

**SOULSBYVILLE SCHOOL DISTRICT**  
**20300 Soulsbyville Road**  
**Soulsbyville, CA 95372**

**SPECIAL BOARD MEETING OF THE SOULSBYVILLE SCHOOL DISTRICT**  
**GOVERNING BOARD**

**Agenda**

*Wednesday, December 29, 2021*

*At 6 p.m.*

*Falcon Gym on the Soulsbyville Elementary School District Campus*

This meeting is held in person and via Zoom:

Join Zoom Meeting

<https://us04web.zoom.us/j/77571700060?pwd=NIR3L25NS0hzV0IzTXRKL3QxMXBWQT09>

Meeting ID: 775 7170 0060

Passcode: GYdBc2

You may also visit our school website for the link

**The Special Meeting was called by the Board President Pursuant to**  
**Government Code section 54956**

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **ADOPTION OF AGENDA FOR SPECIAL MEETING** *If the Board and/or Administration determine they wish to delete items from the agenda, this would be the appropriate time. The Board may not add items to an agenda at a special meeting.*
5. **VISITORS** *At a special meeting, the Public may comment only on items on the special agenda. The Public may comment before the Governing Board takes final action.*
6. **NEW BUSINESS**
  - 6.1 Governing Board's Consideration of and Possible Revision of Resolution 2021-2022-08 which was adopted on December 13, 2021
    - 6.1.1 Governing Board's Presentation of revised Resolution 2021-2022-08
    - 6.1.2 Public Comment on revised Resolution 2021-2022-08
    - 6.1.3 Board Discussion
    - 6.1.4 Possible Action Taken by Governing Board to adopt revised Resolution 2021-2022-08
  - 6.2 Governing Board's Consideration of and Possible Rescission of Resolution

2021-2022-08 which was adopted on December 13, 2021

6.2.1 Governing Board's Presentation of reasons for rescinding Resolution 2021-2022-08

6.2.2 Public Comments on Board's proposed rescission of Resolution 2021-2022-08

6.2.3 Board Discussion

6.2.4 Possible Action Taken by Governing Board to Rescind Resolution 2021-2022-08 adopted on December 13, 2021

## 7. **ADJOURNMENT**

### **ADA NOTIFICATION:**

In accordance with the Americans with Disabilities Act, if you are an individual with a disability and need a special accommodation, please contact Lisa at (209) 532-1419 at least 48 hours in advance. Accommodations may include, but are not limited to, interpreters, assisted listening devices, accessible seating, or documentation in an alternate-format.

### **COMPLIANCE WITH NOTICE REQUIREMENTS**

Notice provided at least 24 hours prior to meeting pursuant to Government Code section 54956:

- Notice posted at same locations as for regular meetings
- Notice emailed to Board Members
- Notice faxed or emailed to Union Democrat
- Notice faxed or emailed to local radio station

**BEFORE THE GOVERNING BOARD OF THE  
SOULSBYVILLE ELEMENTARY SCHOOL DISTRICT  
COUNTY OF TUOLUMNE  
STATE OF CALIFORNIA**

**REVISED RESOLUTION # 2021/2022-08  
IN THE MATTER REGARDING UNIVERSAL INDOOR MASKING, QUARANTINES, AND VACCINES**

1. **WHEREAS**, the Soulsbyville Elementary School District Governing Board (hereafter "Governing Board") was elected to represent Soulsbyville Elementary School students and, by extension, their families.
2. **WHEREAS**, the Governing Board has taken the time to determine the desires and opinions of our school community and Soulsbyville Elementary School staff through surveys, public meetings, etc.
3. **WHEREAS**, the Soulsbyville Elementary School District (hereafter "District") is an institute of learning and, as such, should be directing its resources and time towards that end, not wasting precious learning time enforcing mandates that are not part of the District's purpose, mission, expertise or goals.

**MASKING MANDATES**

4. **WHEREAS**, the most recent COVID-19 Public Health Guidance for K-12 Schools in California was adopted by the California Department of Public Health (hereafter "CDPH") on November 24, 2021. The CDPH November 24, 2021, Guidance continues the requirement that students must wear masks while indoors.
5. **WHEREAS**, while the November 24, 2021, Guidance continues to permit schools to offer alternative educational opportunities, the Governing Board understands that any alternative educational opportunity must comply with the indoor masking mandate.
6. **WHEREAS**, the CDPH November 24, 2021, Guidance leaves the District with limited, if no, practical alternative educational opportunity other than Independent Study.
7. **WHEREAS**, the data clearly demonstrates that students have a very low risk of mortality and morbidity from COVID-19.
8. **WHEREAS**, according to the CDE, children with COVID-19 typically have mild to no symptoms if they contract COVID-19.
9. **WHEREAS**, the estimated infection fatality rate for children ages 0-17 from COVID is 0.0002%. In other words, children have a one in a million risk of dying from COVID-19. According to recent studies, the mortality risk for children without serious pre-existing conditions is effectively zero.

