

ATTACHMENT 2A

To: Domestic Violence Council
From: Tanya Beat, Staff Liaison
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 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On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the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 had 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.

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 on January 1, 2024.

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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.

DISCUSSION:

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 of Supervisors 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 Board meetings. The Board also strongly encouraged other County legislative bodies to make a similar finding and continue meeting remotely through teleconferencing.

In light of the recent surge of the Omicron variant of COVID-19, requiring large numbers of individuals to gather, and potentially travel long distances, for in-person public meetings could potentially, and unnecessarily, expose numerous people to COVID-19, compound disruptions to our economy, and undermine public health measures during the current State of Emergency.

Accordingly, we recommend that the Domestic Violence Council 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 or 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 MEETINGS OF THE DOMESTIC VIOLENCE COUNCIL WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES

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, in light of the recent surge of the Omicron variant of COVID-19, requiring large numbers of individuals to gather, and potentially travel long distances, for in-person public meetings could potentially, and unnecessarily, expose numerous people to COVID-19, further contribute to the ongoing surge in cases caused by the Omicron variant, compound disruptions to our economy, and undermine public health measures during the current State of Emergency; and

WHEREAS, the Domestic Violence Council 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, the Domestic Violence Council finds that meeting in person would present imminent risks to the health or safety of attendees, and the Domestic Violence Council will therefore invoke the provisions of AB 361 related to teleconferencing for meetings of the Domestic Violence Council.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that

1. The recitals set forth above are true and correct.
2. The Domestic Violence Council finds that as a result of the proclaimed state of emergency, 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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COUNTY OF SAN MATEO
DOMESTIC VIOLENCE COUNCIL

July 21, 2022
3:00 p.m. – 4:30 p.m.
Remote Meeting via Zoom

MEETING MINUTES

Chair: Supervisor Carole Groom
 Vice-Chair: Elisa Kuhl
 Staff: Tanya Beat, staff liaison
 Christina Falla, Legislative Aide, Supervisor Groom’s Office
 Caiti Busch, Deputy County Attorney, County Attorney’s Office

Present: Supervisor Carole Groom, Elisa Kuhl, Ruben Abrica, Tanya Beat, Lisa Bergman, Noelle Bruton, Theresa Dah, Sue Datta, Karen Ferguson, Jenny Horne, Christina Falla, Cynthia Hunter, Mary McGrath, Rose Mukhar, Bob Spencer, Selina Toy-Lee, Nicole Reyes, Tracy Avelar, Caiti Busch, Stephanie Bilinski, Geri Archibald, Linda Wolin, Marie Violet

Absent: CEO Mike Callagy, Becky Arredondo, Sgt Jeffrey Carr, Robert Foucrault, Christine Krolik, John Munsey, David Norris, Morris Maya, Charles Cavalino, Penelope Stinson

Call to Order	<i>Action</i>	Supervisor Groom
1. Roll Call		Tanya Beat
2. Adopt 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. Attachment 2A: Memo Attachment 2B: Resolution	<i>Action</i>	Jenny Horne motions to approve; Ruben Abrica seconds the motion. Approved.
3. Opportunity for Public Comment		
4. Action to Set Agenda & Approve Consent Agenda	<i>Action</i>	Jenny Horne motions to approve; Selina Toy-Lee seconds the motion. Approved.
CONSENT Agenda		
5. Approval of April 2022 Minutes		
REGULAR AGENDA		
6. Data Update	<i>Update</i>	Elisa Kuhl <ul style="list-style-type: none"> • Criminal Justice (calendar year: CY) • Demographic Information: sex, age, ethnicity (fiscal year: FY) • Survivors Accessing Services:

