



# Notice of Special Meeting

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## The Board of Retirement of the San Mateo County Employees' Retirement Association will meet on **Tuesday, February 28, 2023 at 9:55 a.m.**

**Please take notice that:** The Chair of the Board of Retirement, acting pursuant to the authority of Government Code §54956, hereby calls a Special Meeting to take place on February 28, 2023, at 9:55 a.m.

In accordance with Government Code §54953(e), the Members of the Board will be participating via Zoom video conference and teleconference. Pursuant to Government Code § 54954.3, members of the public, to the extent required by law, will have the opportunity to directly address the Board concerning the below mentioned business. The public can participate and provide comment using the instructions below:

### To Join the Meeting

- To join the meeting via video conference, click here: <https://us06web.zoom.us/j/89382961381>
- To join the meeting via telephone, dial: (669) 900-9128, and enter Meeting ID: 893 8296 1381

### Public Comment During the Meeting

Persons wishing to address the Board during the meeting should follow the steps below:

- If joining via video conference, please use the “raise your hand” feature in Zoom during the Oral Communications from the Public period.
- If joining via teleconference dial in, please dial \*9 to “raise your hand” during the Oral Communications from the Public period.

You will be called on at the appropriate time. At the beginning of your comment, please state your name.

### Public Comment Prior to the Meeting

Persons who wish to address the Board may submit written comments via email to [samcera@samcera.org](mailto:samcera@samcera.org) at least 30 minutes before the start of the Board meeting. Please include your name, agenda item, and your comment. The Board will have the email read into the record and attached to the minutes. For help joining a Zoom meeting, see: <https://support.zoom.us/hc/enus/articles/201362193>

### The Special Meeting is to discuss and transact the following business:

**PUBLIC SESSION** – The Board will meet in Public Session at 9:55 a.m.

1. **Call to Order, Roll Call**
2. **Oral Communication from the Public**
3. **Administration of the Oath of Office**
4. **Approval of Resolution Authorizing the Use of Teleconferencing for Board and Committee Meetings Pursuant to Government Code Section 54953(e)**
5. **Adjournment**

# Notice of Special Meeting

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Dated: February 22, 2023

  
Katherine O'Malley, Chair

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This Notice is to be delivered to each member of the Board and to the following if they made a request for notice in writing: each local newspaper of general circulation, radio or television station or other persons. The Notice shall be posted at [www.samcera.org](http://www.samcera.org), and delivered and received at least 24 hours before the stated time of the meeting.

A copy of the Board of Retirement's open session agenda packet is available for review [www.samcera.org](http://www.samcera.org).

**IN COMPLIANCE WITH THE CALIFORNIA GOVERNMENT CODE AND THE AMERICANS WITH DISABILITIES ACT:** Persons who require accommodation to listen and or participate in this meeting, or to review the written agenda of the Board, may obtain assistance by requesting such accommodation by email addressed to: [samcera@samcera.org](mailto:samcera@samcera.org) or calling (650) 599-1234 and leaving a message. Any such request for accommodation should be made at least 12 hours prior to the scheduled meeting for which assistance is requested.

SAN MATEO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION  
Board of Retirement

February 28, 2023

Agenda Item 3

**TO:** Board of Retirement

**FROM:** Scott Hood, Chief Executive Officer



**SUBJECT:** Administration of the Oath of Office to Newly Elected Trustee

In this agenda item, the Trustee Oath of Office will be given to **April DeCarsky**, recently elected to the Eighth Seat Alternate position on the Board of Retirement.

SAN MATEO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION  
Board of Retirement

February 28, 2023

Agenda Item 3

**TO:** Board of Retirement

**FROM:** Scott Hood, Chief Executive Officer 

**SUBJECT:** Authorization of Teleconferencing for Board and Committee Meetings Pursuant to Government Code Section 54953(e)

**Recommendation**

Approve a resolution authorizing the use of teleconferencing for Board and Committee meetings pursuant to Government Code Section 54953(e).

**Background**

Since the onset of the COVID-19 pandemic in March 2020, certain requirements of the Brown Act relating to teleconference/remote meetings by local agency legislative bodies have been waived by Executive Orders issued by the Governor. Among other things, such Executive Orders waived Brown Act provisions that required the physical presence of board members in order to constitute a quorum, and that the public be afforded physical access to all teleconference locations from which board members were participating.

On September 16, 2021, the Governor signed Assembly Bill 361 which codified certain of the teleconference procedures that local agencies had adopted in response to the Governor's Brown Act-related Executive Orders. Specifically, AB 361 allows local agencies to continue to use teleconferencing under certain prescribed circumstances to the extent certain findings have been made and adopted by the local agency legislative body. AB 361 also requires that, if the state of emergency lasts more than 30 days, the local agency must determine that there is a continuing need for teleconferencing due to dangers posed by the ongoing situation. Accordingly, in order to continue holding teleconferenced meetings pursuant to AB 361, local agencies will need to make certain prescribed findings related to the existing state of emergency at least every thirty days, or otherwise hold special meetings to make such findings.

**Discussion**

On September 28, 2021, the San Mateo County Board of Supervisors, on the recommendation of its County Executive, adopted a resolution finding that in light of current information regarding the transmissibility of the COVID-19 Delta variant, as well as best practices for controlling the spread of COVID-19, holding in person meetings would present an imminent risk to the health and safety of its attendees. The Board of Supervisors' resolution therefore authorized the continued use of teleconferenced board meetings and directed staff to continue to agendize such meetings only as online teleconference meetings. Thereafter, the Board of Supervisors has regularly determined that circumstances remain materially the same as those

in existence on September 28<sup>th</sup> and that holding in person meetings would present an imminent risk to the health and safety of its attendees. This same determination and findings were re-affirmed by the Board of Supervisors most recently on January 17, 2023.

Based on the County's findings, as well as other information from state and federal health authorities, staff recommends that the Board of Retirement authorize the continued use of teleconferenced meetings pursuant to AB 361. As noted by the County, public meetings pose high risks for COVID-19 spread for several reasons. These meetings may bring together people from throughout a geographic region, increasing the opportunity for COVID-19 transmission. Further, the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, cough and sneeze etiquette, or other safety measures. Finally, it should be noted that the Board of Retirement's facilities are smaller than those of the County's, thereby making physical distancing more difficult.

In light of the aforementioned information, staff recommends that the Board adopt findings that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. A resolution to that effect and directing staff to return each 30 days to afford the Board the opportunity to reconsider such findings, or to present such updated information at a special meeting if there are more than 30 days between regular meetings, is included herewith.

**Attachment**

Resolution Authorizing the Use of Teleconferencing for Board and Committee Meetings pursuant to Government Code Section 54953(e)

**SAN MATEO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION**

**RESOLUTION 2022-\_\_**

**RESOLUTION AUTHORIZING THE USE OF TELECONFERENCING FOR BOARD AND COMMITTEE MEETINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(e)**

**WHEREAS**, on March 4, 2020, pursuant to section 8550, et seq., of the California Government Code, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus and, subsequently, the County's Board of Supervisors declared a local emergency related to COVID-19, and both the proclamation by the Governor and the declaration by the Board of Supervisors 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, codified at Government Code section 54950, et seq. (the "Brown Act"), concerning teleconferencing by local agency legislative bodies, provided that certain requirements were met and followed; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended certain 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, which provides that local agency legislative bodies may continue to meet remotely without complying with otherwise-applicable Brown Act requirements concerning remote/teleconference, provided that a state of emergency has been declared by the Governor and the local 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 days during the term of the declared state of emergency, or at a special meeting called to determine whether such findings continue to be appropriate; and

**WHEREAS**, on September 28, 2021, the County's Board of Supervisors concluded, based on the recommendation of its County Executive, that there is a continuing threat of COVID-19 to the local community, and that in-person public meetings posed an imminent risk to the health and safety of attendees, and therefore authorized the continued use of teleconferenced meetings pursuant to AB 361; and

**WHEREAS**, since September 2021, the County's Board of Supervisors has regularly revisited its determination and findings and has routinely concluded, based on the recommendation of its County Executive, that there is a continuing threat of COVID-19 to the local community, and that in-person public meetings continue to pose an imminent risk to the health and safety of attendees, and therefore has authorized the continued use of teleconferenced meetings pursuant to AB 361; and

**WHEREAS**, most recently on January 17, 2023, the Board of Supervisors determined that circumstances remain materially the same as those in existence on September 28, 2021 and the Board of Supervisors therefore re-approved its findings that holding in-person meetings would present an imminent risk to the health and safety of attendees; and

**WHEREAS**, this Board similarly finds that in-person public meetings have characteristics that give rise to risks to the 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 that, at the present time, meetings of this Board, also pose an imminent risk to the health and safety of attendees;

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

1. The recitals set forth above are true and correct; and
2. The Board finds that meeting in person would present imminent risks to the health or safety of meeting attendees and directs staff to continue to agendize public meetings of the Board of Retirement only as online teleconference meetings; and
3. The Chief Executive Officer is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings of this Board and any Board Committees subject to the Brown Act in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act; and
4. Staff is directed to return to this Board at future meetings for the Board to determine whether in-person meetings continue to pose an imminent risk to the health and safety of attendees, and whether this Board should continue meeting remotely under the provisions of AB 361. The consideration of such item shall either be in a special meeting called for the purpose of making such determinations, or in a regular meeting of the Board to the extent such regular meeting is within 30 days of any prior determination by this Board regarding such matters.

\* \* \* \* \*

*Regularly passed and adopted, by the San Mateo County Employees' Retirement Association, Board of Retirement, on February 28, 2023.*

*Ayes, Trustees:*

*Noes, Trustees:*

*Absent, Trustees:*

*Abstain, Trustees:*

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*Alma Salas, Board Secretary, SamCERA*