

## ATTACHMENT 2A

**To:** Domestic Violence Council  
**From:** Tanya Beat, Staff Liaison  
**Subject:** Resolution to make findings allowing continued remote meetings under Brown Act

### **RECOMMENDATION:**

Adopt a resolution finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

### **BACKGROUND:**

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act. The original Executive Order provided that all provisions of the Brown Act that required the physical presence of members or other personnel as a condition of participation or as a quorum for a public meeting were waived for public health reasons. If these waivers had fully sunset on October 1, 2021, legislative bodies subject to the Brown Act would have to contend with a sudden return to full compliance with in-person meeting requirements as they existed prior to March 2020, including the requirement for full physical public access to all teleconference locations from which board members were participating.

On September 16, 2021, the Governor signed AB 361, a bill that formalizes and modifies the teleconference procedures implemented by California public agencies in response to the Governor's Executive Orders addressing Brown Act compliance during shelter-in-place periods. AB 361 allows a local agency legislative body to continue to use teleconferencing under the same basic rules as provided in the Executive Orders when certain circumstances occur or when certain findings have been made and adopted by the legislative body.

AB 361 provides that Brown Act legislative bodies must return to in-person meetings on October 1, 2021, unless they choose to continue with fully teleconferenced meetings because a specific declaration of a state or local health emergency is appropriately made. AB 361 allows legislative bodies to continue to conduct virtual meetings as long as there is a gubernatorially-proclaimed public emergency in combination with (1) local health official recommendations for social distancing or (2) adopted findings that meeting in person would present an imminent risk to health or safety of attendees. AB 361 became effective on October 1, 2021 and will sunset on January 1, 2024.

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AB 361 also requires that, if the state of emergency remains active for more than 30 days, the legislative body must make findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. The findings demonstrate the need for teleconferencing persists due to the nature of the ongoing public health emergency. Effectively, this means that legislative bodies must either agendaize a Brown Act meeting once every thirty days to make these findings, or, if a legislative body has not made such findings within the prior 30 days, the legislative body must re-adopt the initial findings if it wishes to conduct a remote meeting.

### **DISCUSSION:**

On September 28, 2021, in the interest of public health and safety, as affected by the state of emergency caused by the spread of COVID-19, the Board of Supervisors issued a finding that meeting in person would present imminent risks to the health or safety of attendees and decided to invoke the provisions of AB 361 related to teleconferencing for Board meetings. The Board also strongly encouraged other County legislative bodies to make a similar finding and continue meeting remotely through teleconferencing.

Since Thanksgiving, the statewide seven-day average case rate has increased by 805% and the number of COVID-19 hospitalized patients has increased by 154%. This surge is being driven by the recent emergence of the Omicron variant, which has recently been estimated to account for approximately 70% of cases sequenced nationally. Early data suggest that the Omicron variant is more transmissible than the Delta variant. Indeed, local rates of transmission of COVID-19 are now in the "high" tier as measured by the Centers for Disease Control. Requiring large numbers of individuals to gather, and potentially travel long distances, for in-person public meetings could potentially, and unnecessarily, expose numerous people to COVID-19, further contribute to the ongoing surge in cases caused by the Omicron variant, compound disruptions to our economy, and undermine public health measures during the current State of Emergency.

Accordingly, we recommend that the Domestic Violence Council avail itself of the provisions of AB 361 allowing continuation of online meetings by adopting findings to the effect that conducting in-person meetings would present an imminent risk to the health or safety of attendees. A resolution to that effect and directing staff to take such other necessary or appropriate actions to implement the intent and purposes of the resolution, is attached hereto.

### **FISCAL IMPACT:**

None

**RESOLUTION NO.**

**RESOLUTION FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY DECLARED BY GOVERNOR NEWSOM, MEETING IN PERSON FOR MEETINGS OF THE DOMESTIC VIOLENCE COUNCIL WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES**

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**WHEREAS**, on March 4, 2020, pursuant to Government Code section 8550, *et seq.*, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus, and subsequently, the San Mateo County Board of Supervisors (“Board”) declared a local emergency related to COVID-19, and the proclamation by the Governor and declaration by the Board remain in effect; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions in the California Open Meeting law, Government Code section 54950, *et seq.* (the “Brown Act”), related to teleconferencing by local agency legislative bodies, provided certain requirements were met and followed; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended provisions of Executive Order N-29-20 that waive otherwise-applicable Brown Act requirements related to remote/teleconference meetings by local agency legislative bodies through September 30, 2021; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361 into law, and AB 361 provides that a local agency legislative body subject to the Brown Act may continue to meet without complying with the otherwise-applicable requirements in

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the Brown Act related to remote/teleconference meetings by local agency legislative bodies, provided that a state of emergency has been declared and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and provided that the legislative body makes such finding at least every thirty (30) days during the term of the declared state of emergency; and

**WHEREAS**, on September 28, 2021, in the interest of public health and safety, as affected by the state of emergency caused by the spread of COVID-19, the Board issued a finding that meeting in person would present imminent risks to the health or safety of attendees, and decided to invoke the provisions of AB 361 related to teleconferencing for meetings of the Board; and

**WHEREAS**, the Board also strongly encouraged other County legislative bodies to make a similar finding and continue meeting remotely through teleconferencing; and

