

LOS ANGELES UNIFIED SCHOOL DISTRICT

SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE

Rachel Greene, Chair

Tenth District PTSA

Chris Hannan, Vice-Chair

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Margaret Fuentes, Secretary

LAUSD Student Parent

Araceli Sandoval-Gonzalez, Executive Committee

Early Education Coalition

Alvin Trotter, Jr., Executive Committee

L.A. Area Chamber of Commerce

Tracy Bartley

31st District PTSA

Laura Baz

LAUSD Student Parent

Neelura Bell

CA Charter School Association

Jeffrey Fischbach

CA Tax Reform Assn.

Greg Good

L.A. City Mayor's Office

D. Michael Hamner

American Institute of Architects

Hyepin Im

L.A. City Controller's Office

Susan Linschoten

L.A. Co. Auditor-Controller's Office

Dolores Sobalvarro

AARP

Roger Uy

Assoc. General Contractors of CA

Celia Ayala (Alternate)

Early Education Coalition

Dr. Clarence Monteclaro (Alternate)

Tenth District PTSA

Samantha Rowles (Alternate)

LAUSD Student Parent

Connie Yee (Alternate)

L.A. Co. Auditor-Controller's Office

Joseph P. Buchman – Legal Counsel

Burke, Williams & Sorensen, LLP

Lori Raineri and Keith Weaver – Oversight Consultants

Government Financial Strategies

Timothy Popejoy

Bond Oversight Administrator

Perla Zitle

Bond Oversight Coordinator

RESOLUTION 2022-01

RESOLUTION REGARDING FINDINGS TO PERMIT TELECONFERENCED MEETINGS PURSUANT TO ASSEMBLY BILL 361 AND CALIFORNIA GOVERNMENT CODE SECTION 54953(e)(3)

WHEREAS, The Brown Act was amended in September 2021, by Assembly Bill 361 to add subdivision (e) to Government Code section 54953, which 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) until January 1, 2024, subject to the existence of certain conditions, including that the legislative body makes certain findings every 30 days; and

WHEREAS, Assembly Bill 361 was enacted, among other reasons: 1) to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic, and 2) to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency pursuant to the California Emergency Services Act, in particular Government Code section 8625, which remains in effect; and

WHEREAS, The Board of Education, on January 6, 2022, adopted findings that a local emergency exists throughout Los Angeles Unified, and that opening a physical location(s) for Board of Education meetings and Bond Oversight Committee meetings to the public would present an imminent risk to the health and safety of attendees due to the outbreak of

RESOLUTION 2022-01

RESOLUTION REGARDING FINDINGS TO PERMIT TELECONFERENCED MEETINGS PURSUANT TO ASSEMBLY BILL 361 AND CALIFORNIA GOVERNMENT CODE SECTION 54953(e)(3)

COVID-19 and its extremely contagious Delta and Omicron variants. A copy of the Board of Education's Resolution adopted on January 6, 2022, is attached to this BOC Resolution.

WHEREAS, The Bond Oversight Committee also finds that safety protocols are not feasible for members of the public in order to attend a public meeting.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The School Construction Citizens' Bond Oversight Committee continues to be subject to recommended measures to promote social distancing due to the imminent risk to the health of attendees and that meeting in a physical location would present due to the COVID-19 Delta and Omicron variants.
2. At least for the next 30 days, the Committee shall conduct meetings via teleconferencing providing an opportunity for members of the public to participate in "real-time."
3. This resolution shall be transmitted to the Los Angeles Unified School District Board of Education and posted on the Oversight Committee's website.

ADOPTED on January 27, 2022, by the following vote:

AYES: 14

ABSTENTIONS: 0

NAYS: 0

ABSENCES: 1

/Rachel Greene/

Rachel Greene
Chair

/Chris Hannan/

Chris Hannan
Vice-Chair



Board of Education Report

File #: Rep-199-21/22, **Version:** 1

Resolution Making Certain Findings to Permit Meetings to Be Held Through Teleconferencing Pursuant to Assembly Bill 361 and in Compliance with Government Code Section 54953(e)(3)

January 6, 2022

Office of the Board Secretariat

Action Proposed:

Adopt a Resolution (attached) making findings pursuant to Assembly Bill 361, and in Compliance with Government Code Section 54953(e)(3) for the continuation of virtual meetings of the Board of Education (Board) and all Los Angeles Unified School District (Los Angeles Unified or District) Committees, including the Bond Citizens' Oversight Committee (BOC), for a period of 30 days.

