

**RESOLUTION RECOGNIZING A STATE OF EMERGENCY
AND RE-AUTHORIZING TELECONFERENCED MEETINGS PURSUANT TO AB 361**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION No. 2305-1**

WHEREAS, on February 3, 2020, the County Public Health Officer declared a local health emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 4, 2020, the Governor issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and in accordance with Government Code section 8625; and

WHEREAS, on March 12, 2020, the Director of Emergency Services/County Emergency Operations Center issued a directive suspending all meetings of boards and commissions except for meetings of certain boards and commissions meeting due to state law requirements; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the Brown Act (Government Code section 54950 et seq.), provided certain requirements were met and followed, thus enabling legislative bodies to meet remotely; and

WHEREAS, on July 10, 2020, the Director of Emergency Services issued a modified directive to the restrictions imposed on March 12, 2020, and allowed boards and commissions to resume meetings by teleconference only, and at a reduced rate in order to conserve County resources; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21 that provided that the teleconferencing rules would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361 authorizing a legislative body subject to the Brown Act to continue to meet remotely using teleconference without compliance with the Brown Act teleconference rules if certain conditions are followed including (1) initially the existence of a proclaimed state of emergency and (2) requirements or recommended measures from state or local officials to promote social distancing; and

WHEREAS, as of the date of this Resolution, the Proclamation of State of Emergency issued by the Governor on March 4, 2020, remains in place; and

WHEREAS, on [September 21, 2021](#), the County Health Officer issued a recommendation, which is attached hereto and incorporated herein, that public bodies continue to meet remotely due to their unique characteristics (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 fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other recommendations at such meetings); and

WHEREAS, on October 6, 2021, November 17, 2021, December 15, 2021, January 19, 2022, February 2, 2022, February 16, 2022, March 2, 2022, March 16, 2022, April 6, 2022, April 20, 2022, May 4, 2022, May 18, 2022; June 8, 2022, June 15, 2022, July 20, 2022, and August 3, 2022, the Santa Clara County Board of Education passed Resolutions authorizing virtual board meetings pursuant to AB 361; and

WHEREAS, the County Office of Education has an important governmental interest in protecting the public health, safety, and welfare of those who participate in meetings of the various legislative bodies during COVID-19 and ensuring that all members of the public can participate safely in meetings of legislative bodies; now

THEREFORE, BE IT RESOLVED, that the recitals set forth above are true and correct and fully incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED, that the Santa Clara County Board of Education recognizes that a State of Emergency in the State of California continues to exist due to the ongoing COVID-19 pandemic.

BE IT FURTHER RESOLVED, that the Santa Clara County Board of Education has reconsidered the circumstances of the State of Emergency and finds that the conditions of the pandemic continue to warrant following the recommendation of the Public Health Officer for public bodies to meet remotely.

BE IT FURTHER RESOLVED, the Santa Clara County Board of Education and County Superintendent of Schools authorizes the continued use of teleconferencing for all meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.

PASSED AND ADOPTED by the County Board of Education at a meeting held on September 7, 2022, by the following vote:

AYES: President Ortiz, Vice President Chon, Trustees Di Salvo, Kamei, and Sreekrishnan


NOES: none

ABSTAIN: none

ABSENT: Trustee Mah and Rossi



Peter Ortiz, President
Santa Clara County Board of Education



Mary Ann Dewan, Ph.D.
County Superintendent of Schools