

ELK GROVE UNIFIED SCHOOL DISTRICT

**RESOLUTION NO. 79, 2021-22
AUTHORIZING THE CONTINUED USE OF REMOTE
TELECONFERENCING PROVISIONS (AB 361)**

WHEREAS, the Governing Board of the Elk Grove Unified School District (“Governing Board”) is committed to open and transparent government, and full compliance with the Ralph M. Brown Act (“Brown Act”); and

WHEREAS, the Governing Board is committed to conducting in-person public school board meetings, unless meeting in-person would present imminent health and safety risks to the attendees; and

WHEREAS, the Brown Act generally requires that a public agency take certain actions in order to use teleconferencing to attend a public meeting virtually; and

WHEREAS, the Governing Board recognizes that a local emergency persists due to the worldwide COVID-19 pandemic; and

WHEREAS, the California Legislature has recognized the ongoing state of emergency due to the COVID-19 pandemic and has responded by creating an additional means for public meetings to be held via teleconference (inclusive of internet-based virtual meetings); and

WHEREAS, on September 16, 2021, the California legislature passed Assembly Bill (“AB”) 361, which amends Government Code, section 54953 and permits a local agency to use teleconferencing to conduct its meetings in any of the following circumstances: (A) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (B) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (C) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, in order for the Governing Board to use teleconferencing as allowed by AB 361 after October 1, 2021, and when necessary consistent with current COVID-19-related California Department of Public Health (CDPH) recommended safety protocols and quarantine guidelines updated on April 6, 2022 and CAL/OSHA COVID-19 Prevention Emergency Temporary Standards (ETS) approved on May 6, 2022, it must first adopt findings in a resolution, allowing the Governing Board to conduct teleconferenced meetings for a period of thirty (30) days; and

WHEREAS, Governor Gavin Newsom declared a state of emergency for the State of California due to the COVID-19 pandemic in his order entitled “Proclamation of a State of Emergency,” signed March 4, 2020; and

WHEREAS, the California Department of Public Health (CDPH) and Cal/OSHA COVID-19 Prevention Emergency Temporary Standards (ETS) continue to recommend certain multi-prong safety measures including mask wearing, isolation of individuals who test positive or who have COVID symptom, and social distancing; and

WHEREAS, the Governing Board previously adopted Resolution Number 78 on June 14, 2022, finding that the requisite conditions exist to conduct remote teleconference meetings in accordance with Government Code section 54953(e); and

WHEREAS, the Governing Board is conducting its meetings in-person, except when necessary consistent with current COVID-19-related California Department of Public Health and Cal/OSHA recommended safety protocols and quarantine guidelines. When necessary consistent with current COVID-19-related recommended safety protocols and quarantine guidelines, the Governing Board will use telephonic and internet-based services so that members of the public may observe and participate in meetings and offer public comment.

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 Governing Board has reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to directly impact the ability of members to meet safely in person.

BE IT FURTHER RESOLVED, that the Governing Board is conducting meetings during a state of emergency and state or local officials have imposed or recommended measures to promote social distancing.

BE IT FURTHER RESOLVED, that the actions taken by the Governing Board through this Resolution may be applied to all District committees governed by the Brown Act unless otherwise desired by that committee.

BE IT FURTHER RESOLVED, the Governing Board authorizes the Superintendent or their designee(s) to take all actions necessary to conduct Governing Board meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, using teleconferencing for a period of thirty (30) days from the adoption of this Resolution, after which the Governing Board will reconsider the circumstances of the state of emergency.

PASSED AND ADOPTED by the Elk Grove Unified School District Governing Board on this 28th day of June 2022, by the following vote:

AYES _____

NOES _____

ABSENT _____

ABSTAIN _____

Approved:

Dr. Crystal Martinez-Alire, Board President

Sean J. Yang, Board Clerk