Background:

On September 16, 2021, the Governor signed into law Assembly Bill 361 (AB 361) which took effect on October 1, 2021. The Governor's prior executive orders allowing electronic meetings expired on September 30, 2021. AB 361 gives the Board the option to hold in-person meetings pursuant to the Brown Act or to hold meetings using electronic means beyond September 30, 2021 (when the March 2020 executive orders expire), without complying with the Brown Act's teleconference mandates, until January 1, 2024.

Pursuant to the provisions of AB 361, the Board may only hold public meetings through teleconferencing, or other electronic means, if the Governor has declared a state of emergency and one of the following conditions exists:

- State or local health officials have imposed or recommended social distancing measures; or
- The Board has determined (by majority vote) that meeting in person would present imminent risks to the health or safety of members of the public attending the meeting.

AB 361 requires the Board to give notice and post agendas as usual. The notice must inform the public of the means by which they can access the meeting and offer public comment. The public cannot be required to submit their questions in advance. Questions must be taken in real time. Furthermore, AB 361 requires local agencies to make findings every 30 days that the conditions permitting meeting via teleconference or electronic means, without complying with the Brown Act's teleconference mandates, still exist. If there is a disruption in the electronic transmission of the meeting, AB 361 requires the Board to take no further action on agenda items when the disruption prevents the Board from broadcasting the meeting. If the disruption prevents the public from offering public comments, the Board must take no further action on agenda items until access to the meeting is restored. AB 361 specifies that any actions taken during a disruption are subject to challenge proceedings.

On October 26, 2021, on November 16, 2021, and on December 14, 2021, the Board adopted Resolutions making findings pursuant to AB 361. Those same conditions continue to exist today.

The World Health Organization, United States Centers for Disease Control and Prevention, the State of California including the California Department of Public Health, and the Los Angeles County Department of Public Health (LACDPH) have recognized that the country, state, and county face a life-threatening pandemic caused by the COVID-19 virus. On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency pursuant to the California Emergency Services Act, in particular Government Code section 8625, which continues to be in effect today. Additionally, LACDPH continues to recommend the implementation of policies and practices to slow the continuously high trends in and level of transmission of COVID-19 currently being seen in Los Angeles County, including promoting social distancing and requiring masking by all, regardless of vaccination status. Moreover, on January 1, 2022, LACDPH issued reopening protocols for K-12 schools, and on January 4, 2022, issued an appendix to the protocols to clarify language. The protocol requires and/or recommends five practices, including, but not limited to: (1) masking for all outdoor activities where physical distancing is not feasible (required), (2) staff to wear upgraded, high-level masks (required), and (3) all eligible staff and students receive a booster vaccine (strongly recommends).

Expected Outcomes:

The Board adopt the attached Resolution making certain findings pursuant to AB 361, and in compliance with Government Code Section 54953(e)(3). Adoption will allow the Board of Education and its committees, including, but not limited to, the BOC, Committee of the Whole, Curriculum and Instruction Committee, Family and Community Engagement Committee, Innovation, School Climate and Safety Committee, and the Special Education Committee to continue to meet virtually without meeting all of the requirements of the Ralph M. Brown Act until February 5, 2022, or until such a time as the Board adopts a subsequent resolution to extend the time during which legislative bodies of the Los Angeles Unified School District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953 of the Government Code.

Board Options and Consequences:

If the Board adopts the attached Resolution, it may continue to hold meetings through teleconferencing, and provide for public comment telephonically for no more than 30 days, or until the such a time as the Board of Education adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the legislative bodies of the Los Angeles Unified School District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953 of the Government Code.

The Board may elect not to adopt the Resolution, which would require the Board, beginning on January 13, 2022, when the previous resolution becomes ineffective, to comply with all requirements of the Ralph M. Brown Act, including, but not limited to, if it elects to meet via teleconference, a quorum of the Members must be participating at a location within the jurisdiction of the District and the location of each Member must be published and made available for in-person public comment, including the District's primary meeting location at the Beaudry Headquarters Building.

Policy Implications:

None.

