

RESOLUTION NO. 21/22-13

**RESOLUTION OF THE GOVERNING BOARD OF THE WILLIAM S. HART UNION
HIGH SCHOOL DISTRICT DETERMINING THE POSSIBILITY OF HOLDING
GOVERNING BOARD MEETINGS IN A VIRTUAL FORMAT AS AUTHORIZED BY
ASSEMBLY BILL 361**

WHEREAS, on March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of a novel coronavirus (COVID-19); and

WHEREAS, under Health & Safety Code § 101040, the local health officer may take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any state of emergency, which includes a pandemic. In addition, pursuant to Health & Safety Code § 120175, a health officer is authorized to take necessary measures to prevent the spread of contagious, infectious, or communicable diseases. Courts have upheld this broad discretion provided to local health officers; and

WHEREAS, the Los Angeles County Department of Public Health (“LACDPH”) has implemented an indoor masking requirement for everyone at K-12 schools and public indoor settings regardless of vaccination status. This is in line with the California Department of Public Health’s (“CDPH”) masking requirements. School boards are similarly required to enforce the mask requirements in public meetings; and

WHEREAS, the LACDPH has recommended reducing crowding in indoor spaces and physical distancing where possible; and

WHEREAS, at recent Governing Board meetings, members of the public have refused to comply with health orders by refusing to wear a mask or wearing a mask that does not properly cover both the nose and mouth, causing disruption to the Governing Board meeting and putting the health and safety of other attendees at risk; and

WHEREAS, on September 17, 2021, the Governor signed Assembly Bill 361 extending the authority of legislative bodies, including school district governing boards, to conduct teleconferencing meetings if the board complies with the requirements of AB361;

WHEREAS, the State of Emergency regarding COVID 19 and the LACDPH orders are still in effect; and

WHEREAS, due to the emergency, unmasked attendees at in-person meetings present an imminent risk to the health and safety of others in attendance.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board does hereby determine and find as follows:

1. All of the above-listed Recitals are incorporated herein by this reference and shall, herein after, be deemed to be the findings of the Board.
2. If meeting attendees refuse to comply with any COVID 19 orders, and/or the CDPH or LACDPH indoor masking requirements, or refuse to vacate the Board meeting when requested by the Board President, or designee, it puts the health and safety of other attendees at imminent risk.
3. Should such an event occur, the Board will approve the recess of the Board meeting and the reconvening of the same meeting, after a thirty (30) minute recess, via teleconferencing in a virtual format and may continue to hold Board meetings in a virtual format for a period not to exceed 30-days.
4. If it becomes necessary to hold or continue a meeting via teleconferencing in a virtual format, the Board will comply with all requirements of AB 361. Notices and agendas will include information regarding how members of the public may access the meeting and offer public comment, members of the public will be allowed to attend the meeting virtually, and the public will be allowed to address the Board directly and in real time.
5. This Resolution shall be effective immediately upon adoption by the Governing Board.


APPROVED, ADOPTED, AND SIGNED on October 6, 2021.

GOVERNING BOARD OF THE WILLIAM S.
HART UNION HIGH SCHOOL DISTRICT

By: 

Cherise G. Moore, President, Governing Board
William S. Hart Union High School District

ATTEST:

By: 

Joseph V. Messina, Clerk, Governing Board
William S. Hart Union High School District