

AZUSA UNIFIED SCHOOL DISTRICT

RESOLUTION #22-23:11

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE AZUSA UNIFIED SCHOOL DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM DATED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE PERIOD OF NOVEMBER 16, 2022, THROUGH DECEMBER 16, 2022**

**WHEREAS**, the Azusa Unified School District is committed to preserving and nurturing public access and participation in meetings of the Board of Trustees; and

**WHEREAS**, all meetings of the Azusa Unified School 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), as amended by Assembly Bill 361, Chapter 165 of the Statutes of 2021, makes provisions for remote teleconferencing 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 that the legislative body have found that meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, such conditions now exist in the District, specifically, a State of Emergency has been proclaimed by the Governor on March 4, 2020, based on an outbreak of respiratory illness due to COVID-19; and

**WHEREAS**, due to the continued prevalence of highly-contagious COVID variants, opening a physical meeting location to the public to hold in-person Board meetings would present an imminent risk to health and safety of attendees given that members of the public are not required to be vaccinated in order to attend Board meetings; and

**WHEREAS**, the Board of Trustees does hereby find that the continued prevalence of highly contagious COVID variants has caused, and will continue to cause conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, on November 16, 2021, the Board further proclaimed that due to the continuing presence of COVID-19, prevalence of highly contagious variants, opening a physical meeting location to the public to hold in-person Board of Trustees meetings would present an imminent risk to the health and safety of attendees given that members of the public are not required to be vaccinated to attend Board meetings; and

**WHEREAS**, as a consequence of the local emergency, the Board of Trustees does hereby find that the legislative bodies of the Azusa Unified School District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

**WHEREAS**, the District will continue to provide access to Board meetings through live-streamed video feed which allows for public comment; and

**WHEREAS**, the District may, at its discretion, allow for limited in-person public attendance at Board meetings with the understanding that attendees assume all accompanying risk, notwithstanding that Board members and others may attend virtually due to the serious and imminent health risks present discussed above.

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE AZUSA UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and due to the prevalence of COVID variants, meeting in- person would present an imminent risk to the health and safety of attendees.

Section 3. Ratification of Governor’s Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California’s Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Superintendent and legislative bodies of the Azusa Unified School District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act. Nothing in this resolution shall preclude the District from allowing limited capacity, in-person public attendance at Board meetings.

Section 5. Effective Date of Resolution. This Resolution shall take effect November 16, 2022, and shall be effective until the earlier of (i) December 16, 2022, 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 legislative bodies of the Azusa Unified School District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED AND ADOPTED** by the Board of Trustees of the Azusa Unified School District, this 15th day of November 2022, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

I, Xilonin Cruz-Gonzalez, Clerk of the Governing Board, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by said Board at a regularly called and conducted meeting held on said date.

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Xilonin Cruz-Gonzalez, Clerk of the Governing Board