



**OAKLAND MILITARY INSTITUTE
COLLEGE PREPARATORY ACADEMY**

3877 Lusk Street | Oakland, CA 94608 | 510 594 3900 | oakmil.org

**RESOLUTION OF THE
OAKLAND MILITARY INSTITUTE COLLEGE PREPARATORY ACADEMY
BOARD OF DIRECTORS**

(A California Non-Profit Public Benefit Corporation)

Board Resolution No. 102022

**A Resolution Making Certain Findings Necessary to Permit Virtual Board Meetings
Pursuant to AB 361 and Government Code Section 54953(e)**

WHEREAS, Oakland Military Institute College Preparatory Academy, a California nonprofit public benefit corporation, operates Oakland Military Institute College Preparatory Academy (collectively the “Charter School”);

WHEREAS, Assembly Bill No. 361 (“AB 361”) was signed into law on September 16, 2021, and is intended to “improve and enhance public access to . . . local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options . . .”;

WHEREAS, AB 361 permits local legislative bodies subject to the Brown Act to hold virtual meetings without needing to publish the physical locations of Board members or make those locations open to the public if there is a proclaimed state of emergency (pursuant to Section 8625 of the California Emergency Services Act) and either: (i) state or local officials have imposed or recommended measures to promote social distancing, or (ii) there is a finding that, as a result of the emergency, meeting in person “would present imminent risks to the health or safety of attendees . . .”;

WHEREAS, prior to the COVID-19 pandemic, the Charter School’s Board of Directors typically met in-person in Room C102 located at the Charter School’s campus at 3877 Lusk Street, Oakland, California 94608. Due to the pandemic Room C102 is not designed to accommodate a large number of attendees in close proximity. The maximum capacity for the room is 15-20 people.

WHEREAS, at this time, there is not available another proximate location to serve as an alternative meeting space that would present a sufficiently safe option for in-person meetings due to the ongoing COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED, the Charter School’s Board of Directors hereby makes the following findings:

- ❖ On March 4, 2020, the Governor of the State of California, pursuant to the California Emergency Services Act, and, in particular, Government Code Section 8625, issued a Proclamation of a State of Emergency due to conditions caused by COVID-19, and, as of the date of this resolution, the Proclamation has not been rescinded by the Governor or the Legislature. (See, COVID-19 Proclamation of State of Emergency declared March 4, 2020.)



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- ❖ As of the date of this resolution, the Alameda County Public Health Department recommends some social distancing measures under certain circumstances.
- ❖ Any in-person meeting of the Board of Directors, whether at the Charter School or other location(s) of the Board Members, could result in violations of state, local, or District health and safety protocols or other unsafe behavior by one or more attendees at an in-person Board meeting and “would present imminent risks to the health or safety of attendees” in light of COVID-19.

BE IT FURTHER RESOLVED, the intent of these findings is to (i) permit the Board to hold virtual public meetings pursuant to the Brown Act without publishing the physical locations from where the members would be joining the virtual meeting (as such meetings would otherwise be held in unsafe locations in light of COVID-19);

BE IT FURTHER RESOLVED, this Resolution is effective for thirty (30) days from the date of this Resolution.

* * *

IN WITNESS THEREOF, the Charter School Board of Directors has adopted the above resolution by the following vote at a regular Board of Directors meeting this 13 day of October 2022.

AYES: _____

NOS: _____

ABSTENTIONS: _____

I, Jose Vargas, am the Board Secretary of Oakland Military Institute College Preparatory Academy and I hereby certify that the foregoing is a true copy of a resolution duly and legally adopted by the Board of Directors on October 13, 2022.

Date: _____

Jose Vargas, Board Secretary
Oakland Military Institute College Preparatory Academy
Board of Directors