

VALLEY CLEAN ENERGY ALLIANCE

Staff Report - Item 3

TO: Board of Directors

FROM: Mitch Sears, Interim General Manager
Alisa Lembke, Board Clerk/Administrative Analyst

SUBJECT: Continuation of Remote Public Meetings as authorized by Assembly Bill 361

DATE: October 14, 2021

Recommendation

VCE Board authorizes the continuation of remote (video/teleconference) meetings, including any standing or future committee(s) meetings and Community Advisory Committee meetings, by finding:

1. Pursuant to Assembly Bill 361 (AB 361), that, as a result of the COVID pandemic, there is a proclaimed state of emergency and a local official has recommended measures to promote social distancing.
2. On July 29, 2021, the County Health Officer issued the attached Amended Order for Wearing of Face Coverings in Workplaces and Public Settings. Page 3, Section 7 of the Amended Order states that all persons should wear well-fitted face coverings and practice physical distancing. Further, on September 22, 2021, the Health Officer issued the attached memorandum, recommending that all Brown Act bodies continue to meet remotely.

Background/Summary of AB 361

Pursuant to Government Code Section 54953(b)(3) legislative bodies may meet by “teleconference” only if the agenda lists each location a member remotely accesses a meeting from, the agenda is posted at all remote locations, and the public may access any of the remote locations. Additionally, a quorum of the legislative body must be within the legislative body’s jurisdiction.

Due to the COVID-19 pandemic, the Governor issued Executive Order N-29-20, suspending certain sections of the Brown Act. Pursuant to the Executive Order, legislative bodies no longer needed to list the location of each remote attendee, post agendas at each remote locations, or allow the public to access each location. Further, a quorum of the legislative body does not need to be within the legislative body’s jurisdiction. After several extensions, Executive Order N-29-20 expired on September 30, 2021.

On September 16, 2021, the Governor signed AB 361, which kept some of the provisions of Executive Order N-29-20. Pursuant to Government Code Section 54953(e), legislative bodies may meet remotely and do not need to list the location of each remote attendee, post agendas at each remote locations, or allow the public to access each location.

However, legislative bodies must first find: (1) the legislative body is meeting during a state of emergency and determine by majority vote that meeting in person would present an imminent risk to the health or safety of attendees; or (2) state or local health officials impose or recommend social distancing measures.

Government Code Section 54953(e)(1). The legislative body must make the required findings every 30 days, until the end of the state of emergency or recommended or required social distancing. Government Code Section 54953(e)(3). On January 1, 2024, Government Code Section 54953(e) is repealed.

Due to the rise in COVID-19 cases caused by the Delta Variant, on July 29, 2021, the Yolo County Health Officer issued an Amended Order for the Wearing of Face Coverings in Workplaces and Public Settings a recommendation that all Brown Act bodies meet remotely. The Amended Order requires the use of face coverings indoors and states that all persons should continue to protect themselves and others by physical distancing (see Page 3, Section 7). Further, on September 22, 2021, the Health Officer issued a memorandum to the Yolo County Board of Supervisors recommending that all Brown Act bodies continue to meet remotely.

Staff will continue to monitor the situation as part of our emergency operations efforts and will return to the Board every thirty (30) days or as needed with additional recommendations related to the conduct of public meetings.

Attachments:

1. Amended Order of the Yolo County Public Health Officer for wearing face coverings in workplaces and public settings
2. Yolo County Health Officer memorandum dated 9/22/21 to Board of Supervisors

AMENDED ORDER OF THE YOLO COUNTY PUBLIC HEALTH OFFICER FOR THE WEARING OF FACE COVERINGS IN WORKPLACES AND PUBLIC SETTINGS

DATE OF AMENDED ORDER: July 29, 2021

Please read this Order carefully. Violation of, or failure to comply with, this Order is a public nuisance subject to citation, abatement, or both, as well as a misdemeanor punishable by fine, imprisonment, or both (California Government Code § 8634 and 8665; California Health and Safety Code §§ 120155, 120220, 120275, 120295; California Penal Code § 69, 148(a)(1)); Executive Order N-25-20).

SUMMARY OF THIS ORDER

This Amended Order requires all individuals to wear face coverings when indoors in workplaces and public settings, with limited exemptions, and recommends that businesses make face coverings available to individuals entering the business.