**WHEREAS**, since Thanksgiving, the statewide seven-day average case rate has increased by 805% and the number of COVID-19 hospitalized patients has increased by 154%; and

**WHEREAS**, this surge is being driven by the recent emergence of the Omicron variant, which has recently been estimated to account for approximately 70% of cases sequenced nationally; and

**WHEREAS**, early data suggest that the Omicron variant is more transmissible than the Delta variant; and

**WHEREAS**, indeed, local rates of transmission of COVID-19 are now in the “high” tier as measured by the Centers for Disease Control; and

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**WHEREAS**, requiring large numbers of individuals to gather, and potentially travel long distances, for in-person public meetings could potentially, and unnecessarily, expose numerous people to COVID-19, further contribute to the ongoing surge in cases caused by the Omicron variant, compound disruptions to our economy, and undermine public health measures during the current State of Emergency; and

**WHEREAS**, the Domestic Violence Council has an important governmental interest in protecting the health, safety and welfare of those who participate in its meetings; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Domestic Violence Council finds that meeting in person would present imminent risks to the health or safety of attendees, and the Domestic Violence Council will therefore invoke the provisions of AB 361 related to teleconferencing for meetings of the Domestic Violence Council.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that

1. The recitals set forth above are true and correct.
2. The Domestic Violence Council finds that meeting in person would present imminent risks to the health or safety of attendees.
3. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

## Potential DVC goals and priorities

Here is a list of potential projects that the DVC may wish to consider:

Area of focus	Ideas	Projects
<b>DVC</b>	1. Reevaluate our mission & goals	
	2. Reevaluate committee mission statements	
	3. Create and publish workplans for DVC and committees	
	4. Ensure the DVC website has current documents posted	
	5. Consider the development of an annual report to be presented to the Board of Supervisors	
<b>Children's issues</b>	1. Coordinate a training on ACEs	A. Consider implementing ACE screenings
	2. For children who witnesses DV receives access to mental health support	A. Ensure every child who witnesses a DV event is listed on the police report
	3. Initiate educational programs for youth	A. Programs at schools and clubs B. Consider partnering with the Youth Commission
<b>Educate community and service providers</b>	1. High lethality markers	A. Consider implementing lethality assessments B. Evaluate the effectiveness of current high lethality practices
	2. Focus on undocumented survivors of DV including education and awareness of immigration services, victims rights and immigration relief	A. Create a U-Visa/VAWA FAQ worksheet detailing immigration relief options for survivors of domestic violence. FAQ will be made available at local law enforcement agencies, community-based organizations and other county departments. B. Conduct outreach to consulates and other service providers
<b>Strangulation Project update</b>	1. Where are we now with identification, support and prosecution and outcomes of these cases?	A. Receive a report out and determine if additional action/direction is needed
<b>Other potential key areas of focus</b>	1. Language access	A. Identify the language capacity of each agency and partner provider

		<p>B. Conduct training or create a best practices document on language access requirements</p> <p>C. Ensure inclusion of ASL needs and services</p>
	2. Responding effectively to LGBTQ DV survivors	<p>A. Identify training opportunities for community, LEA's and service providers</p> <p>B. Participate in Pride event(s)</p>
	3. Consider DV screenings for county agencies who provide services and assistance to the public	
	4. Examine best practices around Criminal Protective Order Modifications	

## Data request sheet

### Law Enforcement

	Q1 (July-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-June)
Number of DV related calls to 911				
Number of incidents responded to				
Number of arrests				
Number of cases referred to the DAO				
Language (translation) requests for DV calls				
Spanish				
Mandarin/Cantonese				
Tagalog				
Other (please identify)				
Age of suspect				
Gender of suspect				
Ethnicity of suspect				
Age of victim				
Gender of victim				
Ethnicity of victim				
Number of firearms surrendered				
Other data points as appropriate				

### DA's Office

	Q1 (July-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-June)
Number of DV case referrals				
Number of DV cases charged				
Outcome of cases				
Convictions				
Dismissals				
Age of suspect				
Gender of suspect				
Ethnicity of suspect				
Age of victim				
Gender of victim				
Ethnicity of victim				
Other data points as appropriate				

### Probation

	Q1 (July-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-June)
Number of DV offenders supervised				
Age of DV probationer				
Gender of DV probationer				
Ethnicity of DV probationer				
BIP data				
Number of participants				
Number of graduates				
Other data points as appropriate				

### San Mateo County Medical Center

	Q1 (July-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-June)



Number of DV examinations				
Number of strangulation exams				
Other data points as appropriate				

**Courts/Legal Service Providers**

	Q1 (July-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-June)
Number of DVRO's requested				
Outcome of DVRO requests				
Granted				
Denied				
Under review				
Other				
Number of DV clients assisted				
Other data points as appropriate				

**Victim service agencies**

	Q1 (July-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-June)
Number of survivors/victims served				
Victim demo data				
Gender				
Age				
Ethnicity				
Number of LEP* clients				
Total number of shelter beds				
Number of shelter bed nights provided				
Number of individuals turned away for shelter beds				
Transitional housing data				
Number of callers to hotline				
Number of hours of counseling				
Number of legal services provided				
Other data points as appropriate				

\*LEP: Limited English Proficiency