



A Public Agency

ADMINISTRATION AND FINANCE

STAFF REPORT

To: SBWMA Board Members
From: Joe La Mariana, Executive Director
Cyndi Urman, Clerk of the Board
Date: September 22, 2022 Board of Directors Meeting
Subject: Resolution Finding that meeting of the Board of Directors Via Teleconference protect against the ongoing and imminent Health and Safety risks posed by COVID-19 and determining that all such meetings will continue to be held by teleconference pursuant to California Government Code Section 54953(e) or whether meetings of the Board and Standing Committees should be conducted in a hybrid format or in person beginning in October 2022

Recommendation

It is recommended that the Board of Directors receive public input, deliberate, and determine whether meetings of the Board of Directors and Standing Committees should continue to be held remotely, or instead held in “hybrid” format or fully in-person. Staff has prepared two resolutions: one to continue the Agency’s practice of holding remote meetings, and the other to hold future meetings of the Board and Standing Committees in hybrid format, in which members of the Board, Standing Committees and other attendees could participate in person or via Zoom. The Board should provide direction on how it wishes to proceed by either adopting one of the two attached resolutions or by taking no action on this item.

If no action is taken on either resolution the Board and Standing Committees, which will return to fully in-person meetings.

Summary

As the California state of emergency in response to COVID-19 remains effective and because the California Department of Public Health and San Mateo County Health Officer continues to recommend face coverings and other distancing measures when people gather in indoor public locations, Staff recommends that the Board of Directors approve one of the attached resolutions, either to continue Board and Standing Committee meetings remotely by videoconference or in a “hybrid” meeting format beginning in October 2022.

Depending on which of the resolutions the Board approves, the next meeting of the Board of Directors and Standing Committee meetings will be conducted either remotely or in hybrid format. Because the Board must reconsider and reaffirm a resolution approving remote meetings at least every 30 days, similar resolutions will appear on the agenda for each subsequent Board meeting until the Board no longer finds it necessary to meet remotely or in hybrid format.

If the Board takes no action on this item, the existing authorization to meet remotely will expire and the Board will hold its next meeting in-person, similar to the format that the Board utilized for meetings prior March 2020.

Analysis

At the April 2022 Board of Directors meeting staff was directed to research hybrid meeting options, Staff has completed its research and determined that the conference room previously used for Board meetings the San Carlos Library does not have appropriately wired internet infrastructure to allow for reliable hybrid meetings in that location. Because that location is not viable, staff reached out to other public agencies to determine whether or not they could provide space that is already configured for hybrid meetings. As a result of this outreach, staff determined that Silicon Valley Clean Water (SVCW) has an appropriately configured space that is available for Board meetings beginning at 3 pm. This would require no expenditure of funds for improvements to the space and SVCW has agreed to host the Board meetings for free. This space is not available for Standing Committee meetings or TAC meetings. If the Board determines to move to a hybrid format, SVCW is the only feasible option available at this time. Standing Committee meetings would be conducted in the SBWMA conference room, but that room cannot accommodate the TAC. The TAC is not scheduled to meet for the remainder of this year and so if the Board determined to utilize the hybrid format, staff will continue to search for an appropriate location for TAC meetings in 2023 and report back to the Board.

To authorize the change in location and time for Board meetings, staff recommends that the Board adopt two resolutions. First, **Resolution 2022-43** authorizing hybrid Board and Standing Committees meetings. Second, staff recommends the board also adopt **Resolution 2022-44** moving the SBWMA Board meeting location to the administrative offices at Silicon Valley Clean Water (SVCW) and changing the Board meeting start time to 3PM. (See agenda item 8B)

Background

On October 21, 2021, November 18, 2021, January 27, 2022, February 24, 2022, April 28, 2022, and June 23, 2022, the Board of Directors approved resolutions that made the findings required to continue the Agency's practice of holding public meetings by Zoom videoconference. Specifically, those resolutions found that:

- 1) the declared state of emergency in response to the COVID-19 pandemic remained in effect.
- 2) State or local officials have imposed or recommended measures to promote social distancing; and
- 3) meeting in person would present imminent risks to the health and safety of attendees.

Pursuant to AB 361, the Board's findings and authorization to continue meeting remotely cannot remain effective for more than thirty (30) days. As such, the Board must reconsider its determination at each of its monthly meetings to reauthorize remote meetings until the Board no longer believes remote meetings are necessary.

The first of the two attached resolutions concludes that remote meetings should continue and makes similar findings to those made by the Board on June 23, 2022. Staff believes that these finding can again be made by the Board, due to the ongoing threat of COVID-19 transmission.

