

## **RESOLUTION NO. 2021-08**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RODEO SANITARY DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF RODEO SANITARY DISTRICT FOR THE PERIOD NOVEMBER 9, 2020 THROUGH DECEMBER 9, 2021, PURSUANT TO BROWN ACT PROVISIONS.**

**WHEREAS**, the Rodeo Sanitary District (also referred to as the “District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Government Code sections 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the rapid spread of the novel coronavirus disease 2019 (“COVID-19”); and

**WHEREAS**, on March 10, 2020, the Contra Costa County Board of Supervisors, by resolution, proclaimed a State of Emergency exists in Contra Costa County to deal with the spread of COVID-19; and

**WHEREAS**, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means, after which District staff implemented virtual meetings for all meetings of legislative bodies within the District; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which terminated the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means effective September 30, 2021; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) (“AB 361”), which amended the Brown Act to allow local legislative bodies to continue to conduct meetings by teleconference under specified conditions and pursuant to special rules on notice, attendance, and other matters; and

**WHEREAS**, AB 361, pursuant to Executive Order N-15-21, took full effect on October 1, 2021, and requires the Board of Directors to make specific findings to continue meeting under special teleconference rules; and

**WHEREAS**, the Brown Act, as amended by AB 361, makes provisions under Government Code section 54953(e) for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or

extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body finds that meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, the Board of Directors previously adopted Resolution No. 2021-05 on October 12, 2021 finding that the requisite conditions exist for the legislative bodies of Rodeo Sanitary District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

**WHEREAS**, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

**WHEREAS**, emergency conditions continue to persist in the District, specifically, a State of Emergency for the State of California has been declared by Governor Newsom as a result of the COVID-19 pandemic; and

**WHEREAS**, on August 2, 2021, the Health Officer of Contra Costa County issued Health Order No. HO-COVID19-51, thereby requiring all persons to wear face coverings while inside indoor public settings located in Contra Costa County, regardless of whether those persons have been fully vaccinated against COVID-19, unless specifically exempted from the requirement; and

**WHEREAS**, on October 14, 2021, the Health Officer of Contra Costa County issued Order No. HO-COVID19-59, thereby amending Health Order No. HO-COVID19-51 to allow groups of fully vaccinated people to remove their face coverings in indoor public spaces if there are no more than 100 people present, the employer, host, or organizer of the group verifies their vaccination status and other control measures are in place, effective November 1, 2021; and

**WHEREAS**, while the District believes District work-related activities may be conducted safely in person through imposition of various safety protocols, Board meetings continue to present a unique challenge due to their being open to the public generally, with limited space in the boardroom, and no ability to verify vaccination status or to provide contact tracing for potentially exposed individual attendees; and

**WHEREAS**, the Board of Directors does hereby find that the Governor's declared State of Emergency, and required access to the Board meetings by the public together with the highly transmissive nature of the COVID-19 virus and its variants has caused, and will continue to cause, conditions of concern to the safety of certain persons within the District, including older and immunocompromised individuals that are likely to be beyond the control of the services, personnel, equipment, and facilities of the District, and the Board of Directors desires to re-ratify the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of RODEO SANITARY DISTRICT shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

**WHEREAS**, the District will continue to conduct meetings for all meetings of legislative bodies within the District virtually (i.e. through the use of Zoom, or similar virtual meeting provider) and/or telephonically, in conformance with requirements under the Brown Act.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF RODEO SANITARY DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. Affirmation that Local Emergency Persists.** The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and meeting in person continues to present imminent risks to the health and safety of members of the public, members of the District's legislative bodies, and District employees due to the continued presence and threat of COVID-19.

