

RESOLUTION NO. 022-21/22

RESOLUTION OF THE
LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT GOVERNING BOARD
AUTHORIZING MEETINGS BY REMOTE TELECONFERENCE
DUE TO CONTINUED STATE OF EMERGENCY
AND FINDINGS MADE IN SUPPORT THEREOF

WHEREAS, the Livermore Valley Joint Unified School District Governing Board conducts its meetings in compliance with the requirements of the Ralph M. Brown Act (Government Code 54950 *et seq.*) (“Brown Act”); and

WHEREAS, Government Code section 54953(b) of the Brown Act contains requirements for board members to participate in board meetings by teleconference; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency pursuant to Government Code section 8625 as a result of the threat of COVID-19; and

WHEREAS, by Executive Order N-25-20, dated March 12, 2020, Governor Newsom decreed that “a local legislative body ... is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body”; and

WHEREAS, Executive Order N-25-20 waived “[a]ll requirements ... impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public,” including the requirements to be met for board members to participate in board meetings by teleconference under Government Code section 54953(b); and

WHEREAS, Executive Order N-29-20 and Executive Order N-08-21 subsequently extended the waiver of the Brown Act’s teleconference requirements, the latter extending the waiver through September 30, 2021; and

WHEREAS, on or about September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361) into law; and

WHEREAS, AB 361 amends Government Code 54953 to allow legislative bodies to continue conducting meetings by teleconference without meeting Government Code section 54953(b)’s teleconference requirements in any of the following circumstances: 1) 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; 2) the meeting is being held for the purposes 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 3) the legislative body has determined that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, AB 361 requires that legislative bodies conducting meetings by teleconference must take certain steps to preserve the public’s right to access the meeting and address the legislative body directly, including stating in the meeting’s notice the means by which the public may access the meeting and

provide public comment; in lieu of in-person access, providing public access to the meeting through a call-in or Internet-based option; allowing the public to address the legislative body directly during public comment, and not requiring that public comment only be submitted before the meeting; conducting the meeting in a manner that protects the statutory and constitutional rights of the public; in the event of a disruption to the public's right to provide public comment, deferring taking action until the issue is resolved; and, if the legislative body provides a timed public comment period, leaving public comment open until that time expires; and

WHEREAS, AB 361 provides that if the State of Emergency remains active, or State or local officials have imposed or recommended social distancing measures, a legislative body may continue to teleconference without meeting Government Code section 54953(b)'s teleconference requirements, if the legislative body, within 30 days of teleconferencing for the first time under AB 361's requirements, makes the following findings:

- (1) The legislative body has reconsidered the circumstances of the State of Emergency; and
- (2) Any of the following circumstances exist:
 - (a) The State of Emergency continues to directly impact the ability of the members to meet safely in person; or
 - (b) State or local officials continue to impose or recommend measures to promote social distancing; and
- (3) The findings are renewed every 30 days.

WHEREAS, on or about September 21, 2021, Governor Newsom issued Executive Order N-15-21 waiving the application of AB 361 until October 1, 2021; and

WHEREAS, the State of Emergency also continues to directly impact the ability of the members of the District's Citizens' Bond Oversight Committee, Measure G Citizens Oversight Committee, and Local Control Accountability Plan Parent Advisory Committee, to meet safely in person. Our District's Citizens' Bond Oversight Committee also meets only approximately every 60 days.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the Livermore Valley Joint Unified School District hereby makes the following findings:

1. The Governing Board has reconsidered the circumstances of the State of Emergency.
2. The Governing Board first met by remote teleconference under AB 361 on October 5, 2021.
3. The conditions leading to the State of Emergency declared by Governor Newsom on March 4, 2020 continue to directly impact the ability of the Board to meet safely in person, as exacerbated by the increased transmissibility of the Delta Variant.
4. Continuing to meet by teleconference is necessary to protect the health and safety of the public, attendees, District staff, and the Board, in light of the imminent risks to the health and safety of those present at indoor public gatherings posed by COVID, for at least the next 30 days.

5. Our District will continue to meet the requirements of Government Code 54953(e)(2), added by AB 361, to ensure that the public has a right to access and address the Board during public comment through either a call-in or Internet-based option, for at least the next 30 days.
6. This Resolution shall take effect immediately upon approval by the Governing Board, and shall continue in effect from day-to-day for the next thirty (30) calendar days, until rescinded, renewed, or superseded by action of the Governing Board.
7. This Resolution and the findings stated herein shall also apply to the meetings conducted by our District's Citizens' Bond Oversight Committee, Measure G Citizens Oversight Committee, and Local Control Accountability Plan Advisory Committee.

PASSED AND ADOPTED by the Governing Board of the Livermore Valley Joint Unified School District on this 19th day of October, 2021, by the following vote:

AYES:	Bueno	_____	Guzmán	_____	Prusso	_____	Wang	_____	White
NOES:	Bueno	_____	Guzmán	_____	Prusso	_____	Wang	_____	White
ABSTENTIONS:	Bueno	_____	Guzmán	_____	Prusso	_____	Wang	_____	White
ABSENT:	Bueno	_____	Guzmán	_____	Prusso	_____	Wang	_____	White

Clerk of the Board of Education of the
Livermore Valley Joint Unified School District of
Alameda County and Contra Costa County, State of California