Alternatively, the second of the attached resolutions concludes that meetings should be held in hybrid format, in which Board, Standing Committee members, staff members, and members of the public can attend the meetings in person or remotely via Zoom.

On February 9, 2022, the San Mateo County Health Officer, in conjunction with health officers from the other Bay Area counties, announced that he would align the County with the State's masking requirements. While the State subsequently lifted its indoor masking requirements for vaccinated people on February 16, 2022, and for unvaccinated people on March 1, 2022, the California Department of Public Health (CDPH) continues to strongly recommend that all persons, regardless of vaccination status, continue indoor masking.

The San Mateo County Health Officer made a similar recommendation when announcing the County's alignment with the State. Specifically, County Health noted that "continuing to mask in indoor public settings, especially crowded or poorly ventilated spaces, remains the safest choice for an individual and protects those who are medically vulnerable or are not able to get vaccinated." Further, the County recommended that "people should continue to choose layered prevention strategies, such as wearing well-fitted masks (N95 or double layer cloth over surgical are best); staying home and testing when symptomatic; testing before gatherings; and improving indoor ventilation in situations where these strategies can add protection for themselves and others."

Both fully remote and hybrid meetings protect against the ongoing threat of COVID-19 transmission and are the least disruptive methods the Board can utilize to protect against the ongoing threat of COVID-19 transmission. COVID-19 spreads easily and quickly through airborne droplets, particularly when indoors. While face coverings, testing, and ventilating indoor spaces can reduce transmission, they cannot eliminate the threat. Conducting meetings remotely precludes any threat of transmission among the participants at each meeting. Similarly, hybrid meetings allow attendees to fully participate without requiring that they gather in the same indoor space. Further, they allow those that wish to attend meetings in person to do so, while also allowing attendees to participate in meetings even if they are not comfortable or safe attending in person, and to participate remotely if they have been exposed to COVID-19 or are experiencing symptoms of COVID-19.

Conclusion

As the California state of emergency in response to COVID-19 remains effective and because the California Department of Public Health and San Mateo County Health Officer recommends face coverings and other distancing measures when people gather in indoor public locations, Staff recommends that the Board of Directors approve one of the attached resolutions, either to continue meeting remotely by videoconference or to begin utilizing a "hybrid" meeting format.

Depending on which of the resolutions the Board approves, the next meet of the Board of Directors and Standing Committees will be conducted either remotely or in hybrid format. Because the Board must reconsider and reaffirm this action at least every 30 days, similar resolutions will appear on the agenda for each subsequent Board meeting until the Board no longer finds it necessary to meet remotely.

If the Board takes no action on this item, the existing authorization to meet remotely will expire and the Board, Standing Committees and the TAC will hold all future meetings in-person, similar to the format that the Board utilized for meetings prior March 2020.

Fiscal Impact

There is no fiscal impact to either the remote or hybrid meeting option.

Attachments:

Resolution 2022-42 Authorizing Remote Meetings to Continue

Resolution 2022-43 Authorizing Hybrid Meetings



RESOLUTION NO. 2022-42

RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS FINDING THAT MEETINGS OF THE BOARD OF DIRECTORS VIA TELECONFERENCE PROTECTS AGAINST THE ONGOING AND IMMINENT HEALTH AND SAFETY RISKS POSED BY COVID-19 AND DETERMINING THAT ALL SUCH MEETINGS WILL CONTINUE TO BE BY TELECONFERENCE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54953(E)

WHEREAS, on March 4, 2020, the Governor declared a state of emergency in response to the COVID-19 pandemic and California remains in a declared state of emergency; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20, temporarily suspending certain provisions of the Ralph M. Brown Act to allow local agencies to hold public meetings teleconference; and

WHEREAS, through subsequent Executive Orders, local agencies were able to continue holding public meetings by teleconference through September 30, 2021; and

WHEREAS, on an emergency basis, on September 16, 2021, the State adopted AB 361, codified at California Government Code Section 54953, which allows local agencies to continue meeting by teleconference under certain circumstances and after making certain findings; and

WHEREAS, the SBWMA Board of Directors has met by Zoom videoconference since March 2020 and found it to be an effective method of receiving public input, holding deliberations, and conducting the general business of the Agency; and

WHEREAS, remote meetings held by videoconference, which also allow attendees to participate by telephone, allow attendees of the meetings to avoid the risk of potential COVID-19 exposure and allows those that may have been exposed or experiencing symptoms of COVID-19 to participate in meetings without posing a threat to other attendees; and