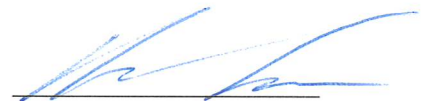
**Section 3. Re-ratification of Governor's Proclamation of a State of Emergency.** The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

**Section 4. Remote Teleconference Meetings.** The General Manager and legislative bodies of Rodeo Sanitary District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

**Section 5. Effective Date of Resolution.** This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 9, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of Rodeo Sanitary District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Rodeo Sanitary District this 9<sup>th</sup> day of November, 2021, by the following vote:

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0



[Richard Frakes], Secretary  
Rodeo Sanitary District



**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA  
MANDATING THE WEARING OF FACE COVERINGS IN INDOOR PUBLIC  
SETTINGS BY ALL PERSONS IN RESPONSE TO THE SPREAD OF THE DELTA  
VARIANT OF THE VIRUS THAT CAUSES CORONAVIRUS DISEASE 2019, WITH  
SPECIFIED EXCEPTIONS**

**ORDER NO. HO-COVID19-51**

**DATE OF ORDER: AUGUST 2, 2021**

**Summary of the Order**

This Order of the Health Officer requires all persons to wear face coverings while inside indoor public settings located in Contra Costa County ("County"), regardless of whether they have been fully vaccinated against Coronavirus Disease 2019 ("COVID-19"), unless specifically exempted from the face covering requirement.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040 AND 120175, THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA ("HEALTH OFFICER") ORDERS:

- 1. Basis for Order.** On June 15, 2021, the State of California eliminated its Blueprint for a Safer Economy, a framework for the gradual resumption of business and other activities in sectors that were closed or restricted in response to the COVID-19 pandemic. The same day, the State rescinded its mandate that all persons wear face coverings in indoor settings outside their residences, with certain exceptions, to protect themselves and others from infection with SARS-CoV-2, the virus that causes COVID-19. The universal mandate was replaced with a face covering requirement that exempted persons fully vaccinated with a COVID-19 vaccine, along with other specified persons. On June 17, 2021, the California Occupational Safety and Health Standards Board adopted workplace regulations for the prevention of COVID-19 ("Regulations"). Among other provisions, the Regulations mandate that employers require employees who are not documented as being fully vaccinated to wear face coverings, with certain exceptions.

Several variants of SARS-CoV-2 have developed since the emergence of the ancestral strain. The Delta variant is more contagious than other strains, and is now the dominant strain of the SARS-CoV-2 virus in the County. Over the two-week period ending July 27, 2021, the



seven-day rolling average of new cases in the County more than doubled, from 136.9 cases per day 289.4 cases per day. For comparison, the rolling-seven-day average of new cases was just 44.7 on May 28, 2021. Hospitalizations also more than doubled during the same time period, from a total of 52 (with 12 in intensive care units) to 117 (with 33 in intensive care units). During this timeframe, nearly 80 percent of the specimens analyzed by the County's public health laboratory were determined to contain the Delta variant of the virus. Even more concerning, the number of "post-vaccination" infections – i.e., infections of persons who are fully vaccinated against COVID-19 – has increased fivefold in the last month. While symptoms in fully vaccinated persons are generally milder than symptoms in people who are not fully vaccinated, this is not always the case. Approximately 20 percent of persons currently hospitalized for COVID-19 in the County are fully vaccinated persons.

Three COVID-19 vaccines have been authorized for emergency use in the United States. According to the U.S. Centers for Disease Control and Prevention (CDC), available evidence suggests that the currently authorized COVID-19 vaccines are highly effective against transmission, hospitalization and death for the Alpha, Beta, Gamma and Delta variants. The CDC has also indicated that emerging data suggests that fully vaccinated people who are infected with the Delta variant may be transmitting the virus to other people.

In line with the above evidence, the CDC on July 27, 2021, issued a recommendation that fully vaccinated people wear face coverings in public indoor settings located in areas of substantial or high transmission of the COVID-19. As of August 2, 2021, the County was in an area determined by the CDC to be an area of high transmission. On July 28, 2021, the California Department of Public Health (CDPH) issued a revised Guidance for the Use of Face Coverings ("State Face Covering Guidance"), which recommends that fully vaccinated people wear face coverings in indoor public settings statewide.

Given the current trajectory in the number of new cases and hospitalizations, the confirmed infection and hospitalization of fully vaccinated people in this County, emerging evidence that fully vaccinated people may be transmitting the Delta variant, and recommendations by the CDC and CDPH that fully vaccinated people wear face coverings in public indoor settings, I have concluded that, to prevent or slow the spread of the Delta variant, it is necessary to require all persons, regardless of vaccination status, to wear face coverings in public indoor settings in the County, with certain exceptions, until further notice.

