



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 3.1

Meeting Date: September 30, 2021

Subject: Resolution No. 3230: Authorizing Use of Remote Teleconferencing Provisions Pursuant to AB 361 and Government Code Section 54953

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Legal

Recommendation: Approve Resolution No. 3230: Authorizing Use of Remote Teleconferencing Provisions Pursuant to AB 361 and Government Code Section 54953

Background/Rationale: In response to the COVID-19 Pandemic, Governor Newsom signed AB 361 into law, amending certain provisions in the Ralph M. Brown Act (“Brown Act”) allowing public agencies to continue conducting remote virtual meetings during a state of emergency, without the need to comply with all of the Brown Act’s teleconferencing prerequisites, so long as certain requirements are met. Specifically, public agencies must make specific findings, every 30 days, and must ensure conditions related to public participation are satisfied.

The Board will consider adopting Resolution 3230, to make a finding that the current circumstances meet the requirements of AB 361 and Government Code section 54953 for the Board to conduct meetings remotely for the next 30 days.

Financial Considerations: N/A

LCAP Goal(s): Operational Excellence

Documents Attached:

1. Resolution No. 3230

<p>Estimated Time of Presentation: 5 minutes Submitted by: Anne Collins, General Counsel Approved by: Jorge A. Aguilar, Superintendent</p>

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 3230 AUTHORIZING USE OF REMOTE
TELECONFERENCING PROVISIONS (AB 361)**

WHEREAS, the Governing Board of the Sacramento City Unified School District (“Governing Board”) is committed to open and transparent government, and full compliance with the Ralph M. Brown Act (“Brown Act”); and

WHEREAS, the Brown Act generally requires that a public agency take certain actions in order to use teleconferencing to attend a public meeting virtually; and

WHEREAS, the Governing Board recognizes that a local emergency persists due to the worldwide COVID-19 pandemic; and

WHEREAS, the California Legislature has recognized the ongoing state of emergency due to the COVID-19 pandemic and has responded by creating an additional means for public meetings to be held via teleconference (inclusive of internet-based virtual meetings); and

WHEREAS, on September 16, 2021, the California legislature passed Assembly Bill (“AB”) 361, which amends Government Code, section 54953 and permits a local agency to use teleconferencing to conduct its meetings in any of the following circumstances: (A) 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; (B) the legislative body holds a meeting during a proclaimed state of emergency 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; or (C) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, in order for the Governing Board to use teleconferencing as allowed by AB 361 after October 1, 2021, it must first adopt findings in a resolution, allowing the Governing Board to conduct teleconferenced meetings for a period of thirty (30) days; and

WHEREAS, Governor Gavin Newsom declared a state of emergency for the State of California due to the COVID-19 pandemic in his order entitled “Proclamation of a State of Emergency,” signed March 4, 2020; and

WHEREAS, the Governing Board hereby finds that the state and local emergencies have caused and will continue to cause imminent risks to the health or safety of attendees; and

WHEREAS, the Governing Board is currently conducting its meetings through the use of telephonic and internet-based services so that members of the public may observe and participate in meetings and offer public comment.

NOW THEREFORE, BE IT RESOLVED, that the recitals set forth above are true and correct and fully incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED, that the Governing Board has determined that given the state of emergency, holding in-person meetings would present imminent risks to the health or safety of attendees for the next thirty days while staff prepares for members of the public to return in-person.

BE IT FURTHER RESOLVED, that the actions taken by the Governing Board through this Resolution may be applied to all District committees governed by the Brown Act unless otherwise desired by that committee.

BE IT FURTHER RESOLVED, the Governing Board authorizes the Superintendent or their designee(s) to take all actions necessary to conduct Governing Board meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, using teleconferencing for a period of thirty (30) days from the adoption of this Resolution, after which the Governing Board will reconsider the circumstances of the state of emergency.

BE IT FURTHER RESOLVED, if the Governing Board does not make findings consistent with Government Code 54953(e)(3) within a period of thirty (30) days from the adoption of this Resolution, the Governing Board meetings will be conducted in-person, including members of the public. All state and local health guidelines, including masking mandates will be strictly enforced.

PASSED AND ADOPTED by the Sacramento City Unified School District Governing Board on this 30th day of September 2021, by the following vote:

AYES _____

NOES _____

ABSENT _____

ABSTAIN _____

ATTESTED TO:

Jorge A. Aguilar,
Secretary of the Board of Education

Christina Pritchett,
President of the Board of Education