



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:** 1-11-2022  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**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

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**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. 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. The full health officer recommendation is found in Attachment A.

**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 and the body takes certain actions as discussed below. AB 361 took effect immediately and applies to all Brown Act boards, committees, and commissions within the County.

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. 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, the Board made the determination to continue to meet remotely, and directed staff to continue to have the option to hold remote meetings. 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 and made the finding 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 “substantial” level of community transmission by the US Centers for Disease Control and Prevention’s four-tiers. As of , December 12, 2021, the Santa Barbara County Public Health Department reports an 11.9 case rate per 100,000 and a 3.1% testing positivity rate.

**Fiscal and Facilities Impacts:**

There are no fiscal impacts associated with this item.

**Attachments:**

Attachment A – SBCPH AB 361 Social Distance Recommendation

**Authored by:**

Jasmine McGinty, Principal Analyst, County Executive Office