On July 29, 2021, this Order was amended to clarify the settings in which it applies.

BACKGROUND

Since June 15, 2021 when most restrictions from the State of California’s Blueprint for a Safer Economy were lifted, the average daily incident case rate of COVID-19 in Yolo County has increased eightfold to reach the “Substantial Transmission” level of the US Centers for Disease Control and Prevention’s (“CDC”) Indicators for Levels of Community Transmission. The testing positivity rate in Yolo County has also risen tenfold since June 15. Hospitalizations from COVID-19 in Yolo County have risen from one patient on June 15 to 15 patients on July 23. While the majority of cases since June 15 have occurred among unvaccinated persons, the daily case rate among vaccinated persons has risen to reach the CDC’s “Moderate Transmission” level, meaning that the risk of infection is not longer considered low in fully vaccinated persons.

The significantly more transmissible Delta variant of the SARS-CoV-2 virus has become the predominant strain in the US and in Yolo County. During the week of July 17 through July 25, 2021, 88 percent of positive specimens genotyped by the UC Davis Genome Center were identified as the Delta variant. The COVID-19 vaccines currently authorized in the US have been shown to be highly safe and effective at providing protection to individuals and communities, particularly against severe COVID-19 disease and death, and are recommended by the CDC for all populations for whom the vaccine is authorized by the US Food and Drug Administration.

In considering options to stem this rapid increase in COVID-19 transmission, a continued increase in the proportion of the population vaccinated is necessary but not sufficient. Universal indoor use of face coverings, also known as masking, is the least disruptive and most immediately impactful additional measure to take. All individuals, especially those who are unvaccinated or at higher risk of severe outcomes from COVID-19, should take personal measures to reduce risk in addition to masking.

This Order is necessary to control and reduce the rate of community spread and to reinforce the need for safe interactions. The Health Officer will continue to assess the public

health situation as it evolves and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.

ORDER

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND 120220, THE PUBLIC HEALTH OFFICER OF THE COUNTY OF YOLO (“HEALTH OFFICER”) HEREBY ORDERS AS FOLLOWS:

1. Except as otherwise set forth herein, the July 28, 2021 [Guidance for the Use of Face Coverings](#) issued by the California Department of Public Health (“CDPH”), as may be amended from time to time, continues to apply throughout the County.

2. This Order directs that face coverings shall be worn, regardless of vaccination status, over the mouth and nose, in all indoor public settings, venues, gatherings, and workplaces, such as, but not limited to: offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference centers, and State and local government offices. For purposes of this Order, all non-residential settings are considered public, and common areas within apartments and other multi-household residential settings (e.g., common patios, laundry rooms, lobbies) are also considered public.

3. Individuals, businesses, venue operators, hosts, and others responsible for the operation of indoor public settings must:

- Require all patrons to wear face coverings for all indoor settings, regardless of their vaccination status; and
- Post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the masking requirements to all patrons.

In addition, those responsible for indoor public settings are strongly encouraged to provide face coverings at no cost to individuals required to wear them.

4. Exemptions from face covering requirements – Individuals are not required to wear face coverings in the following circumstances:

- Persons who are working alone in a closed office or room;
- Persons who are actively eating and/or drinking;
- Persons swimming or showering in a fitness facility;
- Persons who are obtaining a medical or cosmetic service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- Persons who are specifically exempted from wearing face masks pursuant to other CDPH guidance.

5. Employers and businesses subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (“ETS”) and/or the Cal/OSHA Aerosol Transmissible Diseases Standards should consult the applicable regulations for additional requirements. The ETS allow local health jurisdictions to mandate more protective measures. This Order, which requires face

coverings for all individuals in indoor settings and businesses, regardless of vaccination status, takes precedence over the more permissive ETS regarding employee face coverings.

6. Mega Events:

- Indoor Mega-Events: All attendees of indoor mega-events (defined as 5,000 or more attendees) must wear face coverings while indoors and must otherwise comply with the restrictions set forth in the CDPH guidance [Beyond the Blueprint for Industries and Sectors](#).
- Outdoor Mega-Events: Attendees of outdoor mega-events (defined as 10,000 or more attendees) are required to wear face coverings while in an indoor setting and in areas where 50% of the structure has adjacent impermeable walls, such as concourses and concession stands, and must otherwise comply with the restrictions set forth in the CDPH guidance [Beyond the Blueprint for Industries and Sectors](#).