WHEREAS, the California Department of Public Health (CDPH) and San Mateo County Health Officer lifted their respective indoor mask requirements on February 16, 2022, but still "strongly recommend" that people wear masks when in indoor public settings; and

WHEREAS, the San Mateo County Health Officer continues to recommend additional strategies to prevent transmission of the COVID-19 virus, including staying home and testing when symptomatic, testing before gatherings, and improving indoor ventilation; and

WHEREAS, on October 21, 2021, the Board of Directors considered the imminent risk to the health and safety of attendees at in-person meetings and the distancing measures required and recommended by Federal, State, and local health officials; and

WHEREAS, after such consideration, the Board of Directors directed by resolution dated October 21, 2021 that all meetings of the Board of Directors would continue to be held remotely by Zoom videoconference; and

WHEREAS, the Board of Directors reconsidered its direction to continue meeting by videoconference on November 18, 2021, January 27, 2022, February 24, 2022, April 28, 2022, and June 23, 2022,, and each time directed by resolution that meetings continue to be held by videoconference; and

WHEREAS, the Board of Directors has reconsidered this action again and finds that meeting by videoconference continues to be necessary due to the ongoing threat of COVID-19.

NOW, THEREFORE, BE IT RESOLVED, that the South Bayside Waste Management Authority Board of Directors does find and declare as follows:

- 1) Since March 4, 2020, and continuing through the date of this Resolution, there has been a declared state of emergency in California in response to the COVID-19 pandemic; and
- 2) The California Department of Public Health and San Mateo County Health Officer continue to recommend face coverings be worn in indoor public settings as a social distancing measure; and
- 3) The California Department of Public Health and San Mateo County Health Officer continue to recommend that people take measures to prevent the transmission of COVID-19, particularly when gathering in indoor public settings; and
- 4) Holding meetings in person creates an imminent risk to the health and safety of attendees because COVID-19 spreads particularly quickly during indoor public gatherings; and
- 5) Holding remote meetings by videoconference/teleconference will prevent the possibility of COVID-19 transmission during those meetings and allow those who are at-risk or potentially suffering COVID-19 symptoms to participate in meetings without physically attending.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board of Directors directs shall hold meetings remotely by videoconference/teleconference for at least the next thirty days, at which time, or as soon thereafter as the Board shall meet, the Board will review whether this action remains necessary to protect the health and safety of meeting attendees. Any public comment periods at any such meetings shall allow comments from members of the public attending remotely in the same form and fashion as would be taken during an in-person meeting. If at any time during any such meeting the ability to broadcast the meeting and accept public comments from remote attendees is disrupted, the Board shall recess until the disruption is resolved or continue the meeting to a later date when videoconference/teleconference participation can be restored.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 22nd day of September, 2022, by the following vote:

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Belmont					Redwood City				
Burlingame					San Carlos				
East Palo Alto					San Mateo				
Foster City					County of San Mateo				
Hillsborough					West Bay Sanitary Dist				
Menlo Park									

I HEREBY CERTIFY that the foregoing Resolution No. 2022-42 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on September 22, 2022.

ATTEST:

Alicia Aguirre, Chairperson of SBWMA

Cyndi Urman, Clerk of the Board



RESOLUTION NO. 2022-43

RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS FINDING THAT MEETINGS OF THE BOARD OF DIRECTORS AND STANDING COMMITTEES VIA HYBRID FORMAT PROTECTS AGAINST THE ONGOING AND IMMINENT HEALTH AND SAFETY RISKS POSED BY COVID-19 AND DETERMINING THAT ALL SUCH MEETINGS WILL CONTINUE TO BE HELD IN HYBRID FORMAT TO ALLOW ATTENDANCE IN PERSON OR REMOTELY PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54953(E)

WHEREAS, on March 4, 2020, the Governor declared a state of emergency in response to the COVID-19 pandemic and California remains in a declared state of emergency; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20, temporarily suspending certain provisions of the Ralph M. Brown Act to allow local agencies to hold public meetings teleconference; and

WHEREAS, through subsequent Executive Orders, local agencies were able to continue holding public meetings by teleconference through September 30, 2021; and

WHEREAS, on an emergency basis, on September 16, 2021, the State adopted AB 361, codified at California Government Code Section 54953, which allows local agencies to continue meeting by teleconference under certain circumstances and after making certain findings; and

WHEREAS, the South Bayside Waste Management Authority Board of Directors has met by Zoom videoconference since March 2020 and found it to be an effective method of receiving public input, holding deliberations, and conducting the general business of the District; and