		<ul style="list-style-type: none"> ○ Strangulations increasing (due to educating those who are doing exams) ○ Cost should not be on the patient (via Victim Services) ○ CA Victim Compensation Program ○ Compensation and direct pay can be complicated. Elisa Kuhl can do a presentation on this topic at next DVC meeting. ● Housing/Shelter: <ul style="list-style-type: none"> ○ With Human Service Agency (HAS), Head of Household (HoH) Accessing Coordinated Entry System (CES) for homeless services. ● Any information from legal services would be helpful. ● It's important to have data integrity with consistency and improving data points each year. Stick with data points that are accessible so that we can measure year after year. ● Discussion: Important to follow either fiscal or calendar. Would ask to follow by calendar year (due to law enforcement data). Also can collect quarterly. ● <u>Create sub-committee to work on data:</u> Elisa Kuhl, Cynthia Hunter, Rose Mukar, Karen Ferguson, Mary McGrath ● <u>Elisa Kuhl will report out on results at the Oct Meeting.</u>
7. Legislative Engagement Policy and AB 2185: Analysis & Support Letter	<i>Summary & Action</i>	<p>Tanya Beat</p> <ul style="list-style-type: none"> ○ Review of “How to Take a Position on Pending Legislation” for all boards and commissions in SMC ○ The DVC would follow this process for any policy to follow/support. <p>Geri Archibald</p> <ul style="list-style-type: none"> ● Overview: Requires Office of Emergency Services to fund forensic medical exams for dv victims. Funding from OES to the examiner program. Significant cost - \$13.5 million. ● Currently Keller Center provides exams for free and does not receive reimbursement from law enforcement. ● Cynthia Hunter: would recommend learning if other partner organizations support this. ● Connect Keller Center to law enforcement (Geri Archibald and Tracy Avelar to meet) to discuss billing discrepancy. Will go on the Oct. DVC meeting agenda. ● Propose to support AB 2185 and follow the County’s Legislative Engagement Policy process. <p><u>Bob Spencer motions to approve; Jenny Horne seconds the motion. Approved.</u></p>
8. SMC Minors Residing in DV Homes	<i>Update</i>	<p>Elisa Kuhl</p> <ul style="list-style-type: none"> ● CEO has been leading. Goal is to have every minor who exposed to DV in the home, have access to mental health services and expanded advocacy services. ● Program Design (Elisa Kuhl & Karen Ferguson) and provide that to Mike Callagy in the next few weeks.

		<ul style="list-style-type: none"> • Law enforcement will start documenting all youth in family. Setting up parameters (shared custody, or not present during incident). • Mental Health Services: clients will be referred to any mental health provider (built on what CORA's program does). • Will connect with SMCOE (Mary McGrath) to partner.
9. DVC Membership Update & Recruitment	<i>Update</i>	<p>Tanya Beat</p> <ul style="list-style-type: none"> • Two Members at Large • One nonprofit that serves victims of dv • Person who is part of the SMC Bar Association and is part of the Private Defender Program. <p>Note: one person cannot represent two roles. When the online application is live, <u>Tanya will email that to DVC.</u></p>
10. DVC Policy Committee Status as Standing Committee to Ad Hoc Committee	<i>Update</i>	<p>Elisa Kuhl</p> <ul style="list-style-type: none"> • May meeting for the DVC Policy Committee: only two people attended. • Due to inconsistent attendance and low participation, it is recommended to transition the Policy Committee to an Ad-Hoc Committee, allowing individuals to follow DV legislation and update the DVC accordingly. <p><u>Mary McGrath motions to approve; Ruben Abrica seconds. Approved.</u></p>
11. Committee Reports a. <i>Domestic Violence Awareness Committee</i> b. <i>Legal Process Committee</i>	<i>Update</i>	<p>DVAC: presented by Nicole Reyes (Bay Area Legal Aid)</p> <ul style="list-style-type: none"> • Focus on smaller events. Example: outreach in schools or juvenile hall. • Speaker Series • Art Contest for HS students. Need donations from local businesses. Please join us to support this project. • Tabling: County Courthouse, every Wed in the month of Oct. Will set up in different locations this year. • Nicole will introduce the new RTS person to Tanya for interest in DVC. <p>Legal Process: presented by Elisa Kuhl</p> <ul style="list-style-type: none"> • DV Protocol and how it relates to youth exposed to DV.
12. Announcements a. <u>Barbara Hammerman Award Applications Now Available</u> b. <i>October 20 - DV Council Meeting</i>		a. Please recommend or refer law enforcement or those in the dv field who could be nominated for this award. Deadline to apply is August 23.
Adjournment		Supervisor Groom

Public records that relate to any item on the open session agenda for a regular Domestic Violence Council 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. Those public records are available for public inspection at the Human Resources office located at 455 County Center, 5th floor, Redwood City, CA 94063 by appointment. The documents are also available to be sent electronically by emailing tbeat@smcgov.org or calling 650-363-4467.

