

Foothill College Academic Senate
Resolution Authorizing Remote Teleconference Meetings Pursuant
to Brown Act Provisions Included In Assembly Bill (AB) 361 (Rivas)
October 2021

WHEREAS, the Foothill College Academic Senate is committed to preserving and nurturing public access and participation in

Approved October 11, 2021
Reaffirmed November 8, 2021
Reaffirmed December 6, 2021
Reaffirmed January 10, 2022
Reaffirmed February 7, 2022
Reaffirmed March 7, 2022
Reaffirmed April 11, 2022
Reaffirmed May 9, 2022

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

WHEREAS, on March 17, 2020, the Board of Trustees of Foothill-De Anza Community College District officially declared a state of emergency for the district; 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, following the issuance of Executive Order N-29-20, the Foothill College Academic Senate began to conduct all public meetings virtually using the Zoom teleconference platform and has continued conducting all public meetings virtually since that time; 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 (AB) 361 (Rivas) as urgency legislation to be 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:

(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:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(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.

(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

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