

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

RESOLUTION 05-2022

**RESOLUTION TO IMPLEMENT TELECONFERENCING REQUIREMENTS
DURING A PROCLAIMED STATE OF EMERGENCY**

WHEREAS, the Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that any person may attend and participate in such meetings;

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so;

WHEREAS, on March 17, 2020, in order to address the need for public meetings during the present public health emergency, Governor Newsom issued Executive Order No. N-29-20, suspending the Act's teleconferencing requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021; and

WHEREAS, these Executive Orders allowed legislative bodies to meet virtually as long as certain notice and accessibility requirements were met; and

WHEREAS, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

WHEREAS, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

WHEREAS, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing.

NOW THEREFORE, the legislative body of the Chabot-Las Positas Community College District hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. Board of Trustees of the Chabot-Las Positas Community College District finds, by a majority vote, the following:
 - a. That there exists a proclaimed state of emergency;

AND either:

- b. The Board of Trustees is meeting for the purpose of determining one of the following, or more than 30 days have passed since the Board of Trustees met and determined one of the following and the Board of Trustees now re-determines one of the following:
 - i. State or local officials have imposed or recommended measures to promote social distancing; OR
 - ii. As a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

OR

- c. This Board has made the determination set forth in subdivision (b), above within the last 30 days and now makes the following determination:
 - i. The Board of Trustees has reconsidered the circumstances of the state of emergency; AND
 - ii. Any of the following circumstances exist:
 - 1. The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - 2. State or local officials continue to impose or recommend measures to promote social distancing.
3. The Chancellor or his designee is authorized to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code section 54953.
4. That this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Trustees of the Chabot-Las Positas Community College District, this 14th day of December, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Secretary of the Governing Board of Chabot-Las Positas Community College District of Alameda County, State of California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a regular meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

Date

Secretary of the Board of Trustees of the
Chabot-Las Positas Community College
District, County of Alameda, State of
California