



RESOLUTION
AUTHORIZING VIRTUAL ACADEMIC SENATE MEETINGS PURSUANT TO AB 361

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency arising from the coronavirus (COVID-19); 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, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 which indicated that Executive Order N-29-20's authorization for holding virtual meetings would expire on September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (Rivas) as urgency 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:

(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; 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.

NOW, THEREFORE, BE IT RESOLVED that the Academic Senate of Cuyamaca College and the Academic Senate Committees, find that the Governor's March 4, 2020 declaration of a state of

emergency due to the COVID-19 pandemic remains active, due to no official notification having been received.

BE IT FURTHER RESOLVED, the Academic Senate of Cuyamaca College finds that due to the state of emergency meeting in person would present imminent risks to the health or safety of attendees and/or the state of emergency continues to directly impact the ability of the 20 Senators and committee coordinators to meet safely in person due to the prevalence of the new Omicron BA.2 variant of the COVID-19 virus, the lack of a large indoor meeting facility, the potential presence of unvaccinated individuals attending meetings, the potential for noncompliance with mask wearing requirements, and desire to protect the health of immuno-compromised faculty, staff and the public.

PASSED AND ADOPTED by the Academic Senate of Cuyamaca College, this 9th day of February 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

I, Manuel Mancillas-Gomez, President of the Academic Senate, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by said Academic Senate at the regularly called and conducted meeting held on said date.

Academic Senate President