

**MORGAN HILL UNIFIED SCHOOL
DISTRICT
Morgan Hill, California**

**RESOLUTION
AUTHORIZING USE OF REMOTE
TELECONFERENCING PROVISIONS (AB 361)**

WHEREAS, the Morgan Hill Unified School Governing Board (“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 teleconference 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 current local state emergency continues to pose imminent risks to the health or safety of some who may wish to attend a public meeting; and

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WHEREAS, the Governing Board is 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 prevent attendance by members of the public due to the imminent risks to their health or safety.

BE IT FURTHER RESOLVED, that the actions taken by the Governing Board through this resolution apply to any and all District committees which are otherwise governed by the Brown Act;

BE IT FURTHER RESOLVED, the Governing Board authorizes the Superintendent 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.

PASSED AND ADOPTED by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at a regular meeting held on February 1, 2022 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DATED: February 1, 2022

SIGNED: _____
Heather Orosco, Clerk
Board of Education

I, Dr. Carmen García, Secretary of the Board of Education, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at the regular meeting on February 1, 2022 which resolution is on file in the office of said Board.

DATED: February 1, 2022

SIGNED: _____
Dr. Carmen García, Secretary
Board of Education