WHEREAS, remote meetings held by videoconference, which also allow attendees to participate by telephone, allow attendees of the meetings to avoid the risk of potential COVID-19 exposure and allows those that may have been exposed or experiencing symptoms of COVID-19 to participate in meetings without posing a threat to other attendees; and

WHEREAS, the California Department of Public Health (CDPH) and San Mateo County Health Officer lifted their respective indoor mask requirements on February 16, 2022, but still "strongly recommend" that people wear masks when in indoor public settings; and

WHEREAS, the San Mateo County Health Officer continues to recommend additional strategies to prevent transmission of the COVID-19 virus, including staying home and testing when symptomatic, testing before gatherings, and improving indoor ventilation; and

WHEREAS, in recognition of the determination by CDPH and the San Mateo County Health Officer that masking in public places should no longer be required due to the decreasing threat of COVID-19, the Board finds that

it is appropriate to again hold its meetings in person; and

WHEREAS, in accordance with the social distancing measures still encouraged by CDPH and the San Mateo County Health Officer, the Board finds that it is important to continue to provide the option for attendees of its meetings to participate remotely; and

WHEREAS, holding meetings in hybrid format, in which attendees can participate either in person or remotely by videoconference, allows people who are at particular risk if exposed to COVID-19 to participate in meetings without requiring that they attend in person; and

WHEREAS, holding meetings in hybrid format allows attendees who have been exposed to COVID-19 or are experiencing symptoms to participate in Board meetings remotely and avoid exposing other attendees; and

WHEREAS, the Board of Directors has reconsidered its prior actions directing that Board meetings be held remotely by Zoom videoconference and now finds that it is appropriate to begin meeting in hybrid format.

NOW, THEREFORE, BE IT RESOLVED, that the South Bayside Waste Management Authority Board of Directors does find and declare as follows:

- 1) Since March 4, 2020, and continuing through the date of this Resolution, there has been a declared state of emergency in California in response to the COVID-19 pandemic; and
- 2) The California Department of Public Health and San Mateo County Health Officer continue to recommend face coverings be worn in indoor public settings as a social distancing measure; and
- 3) The California Department of Public Health and San Mateo County Health Officer continue to recommend that people take measures to prevent the transmission of COVID-19, particularly when gathering in indoor public settings; and
- 4) Holding meetings in person creates an imminent risk to the health and safety of attendees because COVID-19 spreads particularly quickly during indoor public gatherings; and
- 5) Holding hybrid meetings will reduce the possibility of COVID-19 transmission during those meetings by allowing those who are at-risk or potentially suffering COVID-19 symptoms to participate in meetings without physically attending.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the South Bayside Waste Management Board of Directors directs that, for at least the next thirty days, at which time, or as soon thereafter as the Board shall meet, the Board will review whether this action remains necessary to protect the health and safety of meeting attendees, the Board of Directors and any subcommittees thereof, shall meet in hybrid format, offering attendees both in-person and videoconference/teleconference access. Any public comment periods at any such meetings shall allow comments from members of the public attending remotely in the same form and fashion as comments taken from those attending in-person. If at any time during any such meeting the ability to broadcast the meeting and accept public comments from remote attendees is disrupted, the Board shall recess until the disruption is resolved or continue the meeting to a later date when videoconference/teleconference participation can be restored.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 22nd day of September, 2022, by the following vote:

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Belmont					Redwood City				
Burlingame					San Carlos				
East Palo Alto					San Mateo				

Foster City					County of San Mateo				
Hillsborough					West Bay Sanitary Dist				
Menlo Park									

I HEREBY CERTIFY that the foregoing Resolution No. 2022-43 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on September 22, 2022.

ATTEST:

Alicia Aguirre, Chairperson of SBWMA

Cyndi Urman, Clerk of the Board

STAFF REPORT

To: SBWMA Board Members
From: Joe La Mariana, Executive Director
Cyndi Urman, Clerk of the Board
Date: September 22, 2022 Board of Directors Meeting
Subject: Resolution Approving a Board Meeting start time change to 3:00PM, and a location change to the Silicon Valley Clean Water Administrative Offices

Recommendation

It is recommended that the Board of Directors approve **resolution 2022-44** amending the 2022 SBWMA Board of Directors Meeting Calendar to change the location of the in person or hybrid meetings to the Silicon Valley Clean Water Administrative Offices at 1400 Radio Road in Redwood City and amend the starting time from 2PM to 3PM on the fourth Thursday of month. If approved, our SBWMA Board meetings will now be held from 3-5pm rather than the previous 2-4pm time slot.

