

ROSEMEAD SCHOOL DISTRICT
Rosemead, California

RESOLUTION NO. 22-23/02

**RESOLUTION OF THE
ROSEMEAD SCHOOL DISTRICT BOARD OF TRUSTEES
AUTHORIZING MEETINGS OF THE BOARD OF TRUSTEES TO BE CONDUCTED
BY TELECONFERENCE PURSUANT TO ASSEMBLY BILL 361 (“AB 361”)**

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency for the State of California due to the COVID-19 pandemic; and

WHEREAS, Governor Newsom’s March 4, 2020, declaration of a state of emergency arising from the COVID-19 pandemic remains in place; and

WHEREAS, the Ralph M. Brown Act (“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; and

WHEREAS, pursuant to Government Code section 54953(b)(3), the requirements for teleconferencing include 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; 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 suspending the teleconferencing requirements for public meetings through September 30, 2021; and

WHEREAS, on September 16, 2021, California Assembly Bill 361 (“AB 361”) was signed into law as urgency legislation effective immediately, amending Government Code section 54953 to provide that legislative bodies may continue to meet remotely during a declared state of emergency and one of the following is met:

- State or local officials have imposed or recommended measures to promote social distancing.
- The legislative body is holding the meeting 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.

WHEREAS, AB 361 has several requirements to ensure that the public can virtually attend and make public comments during teleconferenced meetings of the Rosemead School District Board of Trustees (“Board”), 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 must provide an opportunity for the public to address the Board and offer comment in real time; and
- 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.

WHEREAS, if the state of emergency remains active, or state or local health offices continue impose or recommend measures to promote social distancing, AB 361 requires a legislative body to make specified findings by majority vote not 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 or 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 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 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 finds and declares that the following circumstances exist:
 - a. The Governor’s March 4, 2020, declaration of a state of emergency due to the COVID-19 pandemic was made pursuant to Government Code section 8625 and remains in effect; and
 - b. The Los Angeles County Department of Public Health continues to impose or recommend measures to promote social distancing.

3. As a result of the findings in section (2) above, the Board 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) and all other applicable provisions of the Brown Act, for a period of thirty (30) days from the adoption of this Resolution, or such a time that the Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3).
4. The Board directs the Superintendent or designee to agendize a resolution within 30 days for the Board to reconsider the circumstances of the state of emergency and to make the findings required under Government Code section 54953(e)(3), should the Board decide to convene future virtual public Board meetings.
5. This Resolution shall become effective immediately.


ADOPTED, SIGNED AND APPROVED, this 4th day of August 2022, by the Rosemead School District Board of Trustees, Rosemead, California.

AYES: 5 NOES: 0 ABSENT: 0 ABSTAIN: 0

**ROSEMEAD SCHOOL DISTRICT
BOARD OF TRUSTEES**



Nancy Armenta
President, Board of Trustees



Ronald Esquivel
Clerk, Board of Trustees