



**MPC**

**FOUNDATION**  
MONTEREY PENINSULA COLLEGE

**RESOLUTION**

**AUTHORIZING THE USE OF REMOTE TELECONFERENCING PROVISIONS PURSUANT TO ASSEMBLY BILL 361 (RIVAS)**

**WHEREAS**, the Monterey Peninsula College Foundation (“Foundation”) is committed to open and transparent government, and full compliance with the Ralph M. Brown Act (“Brown Act”); and

**WHEREAS**, the Brown Act (*Government Code section 54953*) generally requires that a public agency take certain actions in order to use teleconferencing to attend a public meeting virtually; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency for the State of California due to the coronavirus (COVID-19) pandemic in his order entitled “Proclamation of a State of Emergency”; and

**WHEREAS**, on March 20, 2020, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act pertaining to teleconferenced meetings due to the COVID-19 pandemic; 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 361 (Rivas) as urgency legislation effective immediately; and

**WHEREAS**, AB 361 amends the Brown Act to permit legislative bodies to use teleconferencing to conduct their meetings without complying with the requirements of paragraph (3) of subdivision (b) 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, or
- (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 emergency, meeting in person would present imminent risks to the health or safety of attendees; and



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**WHEREAS**, in order for the Foundation to use teleconferencing as allowed by AB 361, it must first adopt findings in a resolution allowing the Foundation to conduct teleconference meetings for a period of thirty (30) days;

**NOW, THEREFORE, BE IT RESOLVED**, that the for Monterey Peninsula College Foundation finds:

1. that state and local emergencies persist due to the worldwide COVID-19 pandemic; and
2. that given the state of emergency, holding in-person meetings may present imminent risks to the health and safety of attendees due to the indoor setting of meeting facilities, the potential presence of unvaccinated meeting attendees, the potential for non-compliance with mask-wearing requirements, and the desire to protect the health of immunocompromised individuals.

**BE IT FURTHER RESOLVED**, that the Monterey Peninsula College Foundation agrees to take all actions necessary to conduct Foundation meetings in accordance with *Government Code section 54953(e)* and all other applicable provisions of the Brown Act, using teleconferencing for a period of thirty (30) days from the adoption of this Resolution, after which the Foundation will reconsider the circumstances of the state of emergency.

**PASSED AND ADOPTED** by the Monterey Peninsula College Foundation this 12<sup>th</sup> day of January 2022, by the following vote:

Ayes:

Noes:

Abstentions:

Absent:

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Rob Lee  
Board President