Budget Impact:

With the emergency conditions related to COVID-19, Los Angeles Unified transitioned to the use of virtual meetings in March 2020, and in doing so made investments in technology equipment and services to support the operation of virtual meetings. The continued operation of virtual Board and committee meetings is not

anticipated to generate a budget impact above and beyond the budget needed to operate in-person meetings, with the exception of unforeseen technology related conditions and/or issues that may arise and require replacement and/or an upgrade.

Student Impact:

Adoption of the Resolution will allow for continued participation in teleconference meetings, eliminating the need for students to travel to the District's headquarters building to provide public comment.

Equity Impact:

Not applicable.

Issues and Analysis:

With the continuing presence of COVID-19, and the high rate of transmission due to the Delta and Omicron variants, holding in-person meetings of the Board of Education and other committees, including the BOC, with members of the public physically present, would present an imminent risk to the health and safety of the Board, staff, committee members, and members of the public, given that the District cannot require members of the public be vaccinated as a condition to attend Los Angeles Unified Board and other committee meetings and, that it would be infeasible, impracticable, and pose a safety risk to have staff enforce a mask mandate, social distancing, and other COVID-19 health and safety protocols for member of the public

Attachments:

Resolution of the Board of Education of the Los Angeles Unified School District Making Certain Findings Pursuant to Assembly Bill 361, and in Compliance with Government Code Section 54953(e)(3) for the Continuation of Virtual Meetings of the Board of Education and All Los Angeles Unified School District Committees for a Period of 30 Days.

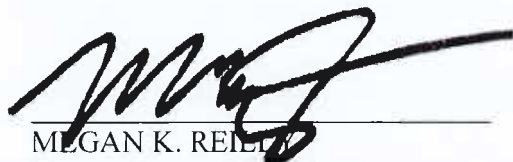
Informatives:

None.

Submitted:

01/04/2022

RESPECTFULLY SUBMITTED,




MEGAN K. REILLY
Interim Superintendent

APPROVED & PRESENTED BY:



AMANDA WHERRITT
Interim Executive Officer of the Board


REVIEWED BY:



DEVORA NAVERA REED
General Counsel

☒ Approved as to form.

REVIEWED BY:



TONY ATIENZA
Director, Budget Services and Financial Planning

☒ Approved as to budget impact statement.

**RESOLUTION OF THE BOARD OF EDUCATION OF THE LOS ANGELES UNIFIED
SCHOOL DISTRICT MAKING CERTAIN FINDINGS PURSUANT TO ASSEMBLY BILL 361,
AND IN COMPLIANCE WITH GOVERNMENT CODE SECTION 54953(e)(3) FOR THE
CONTINUATION OF VIRTUAL MEETINGS OF THE BOARD OF EDUCATION AND ALL
LOS ANGELES UNIFIED SCHOOL DISTRICT COMMITTEES FOR A PERIOD OF 30 DAYS**

WHEREAS, The Los Angeles Unified School District (Los Angeles Unified or District) is committed to ensuring public access and participation in meetings and committees of the Board of Education (Board) and the District; and

WHEREAS, All meetings of Los Angeles Unified's legislative bodies are open and public, as required by the Ralph M. Brown Act (Government Code section 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, The Brown Act was amended in September 2021, by Assembly Bill 361 to add subdivision (e) to Government Code section 54953, which 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, including that the legislative body makes certain findings every 30 days, until January 1, 2024; and

WHEREAS, Assembly Bill 361 was enacted to, among other reasons, 1) improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic, and 2) ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies; and

WHEREAS, The World Health Organization, United States Centers for Disease Control and Prevention, the State of California including the California Department of Public Health, and the Los Angeles County Department of Public Health (LACDPH) have recognized that the country, state, and county face a life-threatening pandemic caused by the COVID-19 virus; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency pursuant to the California Emergency Services Act, in particular Government Code section 8625; and

WHEREAS, The Proclamation of a State of Emergency issued by Governor Newsom continues to be in effect; and

WHEREAS, on November 10, 2021, Governor Gavin Newsom issued Executive Order N-21-21, stating that, "California has stopped recording week-over-week declines in COVID-19 cases and hospitalizations, which demonstrates a plateau and the potential beginning of a new surge of COVID-19 cases", and extending the timeframes of identified previous Executive Orders to March 31, 2022, including provisions of the State of Emergency proclaimed on March 4, 2020; and

