



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT INDEPENDENT REDISTRICTING COMMISSION



RESOLUTION NO. 2022-02

A RESOLUTION OF THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT INDEPENDENT REDISTRICTING COMMISSION AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT INDEPENDENT REDISTRICTING COMMISSION FOR THE PERIOD JANUARY 25, 2022 THROUGH FEBRUARY 24, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the West Contra Costa Unified School District Independent Redistricting Commission (“Commission”) is committed to preserving and nurturing public access and participation in meetings of the Commission; and

WHEREAS, all meetings of the Commission’s legislative bodies 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 Commission’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 Gavin Newsom on March 4, 2020, declared a state of emergency due to the COVID-19 pandemic; and

WHEREAS, on September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing; and

WHEREAS, under the Health Officer’s recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times; and



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WHEREAS, the California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Delta variant of COVID-19 is more transmissible than prior variants of the virus, may cause more severe illness, and even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations; and

WHEREAS, the Omicron variant of COVID-19 poses additional concerns, including regarding the possibility of infection of and transmissibility by fully vaccinated individuals;

WHEREAS, the Statewide state of emergency continues to directly impact the ability of the Commission to meet safely in person because the COVID-19 case rate in Contra Costa County is in the “substantial” community transmission tier, the second-highest tier of the CDC’s four community transmission tiers; and

WHEREAS, on November 9, 2021, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Commission adopted Resolution No. 2021-01, thereby invoking the provisions of Government Code section 54953(e), added by Assembly Bill 361, related to teleconferencing, for the period from November 9, 2021 through December 9, 2021; and

WHEREAS, on December 7, 2021, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Commission adopted Resolution No. 2021-02, thereby extending its invocation of the provisions of Government Code section 54953(e), added by Assembly Bill 361, related to teleconferencing, for the period from December 7, 2021 through January 6, 2022; and

WHEREAS, on January 4, 2022, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Commission adopted Resolution No. 2022-01, thereby extending its invocation of the provisions of Government Code section 54953(e), added by Assembly Bill 361, related to teleconferencing, for the period from January 4, 2022 through February 3, 2022; and

WHEREAS, the Commission has reconsidered the circumstances of the state of emergency; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Commission intends to continue invoking the provisions of Government Code section 54953(e), added by Assembly Bill 361, related to teleconferencing, for an additional thirty days.

NOW, THEREFORE, THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT INDEPENDENT REDISTRICTING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Findings. The Commission finds that the state of emergency proclaimed by Governor Newsom on March 4, 2020 remains in place; that the Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; that in-person meetings of the Commission would present imminent risks to the health or safety of the public, staff and officials attending meetings, in light of the high case rate of COVID-19 infections in the County; and that the circumstances that led the Commission to adopt Resolution No. 2021-01, after reconsideration, continue to exist and to justify the Commission’s decision to invoke Government Code section 54953(e).



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Section 3. Remote Teleconference Meetings. As authorized by Assembly Bill 361, effective immediately and for the next 30 days the Commission, acting in all its capacities, will use teleconferencing for meetings in accordance with the provisions of Government Code section 54953(e).

Section 4. Implementation. Staff and counsel to the Commission are authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all 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 until the earlier of February 24, 2022, or such time as the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the West Contra Costa Unified School District Independent Redistricting Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the West Contra Costa Unified School District Independent Redistricting Commission this 25th day of January, 2022, by the following vote:

AYES: Commissioners Diaz-Noriega, Toalu, Hillard, Gordon, Lazzaretti

NOES:

ABSENT: Commissioner Butler

ABSTAIN: