

**RESOLUTION NO. 2021-28**  
**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE FOOTHILL-DE ANZA**  
**COMMUNITY COLLEGE DISTRICT AUTHORIZING REMOTE**  
**TELECONFERENCE MEETINGS PURSUANT TO BROWN ACT PROVISIONS**  
**INCLUDED IN ASSEMBLY BILL (AB) 361 (RIVAS)**

**WHEREAS**, the Foothill-De Anza Community College District is committed to preserving and nurturing public access and participation in meetings of the Board of Trustees; and

**WHEREAS**, all meetings of Foothill-De Anza Community College 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; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote 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; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency arising from the coronavirus (COVID-19); and

**WHEREAS**, on March 17, 2020, the Board of Trustees of Foothill-De Anza Community College District officially declared a state of emergency for the district; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act pertaining to teleconferenced meetings; and

**WHEREAS**, following the issuance of Executive Order N-29-20, the Foothill-De Anza Community College District Board of Trustees began to conduct all public meetings virtually using the Zoom teleconference platform and has continued conducting all public meetings virtually since that time; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which indicated that the authorization for holding virtual meetings outlined in Executive Order N-29-20 would expire on September 30, 2021; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed [Assembly Bill \(AB\) 361 \(Rivas\)](#) as urgency legislation to be effective immediately, which provides that legislative bodies may continue to meet remotely during a declared State of Emergency subject to certain conditions; and

**WHEREAS**, AB 361 amends the Brown Act (Government Code Section 54953) to add the following:

(e)(1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision 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.

(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**, AB 361 amends the Brown Act (Government Code section 54953) to add the following:

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Foothill-De Anza Community College District finds that the March 4, 2020, declaration of a State of Emergency due to the COVID-19 pandemic by Governor Gavin Newsom remains active and that the state of

emergency continues to directly impact the ability of members of the public to meet safely in person.

**BE IT FURTHER RESOLVED**, that the Board of Trustees of the Foothill-De Anza Community College District authorizes the continuation of virtual meetings pursuant to Assembly Bill 361 (Rivas); and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon its adoption and shall be effective until the earlier of 30 days from the date of adoption or such time the Board of Trustees adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Trustees of the Foothill-De Anza Community College District may continue to teleconference without compliance with of paragraph (3) of subdivision (b) of Government Code section 54953.