



**RESOLUTION DIRECTING ALL LEGISLATIVE BODIES UNDER THE COUNTY OFFICE OF  
EDUCATION AND THE COUNTY SUPERINTENDENT OF SCHOOLS  
TO MEET REMOTELY IN ACCORDANCE WITH AB 361 AND  
MAKING FINDINGS PURSUANT TO AB 361**

**SANTA CLARA COUNTY OFFICE OF EDUCATION AND ALL ITS LEGISLATIVE BODIES**

**WHEREAS**, on February 3, 2020, the 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 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**, the Santa Clara County Office of Education and the County Superintendent of Schools have an important governmental interest in protecting the public health, safety, and welfare of those who participate in meetings of the various legislative bodies and other committees during COVID-19 and ensuring that all members of the public can participate safely in meetings of legislative bodies; and

**NOW, THEREFORE, BE IT RESOLVED** by the County Superintendent of Schools of the County of Santa Clara, State of California, that:

1. All legislative bodies under the jurisdiction of the County Superintendent of Schools and the County Office of Education subject to the Brown Act 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 County Superintendent of Schools finds for the County Office of Education and on behalf of all legislative bodies under the jurisdiction of the County Office of Education that (1) a state of emergency continues to exist relating to COVID-19 and this necessitates that legislative bodies continue to meet remotely, and (2) the County Health Officer has recommended that legislative bodies continue to meet remotely to promote social distancing as one means to reduce the risk of COVID-19 transmission.

3. The Opportunity Youth Academy Board as legislative body of the SCCOE shall continue to meet remotely per AB 361 and the findings above.

**ADOPTED** by the Santa Clara County Superintendent of Schools on January 6, 2023.

DocuSigned by:

*Dr. Mary Ann Dewan*

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Mary Ann Dewan, Ph.D.

County Superintendent of Schools

# County of Santa Clara Public Health Department



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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.