SAN LEANDRO UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION
RESOLUTION NO. 21-38
RESOLUTION TO CONTINUE CONDUCTING MEETINGS VIA TELECONFERENCE PER CALIFORNIA GOVERNMENT CODE SECTION 54953 (OR "ASSEMBLY BILL 361")

Whereas, the San Leandro Unified School District ("District") is committed to preserving public access and participation in meetings of the Board of Education ("Board");

Whereas, all meetings of the District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business;

Whereas, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions;

Whereas, as of March 4, 2020 and continuing through to present day, the Governor of California has proclaimed a state of emergency due to the threat of COVID-19, legally predicated on the Governor's express finding that circumstances meet the conditions codified in California Government Code Section 8558(b), relating to the declaration of a state of emergency, and further predicated on the Governor's authority vested by the State Constitution and the California Emergency Services Act, California Government Code Section 8625;

Whereas, pursuant to several recent Governor's Orders, including Executive Order N-29-20, issued on March 17, 2020, and Executive Order N-8-21, issued on June 11, 2021, legislative bodies of the District have conducted Brown Act-compliant meetings via teleconference, while providing opportunity for public comment and prioritizing public access to the Board's deliberations, inclusive of all members of the public;

Whereas, the Centers for Disease Control and Prevention (CDC) recommends to "Protect Yourself and Others" while outside of your home by putting 6 feet of distance (or about 2 full arm lengths) between yourself and people who do not live in your household, particularly for people who are at higher risk of getting very sick from COVID-19 whenever possible;

Whereas, with the continuing presence of COVID-19 and the recent surge of the highly contagious Delta variant, opening a Board of Education's physical meeting location to the public would present an imminent risk to the health and safety of attendees given the fact that members of the public are not required to be vaccinated to attend Board meetings and, with limited staff members, it is impracticable to check and enforce the mask mandate and other indoor COVID-19 health and safety protocols, such as physical distancing, for members of the public; and

Whereas, it is the recommendation of the Superintendent that all students and staff continue to reasonably distance from each other whenever possible.

Now, therefore, be it resolved by the Board of Education of the San Leandro Unified School District as follows:

1. That the above recitals are true and correct;

2. A proclaimed state of emergency continues to exist in California due to the threat of COVID-19;

3. A local emergency now exists throughout the District and completely opening a Board of Education physical meeting location to the public would present an

imminent risk to the health and safety of attendees due to the outbreak of COVID-19 and its extremely contagious Delta variant.

4. Local District officials continue to recommend measures to promote social distancing;

5. The Superintendent and the legislative bodies of the District are authorized to take all actions necessary to hold Brown Act compliant meetings virtually;

6. The conditions are met for legislative bodies of the District to conduct their proceedings via teleconference after September 30, 2021, provided compliance with, *inter alia*, California Government Code Section 54953(e)(2); and

7. This Resolution will take effect as of this 12th day of October and shall continue in effect for 30 days or such time as the Board passes a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which legislative bodies of the San Leandro Unified School District may continue to teleconference without compliance with Government Code section 54953(b)(3).

Resolution No. 21-38 passed and adopted by the Governing Board of the San Leandro Unified School District on this 12th day of October 2021.

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Evelyn González, President, Board of Education

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Mike McLaughlin, Ed.D., Superintendent
and Secretary to the Board of Education