

**RESOLUTION DIRECTING ALL LEGISLATIVE BODIES UNDER THE COUNTY OFFICE OF
EDUCATION AND THE COUNTY SUPERINTENDENT OF SCHOOLS
TO MEET REMOTELY IN ACCORDANCE WITH AB 361 AND
MAKING FINDINGS PURSUANT TO AB 361**

SANTA CLARA COUNTY OFFICE OF EDUCATION AND ALL ITS LEGISLATIVE BODIES

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 and the County Superintendent of Schools have an important governmental interest in protecting the public health, safety, and welfare of those who participate in meetings of the various legislative bodies and other committees during COVID-19 and ensuring that all members of the public can participate safely in meetings of legislative bodies; and

1. All legislative bodies under the jurisdiction of the County Superintendent of Schools and the County Office of Education subject to the Brown Act 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 County Superintendent of Schools finds for the County Office of Education and on behalf of all legislative bodies under the jurisdiction of the County Office of Education 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.

3. The Opportunity Youth Academy Board as legislative body of the SCCOE shall continue to meet remotely per AB 361 and the findings above.

ADOPTED by the Santa Clara County Superintendent of Schools on October 29, 2021.

Mary Ann Dewan, Ph.D.