



RESOLUTION DIRECTING ALL LEGISLATIVE BODIES OF THE COUNTY BOARD OF EDUCATION
TO MEET REMOTELY IN ACCORDANCE WITH AB 361 AND
MAKING FINDINGS PURSUANT TO AB 361

SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION No. 2289-5

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 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 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 is 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 vaccination and other recommendations at such); and,

WHEREAS, the Santa Clara 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; and

NOW, THEREFORE, BE IT RESOLVED by the County Board of Education of the County of Santa Clara, State of California, that:

1. All legislative bodies of the County Board of Education subject to the Brown Act, including but not limited to, Board of Education and its Committees, shall continue to only meet remotely and in accordance with Government Code section 54953(e) (AB 361) and without compliance with Government Code section 54953(b)(3).1
2. Pursuant to Government Code section 54953(e)(3), the Board finds for itself and on behalf of all legislative bodies described above that (1) a state of emergency continues to exist relating to COVID-19 and this necessitates that legislative bodies continue to meet remotely, and (2) the County Health Officer has recommended that legislative bodies continue to meet remotely to promote social distancing as one means to reduce the risk of COVID-19 transmission.

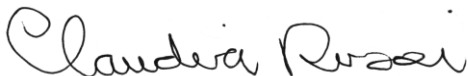
PASSED AND ADOPTED by the Santa Clara County Board of Education at a meeting held on October 6, 2021 by the following vote:

AYES: President Rossi, Vice President Ortiz, Trustees Chon, Kamei, Sreekrishnan and Mah

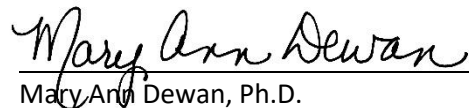
NOES: none

ABSTAIN: none

ABSENT: Trustee Di Salvo



Claudia Rossi, President
Santa Clara County Board of Education



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