

RESOLUTION BR 2021-16

December 29, 2021

RESOLUTION RECOGNIZING A STATE OF EMERGENCY AND RE-AUTHORIZING TELECONFERENCED MEETINGS 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;

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;

WHEREAS, on March 12, 2020, the Director of Emergency Services/Santa Clara County Emergency Operations Center issued a directive suspending all meetings of boards and commissions except for meetings of certain boards and commissions meeting due to state law requirements;

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;

WHEREAS, on July 10, 2020, the Santa Clara County Director of Emergency Services issued a modified directive to the restrictions imposed on March 12, 2020 and allowed boards and commissions to resume meetings by teleconference only, and at a reduced rate in order to conserve County resources;

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;

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;

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

WHEREAS, on September 21, 2021, the Santa Clara County Health Officer issued a recommendation 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 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 meetings);

WHEREAS, on October 6, 2021 the Santa Clara County Board of Education passed Resolution No. 2289-5 authorizing virtual board meetings pursuant to AB 361;

WHEREAS, on October 12, 2021, the Board of Directors of Navigator Schools passed Resolution BR 2021-14 authorizing virtual board meetings pursuant to AB 361; and

WHEREAS, on December 14, 2021, the Board of Directors of Navigator Schools passed Resolution BR 2021-15 authorizing continued virtual board meetings pursuant to AB 361; and

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

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 Board of Directors of Navigator Schools recognizes that a State of Emergency in the State of California continues to exist due to the COVID-19 pandemic.

BE IT FURTHER RESOLVED, that the Board of Directors of Navigator Schools reconsidered the circumstances of the State of Emergency and finds that COVID-19 continues to pose an imminent threat to the health and safety of the community and directly impacts the ability of the members to meet safety in person.

BE IT FURTHER RESOLVED, the Board of Directors of Navigator Schools authorizes the continued use of teleconferencing for all meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.

This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of Navigator Schools at its special meeting held on December 29, 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

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

Date