Summary

At the direction of the Board staff researched the purchase of technical equipment to make hybrid meetings possible for SBWMA Board meetings. Following that research, it was determined that the San Carlos Library community room where the board met until March of 2020, did not have sufficient wireless internet access, and hard wiring was not an option to allow for reliable hybrid meeting participation. With that finding, staff researched alternative meeting locations and found that the conference room at the Silicon Valley Clean Water Administrative Offices already had the infrastructure in place for hybrid meetings and would meet the needs of the 11 member SBWMA Board to conduct hybrid meetings.

Analysis

At the April 2022 Board of Directors meeting staff was directed to research hybrid meeting options, The current meeting location at the San Carlos Library does not have appropriate wired internet infrastructure to allow for reliable hybrid meetings in this location, and due to its location on the second floor and down the hall from the RethinkWaste administrative offices wireless internet is unreliable. Staff met with A/V companies to determine the equipment needs, but due to the lack of reliable internet in the San Carlos Library Community Room on the second-floor staff determined an alternative location would be the most cost-effective option. Should the Board adopt **resolution 2022-43 (agenda item 8A)** authorizing hybrid meetings, staff recommends the board also adopt **resolution 2022-44** moving the SBWMA Board meeting location to the administrative offices at Silicon Valley Clean Water (SVCW) and changing the Board meeting start time to 3PM. The staff at SVCW has informed RethinkWaste that at about 2:30 their parking lot clears due to an end-of-shift change, and if we moved the SBWMA Board meetings from a 2PM start time to a 3:00PM start time parking would be less of a challenge.

The conference room at SVCW already has the infrastructure to conduct hybrid meetings, and SVCW has offered the use of their conference room for the monthly SBWMA Board Meetings free of charge.

Fiscal Impact

Should the board approve moving the SBWMA Board Meeting location to Silicon Valley Clean Water at 1400 Radio Road in Redwood City and changing the start time from 2PM to 3PM, there is not fiscal impact to the SBWMA operational budget.

Attachments:

Resolution 2022-44 Authorizing Amending the approved SBWMA 2022 Board Meeting Calendar
Attachment A – Amended 2022 SBWMA Meeting Calendar



RESOLUTION NO. 2022-44

RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS AMENDING THE 2022 SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS MEETING CALENDAR

WHEREAS, on April 28, 2022 the SBWMA Board direct staff to research hybrid meeting options; and

WHEREAS, the current meeting location at the San Carlos Library was determined to have lack of wired internet ability which would make hybrid meetings unreliable; and

WHEREAS, through subsequent research it was determined that an alternate meeting location would be the most cost-effective for the Agency; and

WHEREAS, the staff at Silicon Valley Clean Water has offered their conference room with already existing hybrid infrastructure for the SBWMA Board of Directors meetings free of charge; and

WHEREAS, the staff at Silicon Valley Clean Water has informed the SBWMA that a 3PM start time would allow for less congested parking in their parking lot.

NOW, THEREFORE, BE IT RESOLVED, that the South Bayside Waste Management Authority Board of Directors will amend it's 2022 calendar to move meetings of the SBWMA Board of Directors to Silicon Valley Clean Water at 1400 Radio Road in Redwood City, and change the start time to 3PM. from remote attendees is disrupted, the Board shall recess until the disruption is resolved or continue the meeting to a later date when videoconference/teleconference participation can be restored.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 22nd day of September, 2022, by the following vote:

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Belmont					Redwood City				
Burlingame					San Carlos				
East Palo Alto					San Mateo				
Foster City					County of San Mateo				
Hillsborough					West Bay Sanitary Dist				
Menlo Park									

I HEREBY CERTIFY that the foregoing Resolution No. 2022-44 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on September 22, 2022.

ATTEST:

Alicia Aguirre, Chairperson of SBWMA

Cyndi Urman, Clerk of the Board

**SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY
2022 BOARD MEETING SCHEDULE**

Meetings of the South Bayside Waste Management Authority Board of Directors are held on the fourth Thursday of the month from ~~2PM to 4PM~~ 3PM to 5PM unless otherwise noted*

Location: Via Tele or Video Conference or if allowed

~~City of San Carlos Library, 2nd Floor, Conference Room A/B, 610 Elm St., San Carlos, CA 94070~~
Silicon Valley Clean Water Administrative Offices at 1400 Radio Road, Redwood City

January	27	2022
February	24 (RETREAT 12N to 4PM)	2022
March	24	2022
April	28	2022
May	26	2022
June	23	2022
July	28	2022
August	NO MEETING IN AUGUST	
September	22	2022
October	27 Board Study Session: FY 2023 Budget/CIP Review	2022
November	17 (Third Thursday)	2022
December	NO MEETING IN DECEMBER	