

MPC Academic Senate Resolution: CONTINUATION OF VIRTUAL MEETINGS PURSUANT TO ASSEMBLY BILL 361 (RIVAS): Approved by the Academic Senate October 7, 2021

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

Whereas, on March 20, 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 MPC Academic Senate began to conduct all public meetings virtually using the Zoom teleconference platform, and have continued conducting all public meetings virtually until and including the present date; 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 361 (Rivas) as urgent legislation 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 provision:

(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:

(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 provision:

(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.

Resolved, MPC Academic Senate finds:

1. that the March 4, 2020, declaration of a State of Emergency due to the COVID-19 pandemic by Governor Gavin Newsom remains active; and

2. that the State of Emergency continues to directly impact the ability of Senators, MPC employees, and the public to meet safely in person due to the prevalence of the Delta variant, the indoor setting of meeting facilities, the potential presence of unvaccinated meeting attendees, the potential for non-compliance with mask-wearing requirements, and the desire to protect the health of immunocompromised individuals.

Resolved, that MPC Academic Senate authorizes the continuation of virtual meetings pursuant to Assembly Bill 361 (Rivas).