

ROSEMEAD SCHOOL DISTRICT
Rosemead, California

RESOLUTION NO. 21-22/08

**RESOLUTION MAKING FINDINGS AS REQUIRED BY AB 361 TO PERMIT THE
BOARD OF TRUSTEES MEETINGS TO CONTINUE TO BE CONDUCTED BY
TELECONFERENCE WHILE THE COVID-19 EMERGENCY REMAINS IN PLACE**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by COVID-19, and the President of the United States issued a Proclamation Declaring a National Emergency Concerning COVID-19 beginning March 1, 2020; and

WHEREAS, on March 4, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency in response to COVID-19; and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, the Governor’s March 4, 2021 declaration of a state of emergency based on the COVID-19 pandemic remains in place; and

WHEREAS, throughout the emergency resulting from the COVID-19 pandemic, the Los Angeles County Department of Public Health (“LACDPH”) has issued a series of Health Officer Orders containing mandates and recommendations for keeping safe and preventing the spread of COVID-19; the most recent Health Officer Order, issued September 17, 2021, states that all individuals and business are strongly urged to follow the LACDPH Best Practice Guidance, containing health and safety recommendations for COVID-19; the LACDPH Best Practice Guidance for individuals titled “COVID-19: Reducing Risk, Keeping Safe & Preventing Spread,” in a section titled “How to Reduce the Risk of COVID-19,” states “Keep your distance. Use two arms lengths as your guide (about 6 feet) for social distancing with people outside your household when you are not sure they are fully vaccinated”; and the LACDPH Best Practices to Prevent COVID-19, Guidance for Businesses and Employers, in a section titled “Maintain healthy business operations,” recommends implementation of policies and practices that support physical distancing, stating, “Whenever possible, take steps to reduce crowding indoors and enable employees and customers to physically distance from each other. Generally, at least 6 feet of distance (2 arm lengths) is recommended, although this is not a guarantee of safety, especially in enclosed or poorly ventilated spaces”; and

WHEREAS, the Ralph M. Brown Act, Government Code sections 54950-54963, allows for meetings of legislative bodies of a local agency, as those terms are defined in the Brown Act, to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, and that members of the public be allowed to address the legislative body at each teleconference location, see Government Code Section 54953(b)(3); and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act so that legislative bodies can hold public meetings via teleconference (with audio or video communications, without a physical meeting location), as long as the meeting agenda identifies the teleconferencing procedures to be used; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which extended the provision of N-29-20 concerning the conduct of public meetings through September 30, 2021; and

WHEREAS, California Assembly Bill 361 ("AB 361") was signed into law on September 16, 2021, and amended Government Code Section 54953; and

WHEREAS, AB 361 has several requirements to make sure that the public is able to virtually attend and make public comments during teleconferenced Board meetings, including:

- The Board must provide notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option;
- The Board cannot take further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored;
- Prohibiting the Board from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time;
- Prohibiting the Board from closing the public comment period until the public comment period has elapsed or until a reasonable amount of time has elapsed; and

WHEREAS, when there is a continuing state of emergency, and when state or local officials have imposed or recommended measures to promote social distancing, or the ability of members to meet safely in person is impacted, AB 361 requires a legislative body to make specified findings no later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under AB 361's abbreviated teleconferencing procedures; and

WHEREAS, in light of the continuing State and local declarations of emergency resulting from the COVID-19 pandemic, the continuing recommendation by Los Angeles County public health officials of measures to promote social distancing, and the imminent risks to the health of safety of attendees at meetings conducted in person, the Board of Trustees desires to make the findings required by AB 361 to allow the Board of Trustees to continue to meet under AB 361's abbreviated teleconferencing procedures.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Rosemead School District as follows:

1. The Board of Trustees declares that the above recitals are true and correct and are incorporated into this resolution as findings of the Board of Trustees.
2. The Board of Trustees has considered the circumstances of the COVID-19 state of emergency and finds that the following circumstances exist:
 - a. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of the Board of Trustees to meet safely in person; and
 - b. The State of California and the Los Angeles County Department of Public Health continue to impose or recommend measures to promote social distancing.
3. As a result of the findings in section (2) above, the Board of Trustees is authorized to conduct meetings under AB 361's abbreviated teleconferencing procedures, without complying with the requirements set forth in Government Code section 54953(b)(3), subject to compliance with the requirements set forth in Government Code section 54953(e)(2).
4. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Trustees hereby declares that it would have passed this Resolution and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Resolution would be subsequently declared invalid or unconstitutional.
5. This Resolution shall become effective immediately, but directs staff to agendize this Resolution within 30 days for the Board of Trustees to reconsider the circumstances of the state of emergency and findings of Section (2).

ADOPTED, SIGNED AND APPROVED, this 4th day of November 2021, by the Rosemead School District Board of Trustees, Rosemead, California.

Vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN: 0

**ROSEMEAD SCHOOL DISTRICT
BOARD OF TRUSTEES**



Diane Benitez
President, Board of Trustees



Nancy Armenta
Clerk, Board of Trustees