

**Peralta Community College District
Berkeley City College Curriculum Committee RESOLUTION
To Continue Conducting Meetings Via Teleconference
Per California Government Code Section 54953 (or “Assembly Bill 361”)
Resolution No. CC22-01**

WHEREAS, as a legislative body of the Peralta Community College District (“District”), this body is committed to ensure it proceeds in compliance with the State of California’s open meeting requirements codified in the Ralph M. Brown Act, Government Code §§ 54950 – 54963 (“Brown Act”), which maximizes public transparency of all covered bodies;

WHEREAS, the District is committed to preserving public access and participation in the meetings of its legislative bodies;

WHEREAS, all meetings of the District’s legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business;

WHEREAS, the Brown Act, Government Code section 54953(e), provides for remote teleconference attendance of meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), based on circumstances which are memorialized with the findings detailed herein;

WHEREAS, as of March 4, 2020, and continuing through to the present day, the Governor of California has proclaimed a state of emergency due to the threat of COVID-19, legally predicated on the Governor’s express finding that circumstances meet the conditions codified in California Government Code Section 8558(b), relating to the declaration of a state of emergency, and further predicated on the Governor’s authority vested by the State Constitution and the California Emergency Services Act, California Government Code Section 8625;

WHEREAS, pursuant to several Governor’s Orders, including Executive Order N-29-20, issued on March 17, 2020, and Executive Order N-8-21, issued on June 11, 2021, legislative bodies of the District have conducted Brown Act-compliant meetings via teleconference while providing an opportunity for public comment and prioritizing public access to the Board’s deliberations, inclusive of all members of the public;

WHEREAS, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>;

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WHEREAS, the Division of Occupational Safety and Health of California's (Cal/OSHA) issued Emergency Temporary Standards that require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D)); and

WHEREAS, of the County of Alameda Health Care Services Agency Director has recommended continued social distancing whenever possible;

WHEREAS, it is the recommendation of the Chancellor that the District continues to follow CDC guidelines and recommendations for maximizing social distancing whenever possible, which includes meetings of legislative bodies. As an example, the Office of the Chancellor has shared the recommendation that all indoor public gatherings on District facilities should limit the number of attendees to the number of persons who can safely fit into the gathering space while maintaining social distancing.

NOW, THEREFORE, the Berkeley City College Curriculum Committee hereby finds:

1. That the above recitals are true and correct;
2. A proclaimed state of emergency continues to exist in California due to the threat of COVID-19;
3. Local and District officials continue to recommend measures to promote social distancing;
4. The Chancellor and the legislative bodies of the District are authorized to take all actions necessary to hold Brown Act compliant meetings virtually;
5. The conditions are met for all legislative bodies of the District to conduct their proceedings via teleconference after September 30, 2021, provided compliance with, *inter alia*, California Government Code Section 54953(e)(2); and
6. This Resolution will take effect as of this day of September 1, 2022 and shall continue in effect for 30 days or such time as the Governing Board of the Peralta Community College District passes a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which legislative bodies of the Peralta Community College District, including this one, may continue to meet via teleconference.


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PASSED AND ADOPTED by the Berkeley City College Curriculum Committee, this day of September 1, 2022, by the following vote:


AYES: 10

NOES: 0

ABSTENTIONS: 0


Ari Krupnick (Sep 6, 2022 15:19 PDT)
Ari Krupnick, Chair, Berkeley City College
Curriculum Committee
Peralta Community College District

Attested to:



Nancy Cayton, Curriculum & Assessment
Specialist (notetaker), Berkeley City College
Curriculum Committee
Peralta Community College District