2. **Face Covering Requirement.** Except as otherwise set forth in this Order, all persons, regardless of whether they are fully vaccinated against a COVID-19 vaccine or not fully vaccinated, shall wear well-fitted face coverings over the nose and mouth in all indoor public settings in the County. For the purposes of this Order, public settings include but are not limited to business offices, retail stores, restaurants, theaters, family entertainment centers, meeting rooms, and State and local government facilities where services are provided to the public.
3. **Operator and Host Requirements.** Businesses, government agencies and other persons that operate indoor public settings, or host events inside indoor public settings, shall:



- a. At all points of entry to the indoor public setting, promptly post conspicuous signage that communicates the face covering requirement of this Order; and
  - b. To the greatest extent practicable, require persons subject to the face covering requirement in this Order to wear face coverings upon entry into and while inside the indoor public setting.
4. **Exceptions.** The face covering requirement of this Order does not apply to individuals in the following circumstances:
- a. When alone in a room.
  - b. When actively eating or drinking.
  - c. When swimming or showering.
  - d. When receiving care or other service that requires removal of the face covering, including by way of example and without limitation, medical care requiring exposure of the nose or mouth, cosmetic services involving the face, and dental procedures.
  - e. When exempt from wearing face coverings under the State Face Covering Guidance or other applicable CDPH guidance. The State Face Covering Guidance exempts the following individuals from wearing masks:
    - (1) Persons younger than two years old. Very young children must not wear a mask because of the risk of suffocation.
    - (2) Persons with a medical condition, mental health condition, or disability that prevents wearing a mask, including persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance.
    - (3) Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
    - (4) Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidance.
5. **Conflicts.** Where a conflict exists between this Order and more permissive standards pertaining to the wearing of face coverings set forth in the Regulations, or between this Order and any other Order of the Health Officer in effect, or between this Order and any State Public Health Officer order in effect or CDPH guidance in effect pertaining to the wearing of



face coverings in response to the COVID-19 pandemic, the more restrictive provision controls.

6. **Effective Date and Time.** This Order takes effect at 12:01 a.m. on Tuesday, August 3, 2021, and will remain in effect until it is rescinded or superseded in writing by the Health Officer. The Health Officer will continue to review data concerning the Delta variant and breakthrough infections and transmissions in the County, and reassess the necessity for this Order on an as-needed basis.
7. **Copies; Contact Information.** Copies of this Order shall promptly be: (1) made available at the Office of the Director of Contra Costa Health Services, 1220 Morello Avenue, Suite 200, Martinez, CA 94553; (2) posted on the Contra Costa Health Services website (<https://www.cchealth.org>); and (3) provided to any member of the public requesting a copy of this Order. Questions or comments regarding this Order may be directed to Contra Costa Health Services at (844) 729-8410.

**IT IS SO ORDERED:**



Chris Farnitano, M.D.  
Health Officer of the County of Contra Costa

Dated: August 2, 2021





**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA  
AMENDING PRIOR ORDER MANDATING THE WEARING OF FACE COVERINGS  
IN INDOOR PUBLIC SETTINGS TO ALLOW GROUPS OF FULLY VACCINATED  
PEOPLE TO REMOVE THEIR FACE COVERINGS UNDER SPECIFIED  
CIRCUMSTANCES**

**ORDER NO. HO-COVID19-59**

**DATE OF ORDER: OCTOBER 14, 2021**

**Summary of the Order**

This Order of the Health Officer amends Health Officer Order No. HO-COVID19-51 to allow groups of fully vaccinated people to remove their face coverings in public indoor spaces if there are no more than 100 people present, the employer, host or organizer of the group verifies their vaccination status and other control measures are in place, effective November 1, 2021.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040 AND 120175, THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA ("HEALTH OFFICER") ORDERS:

- 1. Basis of Order.** On August 2, 2021, I issued Health Officer Order No. COVID19-51 ("Prior Order"), which requires all persons to wear face coverings in indoor public settings in Contra Costa County ("County"), with certain exceptions, to prevent the spread of the virus that causes Coronavirus Disease 2019 ("COVID-19"). I amended the Prior Order on August 6, 2021, to exempt persons participating in certain religious activities, and on September 1, 2021, to exempt performers and public speakers in venues where everyone eligible to receive a COVID-19 vaccine is fully vaccinated.

