

**FIRST 5 SAN MATEO COUNTY COMMISSION (F5SMC)  
 PROGRAM, OPERATIONS AND PLANNING (POP) COMMITTEE MEETING**

**On September 16, 2021, the Governor signed AB 361, which amended certain provisions of the Ralph M. Brown Act (Government Code section 54950, *et seq.*) to allow for local agency legislative bodies to conduct their meetings remotely either telephonically or by other electronic means under specified circumstances. Thus, pursuant to Government Code section 54953(e), the First 5 San Mateo County Commission POP Committee meeting will be conducted via remote conferencing.**

**DATE:** February 6, 2023

**TIME:** 4:00 – 5:00 PM

**Join Meeting**

**Online:** <https://smcgov.zoom.us/j/95649457628>

**Phone:** +1 669 900 6833, Webinar ID: 956 4945 7628

**COMMISSION MEMBERS:** Ken Cole, Nancy Magee, Nkia Richardson  
**PUBLIC MEMBER:** Harvey Kaplan, Liz Scully  
**STAFF:** Kitty Lopez, Michelle Blakely, Myra Cruz

<b>AGENDA</b>		
1.	Adopt a resolution finding that, as a result of continuing COVID-19 pandemic state of emergency, meeting in person would present imminent risks to the health or safety of attendees (See Attachment 1a. and Attachment 1b.)	Cole
2.	Approval of the February 6, 2023 Program, Operations and Planning Committee Meeting Agenda	Cole
3.	Approval of the October 3, 2022 Program, Operations and Planning Committee Meeting Minutes (See Attachment 3)	Cole
4.	Elect Program, Operations and Planning Committee Chair	Cole
5.	Strategic Plan Implementation Plan (SPIP) Update (Verbal Updates)	Lopez/Blakely
6.	Program Updates <ul style="list-style-type: none"> <li>• Home Visiting Environmental Scan Update</li> <li>• San Mateo County Child Care Needs Assessment; Child Care Partnership Council Update</li> <li>• Funding Opportunities Update</li> </ul> (Verbal Updates)	Lopez/Blakely
7.	Adjournment	

**NEXT MEETING: April 3, 2023**

\* **Public Comment:** This item is reserved for persons wishing to address the Commission POP Committee on any Commission POP Committee-related matters that are not otherwise on this meeting agenda. Public comments on matters not listed above shall be heard at the time the matter is called.

Persons wishing to address a particular agenda item should speak during that agenda item. Speakers are customarily limited to two minutes, but an extension may be provided to you at the discretion of the Commission POP Committee Chair.

The identified times are approximate and are intended to serve as a guide to the public and all First 5 meeting attendees regarding the approximate start times for any one section of the Agenda. The actual start and end times for an agenda item may differ from the noted times.

Public records that relate to any item on the open session agenda for a regular Commission POP Committee meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Commission. The documents are also available on the First 5 Internet Web site at [www.first5.smcgov.org](http://www.first5.smcgov.org).

Individuals who require special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact Myra Cruz, by 12 Noon on Friday, February 3, 2023 at 650.294.4080 and/or [ecruz@smcgov.org](mailto:ecruz@smcgov.org). Notification in advance of the meeting will enable the Commission to make reasonable arrangements to ensure accessibility to this meeting, the materials related to it, and your ability to comment.

**Date:** February 6, 2023  
**To:** Program, Operations and Planning Committee  
**From:** Kitty Lopez, Executive Director  
**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 for the Program, Operations and Planning Committee of the First 5 San Mateo County Commission 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. Since September 28, 2021, the Program, Operations and Planning Committee of the First 5 San Mateo County Commission has renewed this finding for the following Committee Meetings: October 4, 2021, December 6, 2021, February 7, 2022, June 6, 2022, and October 3, 2022 accordingly.

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 when California's state of emergency ends on February 1, 2023.

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.

The County Board of Supervisors has adopted a resolution finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person "would present imminent risks to the health or safety of attendees."

The County's resolution states, among other things, that: "The Board of Supervisors strongly encourages all legislative bodies of the County of San Mateo that are subject to the Brown Act, including but not limited to, the Planning Commission, the Assessment Appeals Board, the Civil Service Commission, and all other oversight and advisory boards, committees and commissions established by the Board of Supervisors and subject to the Brown Act, to make a similar finding and avail themselves of teleconferencing until the risk of community transmission has further declined, and directs the County Manager to provide necessary support for these legislative bodies to continue teleconferencing procedures when they have adopted such findings."

