



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: County Executive Office
Department No.: 012
For Agenda Of: January 10, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors

FROM: Department: Mona Miyasato, County Executive Officer
Director(s)
Contact Info: Nancy Anderson, Assistant County Executive Officer

SUBJECT: Reconsider the Circumstances of the Existing State of Emergency

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

It is recommended that the Board of Supervisors:

- a) Reconsider the circumstances of the existing state of emergency;
- b) Consider whether state or local officials continue to impose or recommend measures to promote social distancing;
- c) Find that the Board of Supervisors has considered the circumstances of the state of emergency, and that State or local officials continue to impose or recommend measures to promote social distancing; and
- d) Direct staff to notice and hold hearings as remote hearings consistent with Government Code § 54953(e)(3).

Summary:

Staff recommends the Board consider the circumstances of the emergency and if appropriate, direct staff to holding hearings as remote hearings consistent with Government Code section 54953(e)(3). On September 28, 2021, Santa Barbara County Health Officials issued a social distancing recommendation related to the passing of AB 361. On February 16, 2022, Santa Barbara County Health Officials released an extension to continue a social distancing recommendation to continue teleconferencing options for public meetings and was reaffirmed on September 1, 2022.

On October 17, 2022, Governor Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023. This timeline gives the health care system needed flexibility to handle any potential surge that may occur after the holidays in January and February, in addition to providing State and local partners the time needed to prepare for this phaseout and set themselves up for success afterwards. It is anticipated that the County will continue to follow the guidance of the State for COVID-19 protocols. The County may continue to make findings consistent with AB 361 until the end of the COVID-19 State of Emergency at the end of February.

Background:

On June 11, 2021, Governor Gavin Newsom issued Executive Order N-08-21, which among other things sets a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act, including how remote participation is conducted. The California State Legislature passed, and the Governor signed, Assembly Bill 361, which amends the Government Code to allow Brown Act bodies to continue to meet remotely if certain elements are met AB 361 sets forth a process to allow the use of teleconferencing for open public meetings without needing to comply with certain Brown Act teleconference requirements if certain findings are made by the legislative body. The health officer recommendation is intended to be available for use by legislative bodies in making a determination of whether to hold in-person hearings, virtual hearings, or a hybrid of both. Further, the recommendation recommends social distancing measures to promote public participation while encouraging participants to protect themselves against COVID- 19.

In response to the passage of AB 361, which allows Brown Act bodies to continue to meet remotely if certain requirements are met and the body makes certain findings, the Santa Barbara County Health Officer issued a recommendation on social distancing on September 28, 2021 and again on February 16, 2022, reaffirming the social distancing recommendation. On September 1, 2022, the social distancing recommendation was again reaffirmed. The recommendation notes that utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourages participants to protect themselves and others from the COVID-19 disease.

Discussion:

On November 16, 2021, the Board made the determination to continue to allow the option of remote meetings, and directed staff to continue this option. The Board of Supervisors, however, has continued to meet in-person, and has not held a fully remote regular meeting since the inception of the COVID-19 pandemic. Consistent with AB 361, the Board must reconsider the circumstances of the COVID-19 State of emergency every 30 days, including considering state and local officials health recommendations on social distancing. The Board reconsidered this item on December 14, 2021, January 11, February 8, March 8, April 5, May 3, May 31, June 28, July 12, August 16, September 13, October 11, November 1, November 29, and December 13, 2022 and made the findings to continue the option to hold remote meetings.

The Santa Barbara County Public Health Officials' recommendation to utilize teleconferencing options for public meetings as an effective social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease still is in effect.

Santa Barbara County also is currently categorized as having a "low" level of community transmission by the US Centers for Disease Control and Prevention's four-tiers. As of November 29, 2022, the Santa Barbara County Public Health Department reports 14.8 case rate per 100,000 and an 9.1% testing

positivity rate. Vaccines are available for everyone 6+ months of age and continue to help protect against the COVID-19 disease. Information on the COVID-19 Vaccine Booster Shot as well as the Novavax COVID-19 Vaccine, approved for emergency use, can be found [here](#). Most up to date COVID-19 data can be found [here](#).

Fiscal and Facilities Impacts:

There are no fiscal impacts associated with this item.

Attachments:

Attachment A – SBCPH AB 361 Social Distance Recommendation, as of September 1, 2022

Authored by:

Jasmine McGinty, Principal Analyst, County Executive Office