7. Unvaccinated as well as fully vaccinated persons should continue to follow CDC guidance for [unvaccinated people](#) and for [fully vaccinated people](#) to protect themselves and others, including wearing a well-fitted [face covering](#), [physical distancing](#) (at least 6 feet), avoiding crowds, avoiding poorly ventilated spaces, covering coughs and sneezes, [washing hands](#) often, and following any applicable workplace, school, or business sector guidance or requirements including the [Cal/OSHA Emergency Temporary Standards](#). Fully vaccinated people should still watch for [symptoms](#) of COVID-19, especially following an exposure to someone with suspected or confirmed COVID-19. If symptoms develop, all people – regardless of vaccination status – should isolate and be clinically evaluated for COVID-19, including SARS-CoV-2 testing. Anyone testing positive for SARS-CoV-2, regardless of vaccination status, must follow the [Mass Isolation Order of the Yolo County Health Officer](#).

8. This Order shall become effective at 12:01 am on July 30, 2021 and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. The Health Officer intends to end the Order when the daily COVID-19 case rate falls below 2 per 100,000 for seven consecutive days.

9. All State orders and guidance documents referenced in State orders are complementary to this Order. By way of this Order, the Health Officer adopts such directives as orders as well. Where a conflict exists between a local order and any State public health order related to the COVID-19 pandemic, the most restrictive provision controls pursuant to, and consistent with, California Health and Safety Code § 131080, unless the State Health Officer issues an order that expressly determines a provision of a local public health order is a menace to public health.

10. Pursuant to Government Code §§ 26602 and 41601 and Health and Safety Code § 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. **The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and pursuant to Section 120275 of the Health & Safety Code is punishable as a**

misdemeanor by fine, imprisonment, or both. Other administrative and judicial remedies are also available.

11. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 625 Court Street, Woodland, CA 95695; (2) posted on the County website (www.yolocounty.org); and (3) provided to any member of the public requesting a copy of this Order.

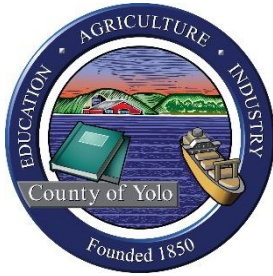
12. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:



Aimee Sisson, MD, MPH
Health Officer of the County of Yolo

Dated: July 29, 2021



COUNTY OF YOLO

Health and Human Services Agency

Karen Larsen, LMFT
Director

Aimee Sisson, MD, MPH
Health Officer

MAILING ADDRESS
137 N. Cottonwood Street • Woodland, CA 95695
www.yolocounty.org

Date: September 22, 2021

To: All Yolo County Boards and Commissions

From: Dr. Aimee Sisson, Health Officer

Subject: Remote Public Meetings

In light of the ongoing public health emergency related to COVID-19 and the high level of community transmission of the virus that causes COVID-19, the Yolo County Public Health Officer recommends that public bodies continue to meet remotely to the extent possible. Board and Commissions can utilize the provisions of newly-enacted AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws.

Among other reasons, the grounds for the remote meeting recommendation include:

- The continued threat of COVID-19 to the community. As of September 22, 2021, the current case rate is 24.1 cases per 100,000 residents per day. This case rate is considered “high” under the Centers for Disease Control and Prevention’s (CDC) framework for assessing community COVID-19 transmission; and
- The unique characteristics of public governmental meetings, including the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges of ensuring compliance with safety requirements and recommendations at such meetings.

Meetings that cannot feasibly be held virtually should be held outdoors when possible, or indoors only in small groups with face coverings, maximal physical distance between participants, use of a portable HEPA filter (unless comparable filtration is provided through facility HVAC systems), and shortened meeting times.

This recommendation is based upon current conditions and available protective measures. The Public Health Officer will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.

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Davis, CA 95616
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West Sacramento
500 Jefferson Boulevard
West Sacramento, CA 95605
Service Center (916) 375-6200
Mental Health (916) 375-6350
Public Health (916) 375-6380

Winters
111 East Grant Avenue
Winters, CA 95694
Service Center (530) 406-4444

Woodland
25 & 137 N. Cottonwood Street
Woodland, CA 95695
Service Center (530) 661-2750
Mental Health (530) 666-8630
Public Health (530) 666-8645