

**RESOLUTION NO. 1095-1**

**A RESOLUTION OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE  
BODIES OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT PURSUANT  
TO BROWN ACT PROVISIONS**

**WHEREAS**, on March 4, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency due to COVID-19. Such Proclamation remains and is in effect as of the date of this Resolution, as are the facts, circumstances, and emergency under which it was issued; and

**WHEREAS**, Alameda County Mosquito Abatement District (“District”) ordinarily holds its regular meetings on the 2<sup>nd</sup> Wednesday of the month at 5:00 P.M at 23187 Connecticut Street, Hayward, CA 94545; and

**WHEREAS**, the District office at 23187 Connecticut Street, Hayward, CA 94545 officially closed its public facilities as of March 16<sup>th</sup>, 2020 due to the coronavirus pandemic, making the district office unavailable to the public; and

**WHEREAS**, on March 30<sup>th</sup>, 2020, the Board President issued a declaration altering the regular meeting location due to a local emergency caused by the COVID-19 pandemic; and

**WHEREAS**, the Health Officer of County of Alameda issued various health orders and updates designed to slow the spread of COVID-19 (including variants thereof) such as vaccinations, quarantines, face covering requirements, and social distancing recommendations designed to protect public health; and

**WHEREAS**, the Health Officer have issued recommendations for safely holding public meetings, including strongly recommending teleconferencing meetings as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19, and further recommended social distancing and face masking of all attendees; and

**WHEREAS**, as of September 24, 2021, 22.7% of Alameda County residents remain unvaccinated or partially vaccinated. The Health Officer recommend social distancing for those who are not fully vaccinated and further recommend avoiding crowded places, close contact settings, and confined places with poor airflow; and

**WHEREAS**, COVID-19 continues to spread, the Delta variant (a highly-infectious COVID- 19 strain) is prevalent in the Bay Area. COVID-19 poses imminent health and safety concerns. The risk of exposure to COVID-19 depends on the likelihood of coming into close physical contact with people who may be infected and through contact with comminated surfaces and objects. The severity of the illness varies. Per the US Centers for Disease Control and Prevention about 14% of the cases are severe (meaning, they required hospitalization), with an infection that affects both lungs and has the potential to lead to severe medical complications (such as respiratory failure, shock, or multiorgan dysfunction) that can cause death in some people. The number of cases of infections and deaths occurring locally can be determined by viewing the dashboards of the Health Officer; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which placed an end date of September 30, 2021, on such authority; and

**WHEREAS**, due the rise in COVID-19 cases, including due to the Delta variant, the District continues to be deeply concerned about protecting the health and safety of attendees, particularly given that even fully vaccinated people have contracted the Delta variant, people may contract and transmit the virus before knowing they are infected and/or if they are asymptomatic; meetings of the District can last several hours, and the District’s meeting facilities are shared spaces with member agencies, limited in space with seats that are close together, and have restricted air flow; and

**WHEREAS**, the California State legislature adopted AB 361 as an urgency measure that was signed by the Governor on September 16, 2021. AB 361 amends the Brown Act to allow local governments to use teleconferencing and virtual meeting technology as long as there is a gubernatorial “proclaimed state of emergency” upon the local legislative body finding that State or local officials have imposed or recommended measures to promote social distancing or that meeting in person would present imminent risks to the health or safety of attendees; and

**WHEREAS**, the Board desires to continue holding public meetings of the District using teleconferencing and virtual meeting technology in order to avoid the imminent risk to the health and safety of attendees; and

**WHEREAS**, the District has found that conducting its meetings using virtual meeting technology allowed the equivalent, if not improved, access to the meetings for Directors, staff, and the public based on the ease of use and flexibility of technology. This experience has been confirmed by the Little Hoover Commission, which evaluated the effectiveness of remote meetings statewide; and

**WHEREAS**, the Board, after giving all public notices required by State Law, held a duly noticed public meeting on April 8<sup>th</sup>, 2020; and

**WHEREAS**, at such public meeting, the Board considered all pertinent oral and written information, exhibits, testimony, and comments received during the public review process, including, without limitation, information received at the public hearing, the oral report from District staff, the written report from Staff, this Resolution, and all other information on which each of the Directors has based their decision (collectively, “Remote Meeting Information”).

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the District as follows:

**Section 1. Recitals.** The Board hereby finds and determines that the foregoing recitals are true and correct; the recitals are hereby incorporated by reference into each of the findings as though fully set forth therein. The recitals and the information below constitute findings in this matter, and together with the Remote Meeting Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth herein.


**Section 2. AB 361 Findings.** The Board hereby further finds the following: A state of emergency remains active due to the coronavirus pandemic, which continues to directly impact the ability of attendees to meet safely in person. State and/or local officials have imposed and/or recommended measures to promote social distancing. They have strongly recommended public agencies hold their meetings online because doing so presents the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19. COVID-19 poses an imminent risk to the health and safety of attendees because it can be contracted and transmitted by people without symptoms and regardless of vaccination status and has the potential to lead to severe disease and death.

**Section 3. Remote Meetings.** Meetings of the District and its legislative bodies will continue to be conducted remotely using teleconferencing for the next 30 days in compliance with AB 361.

**Section 4. CEQA.** This action does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), and/or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, this action is categorically exempt pursuant to Section 15061(b)(3), “Review for Exemptions” of the CEQA Guidelines because there is no possibility that it may have a significant effect on the environment, and no further environmental review is required. No unusual circumstances exist and none of the exceptions under CEQA Guidelines Section 15300.2 apply. This determination reflects the Board’s independent judgment and analysis.

**DULY AND REGULARLY ADOPTED** by the Board of Directors of the Alameda County Mosquito Abatement District this October 13<sup>th</sup>, 2021, by the following vote:

AYES: 13  
NOES: 0  
ABSENT: 1  
ABSTAIN: 0

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President, Board of Trustees,  
Alameda County Mosquito Abatement District

ATTEST:   
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Secretary of the Board of Trustees, Alameda County  
Mosquito Abatement District