

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT**

RESOLUTION NO. 22-02, PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES FOR 30 DAYS PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the South Orange County Community College District is committed to preserving and nurturing public access and participation in meetings of the Board of Trustees; and

WHEREAS, all meetings of South Orange County Community College District Board of Trustees are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 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, Government Code section 54953(e), 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; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, Governor Newsom’s Executive Order N-29-20 and N-1-22, declaring a statewide emergency arising from COVID-19 on March 20, 2020 and on January 5, 2022; and

WHEREAS, in light of the present surge in cases due to the Omicron variant, and to protect the public health and safety, it is necessary to temporarily extend the flexibilities for state bodies to conduct teleconferences under AB 361 beyond January 31, 2022, to provide state bodies the option of conducting public meetings remotely to reduce the risk of in-person exposure to members of the staff body, staff, and members of the public; and

WHEREAS, The South Orange County Community College District is committed to protecting the health and wellbeing of students, faculty, staff, administrators, and the communities it serves. Over the course of the pandemic, the District has implemented a variety of safety protocols following guidelines from the Center for Disease Control (CDC), Cal OSHA, and other agencies including physical distancing, use of face coverings, and

frequent sanitizing. A large number of employees have been working remotely over the past year and faculty have taught the majority of courses online. We have encouraged our students to take classes online, as appropriate; and

WHEREAS, the Board of Trustees has approved a District-wide vaccine requirement in order to ensure that all students, employees, and volunteers who come on campus are fully vaccinated. The requirement became effective January 8, 2022; and

WHEREAS, the Board of Trustees does hereby find that the COVID-19 pandemic has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, the South Orange County Community College District has imposed various safety measures to combat the COVID-19 pandemic, including: requiring the use of face coverings for students, employees, and visitors while on-site; providing enhanced cleaning procedures for classrooms, offices, and public spaces; creating physical barriers between people in high-traffic areas; and limiting facility capacities as appropriate; and

WHEREAS, as a consequence of the local emergency, the Board of Trustees does hereby find that the Board of Trustees of the South Orange County Community College District shall conduct their meetings, including regular Board Subcommittee and Special Meetings, without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Board of Trustees of the South Orange County Community College District will conduct open meetings and ensure public access to its remote teleconferenced meetings by broadcasting meetings via Zoom Webinar and allowing members of the public to address the Board of Trustees directly, via remote access, and in real time during meetings. In the event of disruption which prevents broadcasting, or a disruption (in the agency's control) that prevents public comments, the body shall take no further action on items appearing on the meeting agenda until public access is restored.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Determination of Recitals. All of the recitals set forth above are true and correct, and the Board so finds and determines.

Section 2. Proclamation of Local Emergency. The Board of Trustees hereby proclaims that a local emergency now exists throughout the District, and as Orange County continues to see approximately 10,079 new cases of COVID-19 weekly, herd immunity has not been reached in Southern California, and estimates of State immunization rates are approximately 81.9%.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board of Trustees hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 20, 2020 and most recently reaffirmed on January 5, 2022.

Section 4. Remote Teleconference Meetings. The Chancellor and Board of Trustees of the South Orange County Community College District 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) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This resolution shall take effect immediately upon its adoption and shall be effective from February 3, 2022 until the earlier of (i) March 6, 2022, or such time the Board of Trustees adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Trustees of the South Orange County Community College District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The Board of Trustees of the South Orange County Community College District have reconsidered the circumstances of the state of emergency originally declared on March 20, 2020 and affirmed on September 20, 2021, and most recently reaffirmed on January 5, 2022 found that:

(1) The state of emergency continues to directly impact the ability of the members to meet safely in person; and/or

(2) State or local officials continue to impose or recommend measures to promote social distances.

APPROVED, PASSED AND ADOPTED by majority vote of the Governing Board of Trustees of the South Orange County Community College District this 3rd day of February 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marcia Milchiker, President of the Board of Trustees
South Orange County Community College District

Kathleen F. Burke, Secretary of the Board of Trustees
South Orange County Community College District