IN COMPLIANCE WITH THE CALIFORNIA GOVERNMENT CODE AND THE AMERICANS WITH DISABILITIES ACT, auxiliary aids and services for this meeting will be provided upon request when given three days' notice. Please call 650-363-4467 (voice) or email tbeat@smcgov.org.

COUNTY OF SAN MATEO
BOARD OF SUPERVISORS

August 3, 2022

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
1021 O Street, Room 7630
Sacramento, CA 95814

Board of Supervisors
Dave Pine, 1st District
Carole Groom, 2nd District
Don Horsley, 3rd District
Warren Slocum, 4th District
David J. Canepa, 5th District

County Government Center
400 County Center, 1st Floor
Redwood City, CA 94063
650-363-4653 T
650-363-1916 F
www.smcgov.org

RE: Assembly Bill 2185 (Weber) Forensic examinations: domestic violence – SUPPORT

Dear Chair Portantino:

On behalf of the San Mateo County Board of Supervisors, I am writing to express our support for Assembly Bill 2185 (Weber), which would standardize best practices and create equal access to medical evidentiary examinations for victims of domestic violence assault. This bill would also ensure that survivors of domestic violence are connected to local social services or child advocacy centers for additional support.

Currently, victims of domestic violence assault have unequal access to care, as they are not provided the same right to medical evidentiary exams as sexual assault victims. No funding stream exists for domestic violence medical examinations, deemed a best practice in the field. This is contrasted with sexual assault forensic medical investigations, which were recently considered reimbursable by statute, effective July 1, 2021 (Per CA PC § 13823.95). Given the increasing demand for these exams, the state must provide committed funding to fully reimburse qualified healthcare professionals for administering these exams. This would help clinics, such as the Keller Center, to provide the exams and incentivize more clinics and providers to offer this vital service.

AB 2185 directs the Governor's Office of Emergency Services (Cal OES) to create a funding system to reimburse qualified medical forensic examiners using existing Sexual Assault Response Team (SART)/Sexual Assault Forensic Exam (SAFE) teams.

For the reasons described above, the County of San Mateo requests your support of AB 2185. Victims of domestic violence should be entitled to the same standard of care as sexual assault victims. We must permanently close this funding loophole and create a system that protects and prevents assault. Should you have any questions about our position, please contact Connie Juarez-Diroll, Chief Legislative Officer (650-599-1341, cjuarez-diroll@smcgov.org).

Sincerely,



Board of Supervisors

CC: The Honorable Akilah Weber, M.D.
Members, Senate Appropriations Committee
San Mateo County Delegation members
San Mateo County Board of Supervisors
San Mateo County Executive
San Mateo County Domestic Violence Council



