

LOS ANGELES UNIFIED SCHOOL DISTRICT

SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE

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Tenth District PTSA

Chris Hannan, Vice-Chair

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Early Education Coalition

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L.A. Area Chamber of Commerce

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Government Financial Strategies

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CA Charter School Association

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CA Tax Reform Assn.

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AARP

Roger Uy

Assoc. General Contractors of CA

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Early Education Coalition

Chad Boggio (Alternate)

L.A. Co. Federation of Labor AFL-CIO

Dr. Clarence Montecarlo (Alternate)

Tenth District PTSA

Samantha Rowles (Alternate)

LAUSD Student Parent

Connie Yee (Alternate)

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Vacant

L.A. City Mayor's Office

Timothy Popejoy

Bond Oversight Administrator

Perla Zitle

Bond Oversight Coordinator

RESOLUTION 2022-09

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 February 8, 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

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COVID-19 and its extremely contagious Delta and Omicron variants. A copy of the Board of Education's Resolution adopted on February 8, 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 February 24, 2022, by the following vote:

AYES: 11

ABSTENTIONS: 0

NAYS: 0

ABSENCES: 3

/Rachel Greene/

Rachel Greene
Chair

/Margaret Fuentes/

Margaret Fuentes
Secretary

**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, 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, 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, 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, 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, December 14, 2021, January 6, 2022, and January 25, 2022, 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, 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 February 8, 2022, and shall be effective until the earlier of (i) March 10, 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 8th day of February 2022, by the following vote:

Board Member	Ayes	Noes	Abstain	Absent
George McKenna	X			
Mónica García	✓			
Scott Schmerelson	X			
Nick Melvoin	X			
Jackie Goldberg	✓			
Kelly Gonez	X			
Tanya Ortiz Franklin	✓			
Parishi Kanuga (Advisory)				
TOTAL:				



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