WHEREAS, A state of emergency continues to exist at the State and County level, and Los Angeles County officials continue to recommend measures to promote social distancing; and

WHEREAS, on January 1, 2022, LACDPH issued reopening protocols for K-12 schools, and on January 4, 2022, issued an appendix to the protocols to clarify language. The protocol requires and/or

recommends five practices, including, but not limited to: (1) masking for all outdoor activities where physical distancing is not feasible (required), (2) staff to wear upgraded, high-level masks (required), and (3) all eligible staff and students receive a booster vaccine (strongly recommends); and

WHEREAS, Los Angeles Unified has implemented a high standard of multi-layered safety measures, including COVID-19 testing, masking, ventilation, screening, high quality sanitation measures, and requiring all employees and eligible students be vaccinated; and

WHEREAS, Despite Los Angeles Unified's significant safety measures, COVID-19 remains a material threat to the health and safety of the Los Angeles Unified community; and

WHEREAS, With the continuing presence of COVID-19, and the high rate of transmission due to the Delta and Omicron variants, holding in-person meetings of the Board of Education and other committees, including, but not limited to, the School Construction Bond Citizens' Oversight Committee, Committee of the Whole, Curriculum and Instruction Committee, Family and Community Engagement Committee, Innovation, School Climate and Safety Committee, and the Special Education Committee, with members of the public physically present, would present an imminent risk to the health and safety of the Board, staff, committee members, and members of the public, given that the District cannot require members of the public be vaccinated as a condition to attend Los Angeles Unified Board and other committee meetings and, that it would be infeasible, impracticable, and pose a safety risk to have staff enforce a mask mandate, social distancing, and other COVID-19 health and safety protocols for member of the public; and

WHEREAS, On October 26, 2021, November 16, 2021, and December 14, 2021, the Board adopted Resolutions making findings pursuant to AB 361. Those same conditions continue to exist today.

WHEREAS, The Board of Education of the Los Angeles Unified School District does hereby find that the legislative bodies of the District shall conduct its meetings pursuant to Government Code section 54953(e)(3); and

WHEREAS, Members of the public may continue to observe meetings of the Los Angeles Unified Board of Education online via the District's website, <https://boe.lausd.net/>; and

WHEREAS, Members of the public will continue to be provided the opportunity to offer real time public comment telephonically via zoom and a speaker registration platform: <https://boardmeeting.lausd.net/speakers>, and members of the public that do not have the capability to register online to speak may call the Board Secretariat's Office at 213-241-7002 for assistance in registering; and

WHEREAS, Requests for disability related modifications or accommodations can be made 24 hours prior to the start of a meeting by calling the Board Secretariat at 213-241-7002; and

WHEREAS, Los Angeles Unified will continue to provide advance notice of the time and post the agenda for each public meeting pursuant to State requirements, and in doing so give notice of the means by which members of the public may observe the meeting and offer public comment.

NOW, THEREFORE, the Los Angeles Unified School District Board of Education does hereby resolve as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency continues to exist throughout Los Angeles Unified, and opening a physical location(s) for Board of Education meetings and committee meetings to the public would present and imminent risk to the health and safety of attendees due to the outbreak of COVID-19 and its extremely contagious Delta variant.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor's Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Superintendent and legislative bodies of Los Angeles Unified are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings in accordance with Government Code section 54953(e)(3), and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect on January 6, 2022 and shall be effective until the earlier of (i) February 5, 2022, or (ii) such a time as the Board of Education adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the legislative bodies of the Los Angeles Unified School District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953 of the Government Code.

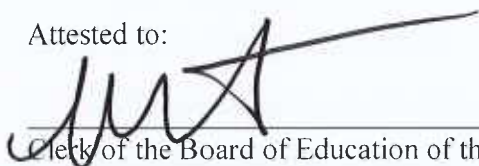
PASSED AND ADOPTED by the Los Angeles Unified School District Board of Education this 6th day of January 2022, by the following vote:

Board Member	Ayes	Noes	Abstain	Absent
George McKenna	X			
Mónica García	X			
Scott Schmerelson	X			
Nick Melvoin	X			
Jackie Goldberg	X			
Kelly Gonez	X			
Tanya Ortiz Franklin	X			
TOTAL:	7			



President of the Board of Education of
The Los Angeles Unified School District

Attested to:



Clerk of the Board of Education of the
Los Angeles Unified School District