetings at this time.

NOW THEREFORE, BE IT RESOLVED by the North County Library Authority that:

1. The Authority has reviewed local and State public health guidance, and data and information from the Santa Clara County Health Department, which support the continuance of measures including hosting virtual meetings to protect the community due to COVID-19.
2. The Authority will further evaluate the need to continue hosting virtual meetings at the start of their next Regular or Special meeting.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the North County Library Authority at a meeting thereof on the 15th day of November, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, PRESIDENT

Attest:

Jon Maginot, Deputy City Manager