

## **BOARD RESOLUTION 2021-14**

*October 12, 2021*

### **TO MEET REMOTELY IN ACCORDANCE WITH AB 361 AND MAKING FINDINGS PURSUANT TO AB 361**

WHEREAS, on February 3, 2020, the Santa Clara County Public Health Officer declared a local health emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 4, 2020, the Governor issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and in accordance with Government Code section 8625; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the Brown Act (Government Code section 54950 et seq.), provided certain requirements were met and followed, thus enabling legislative bodies to meet remotely; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21 that provided that the teleconferencing rules would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361 authorizing a legislative body subject to the Brown Act to continue to meet remotely using teleconference without compliance with the Brown Act teleconference rules if certain conditions are followed including (1) initially the existence of a proclaimed state of emergency and (2) requirements or recommended measures from state or local officials to promote social distancing; and

WHEREAS, as of the date of this Resolution, the Proclamation of State of Emergency issued by the Governor on March 4, 2020 is in place; and

WHEREAS, on September 21, 2021, the Santa Clara County Health Officer issued a recommendation, which is attached hereto and incorporated herein, that public bodies continue to meet remotely due to their unique characteristics (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other recommendations at such); and,

WHEREAS, Navigator Schools have an important governmental interest in protecting the public health, safety, and welfare of those who participate in meetings during COVID-19 and ensuring that all members of the public can participate safely in meetings; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Navigator Schools that:

1. The Board of Navigator Schools and its committees shall continue to only meet remotely and in accordance with Government Code section 54953(e) (AB 361) and without compliance with Government Code section 54953(b)(3).1
2. Pursuant to Government Code section 54953 (e)(3), the Board finds for itself that (1) a state of emergency continues to exist relating to COVID-19 and this necessitates that the Board and its committees continue to meet remotely, and (2) the Board and its committees continue to meet remotely to promote social distancing as one means to reduce the risk COVID-19 transmission.

This resolution shall take effect immediately upon its adoption.

This resolution was PASSED AND ADOPTED by the Board of Directors of Navigator Schools at its regular meeting held on October 12, 2021, via teleconference per COVID-19 regulations.

The Secretary of the Corporation certifies the resolution was adopted at the dated meeting of the Board of Directors.

\_\_\_\_\_  
Signature of Secretary

\_\_\_\_\_  
Date

Nora Crivello  
Board Secretary  
Navigator Schools, a California Nonprofit Public Benefit Corporation

# County of Santa Clara

## Public Health Department

Health Officer  
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### **Recommendation Regarding Continued Remote Public Meetings of Governmental Entities**

Issued: September 21, 2021

In light of the continued state of emergency related to COVID-19, the County Public Health Officer continues to recommend that public bodies meet remotely to the extent possible, specifically including use of newly enacted AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws.

Among other reasons, this recommendation is made due to the continued threat of COVID-19 to the community, the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission. This recommendation does not apply to those meetings of a quasi-judicial nature that have been already meeting in person prior to September 21, 2021, for example to allow for credibility determinations of witnesses.

The Health Officer will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.