RESOLUTION OF THE CHULA VISTA ELEMENTARY SCHOOL DISTRICT INDEPENDENT CITIZENS OVERSIGHT COMMITTEE ("CVESD ICOC")

Resolution No. 02 Regarding Teleconference CVESD ICOC Meetings During Declared State of Emergency March 2, 2022

WHEREAS, the Legislature has passed and the Governor has signed Assembly Bill 361, outlining temporary requirements for certain circumstances of teleconference local meetings of a local legislative body and;

WHEREAS, this meeting is held by the CVESD ICOC during a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing and;

WHEREAS, the CVESD ICOC holds this 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 and;

WHEREAS, the CVESD ICOC hereby determines by majority vote, pursuant to sub-paragraph (B) of Government Code Section 54953(e)(1)(c), that meeting in person would present imminent risks to the health or safety of attendees and;

WHEREAS, the CVESD ICOC has given notice of this meeting and has posted agendas as otherwise required and;

WHEREAS, the CVESD ICOC shall allow members of the public access to the meeting and the agenda shall provide an opportunity for members of the public to address the CVESD ICOC directly pursuant to Section 54954.3; in each instance in which the notice of the time of the teleconference is otherwise given or the agenda for the meeting is otherwise posted, the CVESD ICOC shall also give notice of the means by which members of the public may access the meeting and offer public comments and;

WHEREAS, the agenda identifies and includes an opportunity for all persons to attend via a call-in option or internet-based service option and;

WHEREAS, the CVESD ICOC shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the CVESD ICOC and;

WHEREAS, the CVESD ICOC shall not require public comments to be submitted in advance of the meeting, and will provide an opportunity for the public to address the CVESD ICOC and offer comment in real time and;

WHEREAS, such option shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment and;

WHEREAS, in the event of a disruption which prevents the CVESD ICOC from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option; the CVESD ICOC shall take no further action on items appearing on the meeting agenda until access to the meeting via the call-in option or internet-based service option is restored; actions taken on agenda items during a disruption which prevents the CVESD ICOC from broadcasting the meeting may be challenged pursuant to Section 54960.1 and;

WHEREAS, an individual desiring to provide public comments through the use of an internet website or other online platforms not under the control of the legislative body that requires registration to log into a teleconference may be required to register as required by the third-party internet website or online platform to participate and;

WHEREAS, if/when the CVESD ICOC provides a timed public comment period for each agenda item, it shall not close the public comment period for the agenda, or the opportunity to register to provide public comment until that timed public comment period has elapsed and;

WHEREAS, in the event that the CVESD ICOC does not provide a timed public comment period but takes public comment separately on each agenda item, it shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide comment, including time for members of the public to register or otherwise be recognized for the purpose of providing public comment and;

WHEREAS, if/when the CVESD ICOC provides a timed general public comment period that does not correspond to a specific agenda item, it shall not close the public comment period or the opportunity to register, until the time general public comment period has elapsed and;

WHEREAS, if the state of emergency remains active or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph three (3) of subdivision (b) of Government Code Section 54953, the CVESD ICOC shall, not later than thirty (30) days after teleconferencing for the first time pursuant to AB 361 and every thirty (30) days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(C) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2)."

THEREFORE, BE IT RESOLVED THAT:

1. The CVESD ICOC adopts each and every recital above as though fully set forth herein;

2. The CVESD ICOC specifically finds that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

3. Determines to implement the temporary modified provisions of Governing Code Section 54953 (e) during the proclaimed state of emergency.

Passed and adopted at a regular meeting of the Chula Vista Elementary School District Independent Citizens Oversight Committee and approved this 2nd day of March, 2022.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
INDEPENDENT CITIZENS OVERSIGHT COMMITTEE

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Martha Juarez, Committee Chair

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Gloria McKearney, Committee Vice-Chair