Since the Prior Order took effect on August 3, 2021, the County has seen a decrease in the rate of COVID-19 transmission in the community. COVID-19 hospitalizations have also decreased. The seven-day rolling average of new cases in the County decreased from 412.3 cases per day on August 3, 2021, to 130.6 cases per day on October 2, 2021. COVID-19 hospitalizations declined from 140 cases on August 3, 2021, to 69 cases on October 10, 2021. The County's vaccination rate continues to increase, and the County remains one of the most highly vaccinated counties in the country.



Based on these developments, and based on my current understanding of the effectiveness of COVID-19 vaccination in preventing infection, I have determined that it is safe in these circumstances for groups of fully vaccinated people (but not groups of unvaccinated people who test negative) to be removing their masks within the group, in certain indoor settings in which an employer, host, or organizer has verified that all individuals present are fully vaccinated. While the Centers for Disease Control and Prevention (CDC) recommends that masks be worn in public by fully vaccinated individuals in an area of substantial or high transmission, I have determined that it is not necessary to strictly follow the CDC recommendation here because groups of verified fully vaccinated people are at much lower risk of developing symptomatic Covid-19, and likely also at lower risk of transmitting the COVID-19 virus to others, compared with mixed groups of vaccinated and unvaccinated individuals.

I have determined that controlled settings where everyone present is vaccinated as defined by this order pose a lower risk of transmission of the COVID-19 virus than many other public settings. This determination is based on studies that show a reduced risk of developing infection with COVID-19 once fully vaccinated as well as studies that suggest a lower likelihood of transmission if a fully vaccinated person develops COVID-19. The combination of reduced infection risk plus reduced transmission risk provides a high level of protection within an environment where everyone present is fully vaccinated. Conversely, screening of unvaccinated individuals through testing alone doesn't necessarily prevent transmission of the COVID-19 virus, as infected individuals who recently tested negative may still be shedding COVID-19 virus due to the reduced sensitivity of some rapid tests for detecting asymptomatic infection and the delay in result reporting with more sensitive nucleic acid tests

Smaller groups are safer than larger groups in terms of COVID-19 virus transmission risk, because the larger the group, the more people a single infected person can potentially infect – and the more challenging it can be to identify close contacts and contact trace those who may have been exposed. Unidentified contacts may go on to spread the virus further without the knowledge that they have been exposed and the opportunity to quarantine. For these reasons, this new exception to the face covering requirement will be limited to indoor settings with fewer than 100 people present.

2. **Amendment.** Health Officer Order No. HO-COVID19-51 is hereby amended by adding subsection h. to Section 4, to read as follows:

h. When in an office, fitness facility, college classroom or employee commuter vehicle, or in an organized gathering in any other indoor setting, under all the following conditions:

- (1) There are no more than 100 persons present, and the group of persons present gathers on a regular basis;



- (2) The employer, host or organizer verifies that all persons present are fully vaccinated with a COVID-19 vaccine;
- (3) The employer, host or organizer can control access to the space, and the space is not open to the general public;
- (4) The employer, host or organizer maintains a list of the individuals present;
- (5) The employer, host or organizer posts signage prohibiting entry by persons who have a cough, fever or other symptoms that could be consistent with COVID-19; and
- (6) None of the persons present has symptoms consistent with COVID-19, is awaiting results of a COVID-19 test, or had a known exposure to a person infected with the COVID-19 virus within the last 14 days.

3. **Effective Date and Time.** This Order takes effect at 6:00 a.m. on November 1, 2021.

4. **Copies; Contact Information.** Copies of this Order shall promptly be: (1) made available at the Office of the Director of Contra Costa Health Services, 1220 Morello Avenue, Suite 200, Martinez, CA 94553; (2) posted on the Contra Costa Health Services website (<https://www.cchealth.org>); and (3) provided to any member of the public requesting a copy of this Order. Questions or comments regarding this Order may be directed to Contra Costa Health Services at (844) 729-8410.

**IT IS SO ORDERED:**

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Chris Farnitano, M.D.  
Health Officer of the County of Contra Costa

Dated: October 14, 2021