**DOMESTIC VIOLENCE COUNCIL
MEMBERSHIP ROSTER**

Supervisor Carole Groom

San Mateo County Board of Supervisors
400 County Center
Redwood City, CA 94063

Staff: Tanya Beat,

Domestic Violence Council
455 County Center
Redwood City, CA 94063

NAME	Alternate	Membership Composition	Term
Supervisor Carole Groom		Member of the Board of Supervisor	Categorical (no term limit)
Lisa Bergman		Presiding Judge of the Superior Court, or his/her representative	Categorical (no term limit)
Sgt. Jeff Carr		Sheriff, or his/her representative	Categorical (no term limit)
Mike Callagy		County Executive Officer, or his/her representative	Categorical (no term limit)
Elisa Kuhl (Division of Victim Services)		District Attorney, or his/her representative	Categorical (no term limit)
Mary McGrath		The County Superintendent of Schools, or his/her representative (San Mateo County Office of Education)	Categorical (no term limit)
Theresa Dah	Tami Assadurian	The Chief Probation Officer, or his/her representative	Categorical (no term limit)
Selina Toy Lee		Director of Human Services Agency, or his/her representative	Categorical (no term limit)
Robert Spencer (SMC Medical Center)	Geri Archibald (Keller Center)	Chief Executive Officer of the San Mateo County Medical Center, or his/her representative	Categorical (no term limit)
Noelle Bruton		Director of the Health System, or his/her representative	Categorical (no term limit)
Robert Foucrault		Coroner, or his/her representative	Categorical (no term limit)

NAME	Represented Alternate (no vote)	Membership Composition	Status	Term
Karen Ferguson (CORA)		One of Two individuals representing non-profit agencies serving battered women		Appointed 1.1.22 – 12.31.25
John Munsey (PCSA)		Police Chiefs and Sheriff Association, designated by PCSA and confirmed by Board		Appointed 1.1.21 – 12.31.24
Stephanie Bilinski (Legal Aid)	Jenny Horne	One agency providing legal services to battered women		Appointed 1.1.20-12.31.23
Nicole Reyes (Bay Area Legal Aid)		One of two individuals representing non-profit agencies providing legal services to battered women		Appointed 1.1.22-12.31.25
Sue Datta (CSW)		Commission on the Status of Women, designated by CSW and confirmed by Board		Appointed 1.1.22-12.31.25
Ruben Abrica (Councilmember, East Palo Alto)	Christine Krolik (Councilmember, Hillsborough)	Council of Cities, designated by Council and confirmed by Board		Appointed 1.1.21 – 12.31.23
Rose Mukhar		One of Four individuals representing the Community-at-large		Appointment 1.1.22-12.31.25
Cynthia Hunter		One of Four individuals representing the Community-at-large		Appointed 1.1.19-12.31.22 Reappointed 1.1.23-12.31.26
VACANT		<i>One of Four individuals representing the Community-at-large</i>		<i>Appointment 1.1.23-12.31.26</i>
VACANT		<i>One of Four individuals representing the Community-at-large</i>		<i>Appointment 1.1.23-12.31.26</i>
VACANT		<i>One of Two individuals representing non-profit agencies serving battered women</i>		<i>Appointment 1.1.23-12.31.26</i>

VACANT		<i>One agency or individual who provides treatment services to batterers</i>		<i>Appointment 1.1.23-12.31.26</i>
VACANT		<i>SMC Bar Association & member of the Private Defender Program</i>		<i>Appointment 1.1.23-12.31.26</i>

Applicants for the DVC vacancies will be interviewed Friday, October 21. An orientation for new members will take place in December and their first meeting will be January 13, 2023.



Melissa Gibbs, Esq.
Senior Manager of Legal Services
Pronouns: she / her / hers

Melissa Gibbs is the Senior Manager of Legal Services at CORA (Community Overcoming Relationship Abuse), where she oversees the Legal Department's operations including recruiting, training and supervising legal department staff and volunteers, advocates for survivors in restraining order, child custody, dissolution and other family law proceedings, and provides support to survivors navigating the criminal justice system as a victim-witness. She also regularly mentors and trains pro bono attorneys through the San Mateo County Domestic Violence Pro Bono Collaborative, is the immediate past Chair of the Legal Process Committee (a subcommittee of the San Mateo County Domestic Violence Council), and is active in state-wide public policy research and advocacy through the California Partnership to End Domestic Violence. Melissa first developed her passion for working directly with clients, pursuing justice, and holding individuals responsible for the crimes they've committed through internships in the Public Defender's Office and the District Attorney's Office. She has a J.D. from the University of San Diego School of Law and a B.A. in Psychology and Criminal Justice Administration from San Diego State University. As a San Mateo County native, Melissa enjoys supporting and giving back to her community.