PUBLIC NOTICE OF A SPECIAL MEETING

The San Mateo County Office of Education Personnel Commission will be holding a special meeting on Monday, November 8, 2021 at 10:30 a.m., or shortly thereafter, in the Arroyo Room of the San Mateo County Office of Education located at 101 Twin Dolphin Drive, Redwood City, CA 94065. Personnel Commissioners are requested to attend the meeting in person. The Personnel Commission will conduct interviews for candidates for the Executive Director, Personnel Commission Services position pursuant to Government Code § 54957.

November 4, 2021

Notice prepared by Jennifer Newsom

(650) 802-5368
SAN MATEO COUNTY OFFICE OF EDUCATION
PERSONNEL COMMISSION SPECIAL MEETING
AGENDA
Meeting #591
November 8, 2021 – 10:30 a.m.

A. Call To Order

B. Roll Call

C. Action Items
   1. Approval of AB 361 Resolution: Reinstatement of Virtual Personnel Commission
      Meetings

D. Public Comment Re Closed Session Item(s)

   To efficiently accommodate public comment regarding closed session items, please submit your
   question or comment online at least two hours prior to the meeting using the following link:

   https://tinyurl.com/smcoepc

   Public comment regarding closed session item(s) are reserved for items covered under closed
   session only.

   Anyone present who wishes to address the Personnel Commission regarding items under closed
   session may fill out a speaker card and submit it to the Personnel Commission Specialist. Once
   you are acknowledged to speak, please state your name, your affiliation, and speak clearly into
   the microphone. Only one person may speak at a time.

E. Closed Session

   (1) Public Employment (Govt. Code § 54957)
       Title: Executive Director, Personnel Commission Services

   (2) Public Employee Appointment (Govt. Code § 54957)
       Title: Executive Director, Personnel Commission Services

F. Reconvene In Open Session

   The Commission will report on any action taken during closed session.

G. Next Meeting – November 10, 2021 @ 2:30 pm

H. Adjournment

Special accommodations for persons with disabilities will be made available to the individual upon request of service with a
three-day advanced notice. For further information please contact Facilities Services at (650) 802-5690; TCC (650) 802-5480
Members of the public may request to review materials related to the agenda items by contacting Personnel Commission Services at
inewsom@smcoe.org or (650) 802-5368.
Date: November 8, 2021

To: Members of the Personnel Commission

From: Philip J. Gordillo, Interim Executive Director, Personnel Commission Services

Subject: Approval of AB 361 Resolution: Reinstatement of Virtual Personnel Commission Meetings

Recommendation:

This is an approval item for the Personnel Commission effective November 10, 2021.

Background:

The Personnel Commission, San Mateo County Office of Education (SMCOE), has determined that in the best interest of its attendees for public meetings, the Personnel Commission will hold its meetings virtually as provided by AB 361. The attached Resolution allows the Personnel Commission to approve its intention to implement a virtual public meeting platform for its next regular meeting on Wednesday, November 10, 2021 as well as its regular meeting on Wednesday, December 8, 2021.
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 THE PERSONNEL COMMISSION OF THE SAN MATEO COUNTY OFFICE OF EDUCATION WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES

WHEREAS, on March 4, 2020, the Governor proclaimed pursuant to his authority under the California Emergency Services Act, California Government Code section 8625, that a state of emergency exists with regard to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder, and as of the date of this Resolution, neither the Governor nor the Legislature have exercised their respective powers pursuant to California Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and
WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

WHEREAS, the Personnel Commission of the San Mateo County Office of Education ("Personnel Commission") concludes that there is a continuing threat of COVID-19 to the community, and that Personnel Commission meetings have characteristics that give rise to risks to health and safety of meeting participants (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to participate fully in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings); and

WHEREAS, California Department of Public Health ("CDPH") and the federal Centers for Disease Control and Prevention ("CDC") caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that
even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html); and,

WHEREAS, the Personnel Commission has an important governmental interest in protecting the health, safety and welfare of those who participate in its meetings; and,

WHEREAS, the Personnel Commission typically meet in-person in a public building where other essential governmental functions take place, such that increasing the number of people present in those buildings may impair the safety of the occupants; and

WHEREAS, the COVID-19 pandemic has informed County agencies about the unique advantages of online public meetings, which are substantial, as well as the unique challenges, which are frequently surmountable; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Personnel Commission deems it necessary to find that meeting in person would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing;
NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that

1. The recitals set forth above are true and correct.

2. The Personnel Commission finds that meeting in person would present imminent risks to the health or safety of attendees.

3. Staff is directed to return with a form of this Resolution ready for adoption as the first item of business at each of its meetings, with the exception of a meeting falling within 30 days of a meeting where such a Resolution has been adopted, until directed otherwise by a majority of Commissioners.

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Approved By: ________________________________ Date: 11/08/2021
Chairperson, Veronica Palmer