

County of Santa Clara

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Megan Doyle
Clerk of the Board

DATE: March 18, 2021
TO: Honorable Board of Supervisors
FROM: Megan Doyle, Clerk of the Board of Supervisors
SUBJECT: Suspension of County Boards and Commissions

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This memorandum responds to information requested by Vice President Ellenberg at the March 4, 2021 Public Safety and Justice Committee meeting, relating to the suspension of meetings of certain County Boards and Commissions, and the subcommittees thereof.

Background, Status, and Reasons Behind Suspension

On February 3, 2020, the County Public Health Officer declared a local health emergency in response to COVID-19. On March 12, 2020, the Director of the Emergency Operations Center issued a directive suspending all meetings of County Boards and Commissions. Pursuant to that directive the Clerk of the Board cancelled all meetings and directed Commission subcommittees to cease meeting.

On July 10, 2020, the Director of the Emergency Operations Center issued a new Directive which modified the restrictions of the March 12, 2020 Directive. Under the new Directive, County Boards and Commissions could resume meetings by virtual teleconference only, at a reduced rate to conserve County resources; meetings of subcommittees of County Boards and Commissions were to remain suspended. Certain Boards and Commissions subject to State requirements were exempted from these restrictions and authorized to meet in person to address matters mandated by State law or legally required to occur within certain timeframes.

County Boards and Commissions began meeting again, via virtual teleconference, in June 2020. A phased-in approach was developed to restarting meetings in the new online format, with most Boards and Commissions resuming by September 2020. While virtual meetings address the risk of viral transmission, they present certain logistical challenges in the form of staffing and other support, as noted below.

Impacts of Disaster Service Worker Assignments and Staffing Considerations for Remote Meetings

The County's deployment of Disaster Service Workers has a significant impact on support for County Boards and Commissions. The Clerk of the Board Commissions Team supports 27 Advisory Boards and Commissions with four Board Clerk I positions and one Board Clerk I Lead. As of March 11, 2021, two of these employees are activated as full-time, long-term Disaster Service Workers, representing a 40 percent

reduction in available staffing. The Board II Committee Team provides support for Board of Supervisors meetings, and the meetings of 21 other groups, including Board Policy Committees and various other meeting bodies, primarily those on which individual Board members sit. The Board II Committee Team comprises six Board Clerk II Positions and one Board Clerk II Lead, and currently has one Board Clerk II activated as a Disaster Service Worker.

Additionally, as the County has utilized staff across all County Departments as Disaster Service Workers, in many cases the Department staff who would normally provide subject matter expertise and additional non-Clerk support to County Boards and Commissions are on full-time, long-term Disaster Service Worker assignments as well.

While the Clerk of the Board has been able to support Zoom-based meetings for the Board, Committees, and Commissions, the nature of these meetings requires significantly more staff support compared to the traditional in-person model in order to ensure both operational efficiency and the County's compliance with Brown Act requirements. Zoom meetings require administrative oversight of Zoom functionality, moderation of public speakers and control of speaker timers, and general troubleshooting of issues and coordination with presenters. For Board of Supervisors meetings, the Clerk is fielding an additional two Board Clerk IIs for the duration of each meeting to support the virtual meeting. These two staff are in addition to the Board Clerk IIs dedicated to notes-taking and minutes preparation, who trade off in two-hour shifts. For Board Policy Committees, Task Forces, and other Boards and Commissions, the Clerk staffs meetings with an additional Board Clerk II or Board Clerk I as appropriate, effectively doubling the number of staff involved. After-hours meetings present considerable overtime costs, and given the reduction in available staff, these ongoing after-hours demands create an increased risk for staff burnout.

Finally, there are additional tasks associated with preparing for a fully remote meeting, such as configuring Zoom meetings and sending invitations, and many normally routine tasks such as distributing material submitted during a meeting are complicated by the remote environment in which staff operate. With that said, staff is proud of the level of support provided under these challenging circumstances.

The Clerk of the Board does not staff subcommittees of Boards and Commissions, and Clerk of the Board support for the majority of subcommittees is generally limited to physical posting and online publication of agendas, which are provided to the Clerk of the Board staff by Department staff or the subcommittee members. In this context, during pre-COVID times, Clerk of the Board staff would occasionally uncover issues such as submission of agendas for posting after statutory deadlines, or meeting locations inaccessible to the public, and would follow-up to address the issue before a legal violation occurs. Some subcommittees receive staff support from other County Departments; however, many do not.

Prior to the Directives, once a subcommittee meeting was scheduled and an agenda was posted in compliance with the Brown Act, most subcommittees could normally meet in person without issue – in the event that a member of the public wished to attend and speak at a subcommittee meeting, the location was posted with the agenda, and the subcommittee simply needed to allow the member of the public to be at the meeting and speak at the appropriate time. This self-sufficiency is not available under the Zoom platform, which is dependent upon a properly configured license and requires a level of moderation not necessary for in-person meetings. As a result, there is a greater likelihood that unstaffed Zoom-based subcommittee meetings could result in less accessibility to the public, a higher likelihood of technical issues, and increased potential for inadvertent Brown Act violations.

Timeline and Plan for Resumption of Subcommittee Meetings

Given that the suspension of subcommittee meetings is pursuant to the Directives noted above, any resumption of these meetings would be contingent upon a modified Directive allowing for such meetings to resume. As vaccination efforts continue, the threat of COVID-19 may abate to the point where subcommittee meetings could resume in-person under a modified Directive. Alternatively under a modified Directive, if Administration were to purchase additional Zoom licenses and identify staff able to provide support for subcommittee meetings, the Clerk of the Board could train said staff on use of the Zoom platform and best practices identified over the last year. In this case, a more targeted approach is recommended, focusing efforts on those subcommittees most aligned with the County's current focus on addressing the pandemic and its associated impacts on the community. Given the number of subcommittees across the various Boards and Commissions, full implementation of Zoom support for Board and Commission subcommittees would be impracticable without significant dedicated resources.

The Clerk of the Board has encouraged Boards and Commissions meeting by Zoom to address subcommittee business at the full Board/Commission level during the suspension of subcommittee meetings, and advises that special meetings of the Board or Commission may be scheduled when necessary.

cc: Chief Board Aides
Jeffrey V. Smith, County Executive
Miguel Márquez, Chief Operating Officer
James R. Williams, County Counsel