

RESOLUTION NO. 2023-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PENINSULA HEALTH CARE DISTRICT RECOGNIZING THE EXISTENCE OF A STATE OF EMERGENCY AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF PENINSULA HEALTH CARE DISTRICT FOR THE PERIOD FEBRUARY 13- MARCH 13, 2023 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Peninsula Health Care District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Peninsula Health Care District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950- 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, Government Code section 54953(e), as provided in AB 361 and made effective on September 17, 2021, makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, executive orders issued by the Governor of California continue to recognize that COVID-related emergency conditions continue to exist; and

WHEREAS, local officials continue to recommend measures to promote social distancing and masking; and

WHEREAS, meeting in person for Board or committee meetings would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, that the Governor of California has declared a state of emergency due to the imminent dangers of COVID-19; and the San Mateo County Health Officer has imposed measures for masking and social distancing in order to prevent the spread of COVID-19, including Order C19-12 issued on August 2, 2021; and

WHEREAS, the conditions existing within the District justify the continued use of remote teleconferencing for Board meetings;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF PENINSULA HEALTH CARE DISTRICT DOES HEREBY FIND AND RESOLVE:

Section 1. Recitals. The Recitals set forth above are true and correct. Section 2.

Findings of State of Emergency. The Board finds and declares:

A. A state emergency has been proclaimed by the Governor of the State of California and now exists throughout the District, and

B. State officials and local officials, including the San Mateo County Health Officer, have imposed and/or recommended that measures be taken to promote social distancing and to require that masks be worn indoors regardless of vaccination status; and

C. As a result of the emergency, meeting in person could present imminent risks to the health and safety of members of the public and District staff.

Section 3. **Remote Teleconference Meetings**. As a consequence of the local emergency, the Board of Directors does hereby determine that the legislative bodies of Peninsula Health Care District shall have the authority to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953. In the event that the Board of Directors or another legislative body elects to conduct a meeting in person, the meeting shall allow for participation by members and attendees through remote participation (a "hybrid" meeting).

The Chief Executive Officer is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act, including noticing and provisions for public participation and public comment.

Section 4. **Effective Date of Resolution**. This Resolution shall take effect immediately upon its adoption and shall be effective for 30 days from the date of adoption or until such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of Peninsula Health Care District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.


PASSED AND ADOPTED by the Board of Directors of Peninsula Health care District, this 26th day of January 2023, by the following vote:

AYES: Cappel, Pagliaro, Navarro, Zell, Sanchez

NOES:

ABSENT:

ABSTAIN:


Secretary of the District
Dennis Zell, Esq.