

**Peralta Community College District
Board of Trustees Resolution
For District Brown Act-Covered Legislative Bodies
To Continue Conducting Meetings Via Teleconference
Per California Government Code Section 54953 (or “Assembly Bill 361”)
Resolution No. 21/22-51**

WHEREAS, the Peralta Community College District, which includes Laney College, Merritt College, College of Alameda, and Berkley City College (“District”) is committed to ensure its legislative bodies proceed in compliance with the State of California’s open meeting requirements codified in the Ralph M. Brown Act, Government Code §§ 54950 – 54963, which maximizes public transparency of all covered bodies;

WHEREAS, the District is committed to preserving public access and participation in meetings of the Board of Education (“Board”);

WHEREAS, all meetings of the 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;

WHEREAS, the Brown Act, Government Code section 54953(e), 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;

WHEREAS, as of March 4, 2020, and continuing through to the present day, the Governor of California has proclaimed a state of emergency due to the threat of COVID-19, legally predicated on the Governor’s express finding that circumstances meet the conditions codified in California Government Code Section 8558(b), relating to the declaration of a state of emergency, and further predicated on the Governor’s authority vested by the State Constitution and the California Emergency Services Act, California Government Code Section 8625;

WHEREAS, pursuant to several recent Governor’s Orders, including Executive Order N-29-20, issued on March 17, 2020, and Executive Order N-8-21, issued on June 11, 2021, legislative bodies of the District have conducted Brown Act-compliant meetings via teleconference while providing an opportunity for public comment and prioritizing public access to the Board’s deliberations, inclusive of all members of the public;

WHEREAS, the Centers for Disease Control and Prevention (CDC) recommends to “Protect Yourself and Others” while outside of your home by putting 6 feet of distance (or about 2 full arm lengths) between yourself and people who do not live in your household, particularly for people who are at higher risk of getting very sick from COVID-19 whenever possible;

WHEREAS, with the continuing presence of COVID-19, opening the District’s legislative bodies’ physical meeting locations to the public may result in a member of our District community and public putting themselves at more risk as members of the public are not required to be vaccinated to attend Board or other public meetings and, it may be impracticable to check and enforce the mask mandate and other indoor COVID-19 health and safety protocols, such as physical distancing, for members of the public; and

WHEREAS, the Division of Occupational Safety and Health of California's (Cal/OSHA) issued Emergency Temporary Standards that require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D).); and

WHEREAS, of the County of Alameda Health Care Services Agency Director has recommended continued social distancing whenever possible; and

WHEREAS, it is the recommendation of the Chancellor that the District continues to follow CDC guidelines and recommendations for maximizing social distancing whenever possible, which includes meetings of legislative bodies. As an example, the Office of the Chancellor has shared the recommendation that all indoor public gatherings on District facilities should limit the number of attendees to the number of persons who can safely fit into the gathering space while maintaining social distancing.

NOW, THEREFORE, the Governing Board of the Peralta Community College District hereby finds as follows:

1. That the above recitals are true and correct;
2. A proclaimed state of emergency continues to exist in California due to the threat of COVID-19;
3. Local and District officials continue to recommend measures to promote social distancing;
4. The Chancellor and the legislative bodies of the District are authorized to take all actions necessary to hold Brown Act compliant meetings virtually;
5. The conditions are met for all legislative bodies of the District to conduct their proceedings via teleconference after September 30, 2021, provided compliance with, *inter alia*, California Government Code Section 54953(e)(2); and
6. This Resolution will take effect as of this 26th day of October and shall continue in effect for 30 days or such time as the Board passes a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which legislative bodies of the Peralta Community College District may continue to teleconference without compliance with Government Code section 54953(b)(3).

PASSED AND ADOPTED by the Peralta Community College District Board of Trustees, this 26th day of October, 2021, by the following vote:

AYES: Cindi Napoli-Abella Reiss, Nicky Gonzalez-Yuen, Linda Handy, Bill Withrow, Julina Bonilla, (Micah Cooper/Student Advisory Vote), (Leesa Hogan/Student Advisory Vote)


NOES: Kevin Jenkins

ABSTENTIONS: Dyana Delfin-Polk


[Cynthia Napoli-Abella Reiss \(Mar 23, 2022 13:04 PDT\)](#)

President, Board of Trustees
Peralta Community College District

Attested to:


[Shaghayegh S Amiri \(Mar 23, 2022 11:48 PDT\)](#)

Clerk, Board of Trustees
Peralta Community College District









21 22-51 Resolution re AB 361

Final Audit Report

2022-03-23

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