**DISCUSSION:**

For these reasons, we recommend that the Program, Operations and Planning Committee of the First 5 San Mateo County Commission 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 and 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 THE PROGRAM, OPERATIONS AND PLANNING COMMITTEE OF THE FIRST 5 SAN MATEO COUNTY COMMISSION 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 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 September 28, 2021, Program, Operations and Planning Committee of the First 5 San Mateo County Commission has renewed this finding for the following Committee Meetings: October 4, 2021, December 6, 2021, February 7, 2022, June 6, 2022, and October 3, 2022 accordingly; and

**WHEREAS**, Program, Operations and Planning Committee of the First 5 San Mateo County Commission 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, Program, Operations and Planning Committee of the First 5 San Mateo County Commission finds that meeting in person would present imminent risks to the health or safety of attendees, and Program,

Operations and Planning Committee of the First 5 San Mateo County Commission will therefore invoke the provisions of AB 361 related to teleconferencing for Committee Meetings of the San Mateo County Commission.

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

1. The recitals set forth above are true and correct.
2. Program, Operations and Planning Committee of the First 5 San Mateo County Commission 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.

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**First 5 San Mateo County (F5SMC)  
Program, Operations and Planning (POP)  
COMMITTEE MEETING MINUTES**

**October 3, 2022  
Virtual Meeting Via Zoom**

Commissioners Present: Ken Cole (Chair), Nancy Magee, Nkia Richardson  
Public Member: Harvey Kaplan  
Staff: Kitty Lopez, Michelle Blakely, Myra Cruz  
Public Attendee: Liz Scully

The meeting was called to order at 4:04 PM.

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

MOTION: Public Member Kaplan, Committee Affirmed the Motion.

2. **Approval of the October 3, 2022 Program, Operations, and Planning Committee Meeting Agenda:**

MOTION: Commissioner Magee / SECOND: Commissioner Richardson. Motion approved.

3. **Approval of the June 6, 2022 Program, Operations, and Planning Committee Meeting Minutes:**

MOTION: Commissioner Magee / SECOND: Commissioner Richardson. Motion approved.

4. **Program & Systems Updates**

- **Strategic Plan FY 2023 – 2025**

Michelle Blakely, F5SMC's Deputy Director, shared that the first phase of Strategic Plan Implementation Plan (SPIP) will end in June 2023. The second phase will begin on July 1, 2023 through June 30, 2025. The SPIP is planned in 5 years increments. Keeping in mind the F5SMC's strategies and resources considerations, the Staff will be making SPIP recommendations to the Commission at the December 2022 and January 2023 Commission Meetings for its second phase. The recommendations will be based on portfolio reviews, workforce data, assessments, budget landscape (local, state & federal), policy implications, population indicators. F5SMC aims for the best investment value added with limited funds. We also aim to provide more lead time to the grantees for notification of funding support beyond June 2023.

Discussion ensued.

- **Workforce Systems (ECE) Advocacy: American Rescue Recovery Plan Act (ARRPA) Update**

Michelle Blakely shared that child care partners and advocates from the Child Care Coordinating Council, 4Cs and F5 submitted a proposal to County Manager's Office to pilot an Early Childhood Educator Career Navigator for two years with ARRA funding. The Child Care Coordinating Council (4Cs) would oversee the position. Industry-specific strategies and focus are needed to address the current workforce crisis and establish a sustainable ECE (early care and education) workforce moving forward and connect systems-level pathways and supports for early childhood education career entry and degree attainment and school age credentialing.

- **Collaboration: Children and Families 1<sup>st</sup>, SMC Mental Health Landscape & Early Mental Health, and Home Visiting Systems Initiative**

Michelle Blakely shared that she will be presenting to the Commission in the coming months on the Home Visiting Initiative which includes First 5 Center Policy framework, local data, agenda, and landscape.

**5. Commission Protocols Regarding Support on Local Measures**

Discussion ensued on the Commission's role regarding supporting local ballot measures. F5SMC usually supports issues that align with its values, mission and policy approaches. Kitty and Michelle will ask the County Attorney for guidelines and review current agency By-laws.

Meeting adjourned at 4:45 pm