

Modesto Junior College  
Academic Senate

Resolution: S22-A (Subsequent) Resolution to Re-Authorize Continued Senate Authority to Hold  
Virtual Meetings for the Period Pursuant to Brown Act Provisions  
MJC's Academic Senate Executive \*

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.

WHEREAS, the Academic Senate of Modesto Junior College adopted Resolution F21-D on November 4, 2021, finding that the requisite conditions exist to conduct teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953.

THEREFORE, BE IT RESOLVED that the Academic Senate of Modesto Junior College finds that the state of emergency declared by Governor Newsom on March 4, 2020 due to the Covid19 pandemic remains active.

BE IT FURTHER RESOLVED, that MJC's Academic Senate finds that the state of emergency due to the Covid-19 pandemic presents risks to the health and safety of attendees and/or impacts the ability of members to meet safely in person for meetings due to the prevalence of

Covid-19 cases in our community, the indoor setting of meeting spaces, the potential presence of unvaccinated individuals, the potential for noncompliance with mask wearing requirements, and desire to protect the health of immunocompromised senate members and/or the public.

THEREFORE, BE IT FURTHER RESOLVED, this resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) May 7, 2022, or such time the Academic Senate adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Academic Senate of Modesto Junior College by continue to teleconference without compliance without paragraph (3) of subdivision (b) of section 54953.

Renewed through Academic Senate Consent Agenda: April 7, 2022