10. **WHEREAS**, according to the CDE, over the course of the pandemic, approximately 49,000 Americans under the age of 18 have died. 335 of those deaths have been from COVID-19. According to CDC, twice as many children have died from pneumonia as from COVID-19 during the same time period. During this same time period, more than 2,000 American children have died in car crashes. Each calendar year, approximately 1,000 children die from drowning.<sup>1</sup>
11. **WHEREAS**, from an educational perspective, a student’s ability to see, appreciate, and communicate through facial expressions is crucial to a student’s social development, mental health, and physical well-being. The Governing Board believes that mask wearing may disproportionately impact students who are hearing impaired or who are attempting to learn English as a second language, as the requirement of wearing a mask indoors may impede their ability to process, understand, and emulate spoken language.
12. **WE THEREFORE RESOLVE** that the Governing Board is strongly opposed to continuing the universal indoor masking requirement without clear, measureable, definable metrics towards an end point.
13. **WE THEREFORE DEMAND** that CDPH and the Governor of California work together to expeditiously provide realistic and practical guidance for schools which would enable school districts to work with local health officials in defining when and under what conditions the wearing of masks is necessary.

#### **QUARANTINE REQUIREMENTS**

14. **WHEREAS**, quarantines are disruptive to learning.
15. **WHEREAS**, 39.3% of Soulsbyville Elementary School students have missed eleven or more days of school since the beginning of the 2021-2022 school year due to being quarantined.
16. **WHEREAS**, 41.4% of Soulsbyville Elementary School families interviewed<sup>2</sup> indicated that having their child quarantined has significantly affected their family’s commitments and work.
17. **WHEREAS**, 72% of Soulsbyville Elementary School families interviewed indicated that quarantine requirements had anywhere from a “somewhat” to a “significant” negative social/emotional impact on their child.

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<sup>1</sup> The data for Paragraphs 7 through 10 came from the lawsuit filed by LET THEM BREATHE against Gavin Newsom and a series of other state and public officials. The lawsuit was filed in the San Diego County Superior Court.

<sup>2</sup> There are approximately 349 families whose children attend Soulsbyville Elementary School for the 2021-2022 school year. 307 of those families participated in the interview process.

18. **WHEREAS**, only 16% of the Soulsbyville Elementary School families interviewed indicated that their child's academic needs were being met during their child's quarantine.
19. **BE IT RESOLVED**, the Governing Board and the District will diligently strive to find ways to shorten, minimize and reduce the impact of quarantines on our students and the subsequent loss of learning.

#### **MANDATED VACCINATIONS**

20. **WHEREAS**, there are currently 10 mandated vaccines required prior to a student's first admission to a given school, subject only to a narrow medical exemption.
21. **WHEREAS**, the above-mentioned mandated vaccines have been vetted by decades of research and experience, and were originally required solely based on the fact that the benefits far outweigh risks.
22. **WHEREAS**, the Governing Board strongly believes that parental choice in vaccination and other health decisions is paramount.
23. **WHEREAS**, Health and Safety Code section 120338 provides that any immunizations deemed appropriate may be mandated "only if exemptions are allowed for both medical reasons and personal beliefs." The Governing Board urges the California State Legislature to not modify Section 120338 if the Governor implements his COVID-19 vaccine mandate.
24. **BE IT RESOLVED** that the Governing Board vehemently objects and opposes any forced requirements of new vaccines without personal or religious beliefs exemptions that would allow families and parents options to choose until such time that said new vaccines have been proven to be far more beneficial than any potential risks.
25. **BE IT FURTHER RESOLVED** that the Governing Board will not preemptively implement a vaccine requirement.
26. **BE IT FURTHER RESOLVED** that the Governing Board will do what is in its power to make its collective voice and the voices of our staff, students and families heard to influence local and state lawmakers to provide actual metrics to discontinue universal masking indoors and to keep the above-mentioned vaccine exemptions in place.
27. **BE IT FURTHER RESOLVED** that the Governing Board requests the State of California restore local authority to create and implement COVID-19 safety plans including guidelines for masks, quarantines, vaccinations, and the establishment of normal classroom instruction tailored to local conditions.
28. **BE IT FURTHER RESOLVED** that the Superintendent of the District is directed to transmit this Resolution to Governor Gavin Newsom; State Superintendent of Public Instruction Tony Thurmond; Director and State Public Health Officer of the CDPH, Dr. Tomas J. Aragon; Senator Andreas Borgeas; Assemblyman Frank Bigelow; Tuolumne County

Board of Supervisors, Daniel Anaiah Kirk and Ryan Campbell; and Tuolumne County Superintendent of Schools, Cathy Parker; to make known the desires expressed by the Soulsbyville Elementary School District Governing Board regarding public health decisions related to COVID-19.

29. This Revised Resolution shall replace and supersede the Resolution adopted by the Governing Board on December 13, 2021.

The foregoing Revised Resolution was passed and adopted by a roll call vote of the Governing Board, upon the motion of Board Member \_\_\_\_\_, seconded by Board Member \_\_\_\_\_, at a special meeting of this Governing Board held on December \_\_\_\_, 2021, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

Date: \_\_\_\_\_

\_\_\_\_\_  
Board Clerk  
Soulsbyville Elementary School District  
Governing Board

December 21, 2021

**Via Email and U.S. Mail**

Jeff Winfield, Superintendent  
Josh Milbourn, School Board President  
Soulsbyville Elementary School District  
20300 Soulsbyville Road  
Soulsbyville, CA 95372

Re: Demand that Soulsbyville Elementary School District comply with CDPH masking guidance

Dear Superintendent Winfield and School Board President Milbourn:

I write on behalf of the Soulsbyville Teachers Association.

It has come to my attention that at its December 13, 2021 meeting, the governing board of the Soulsbyville Elementary School District approved a resolution departing from the California Department of Public Health (CDPH) requirement that all K-12 students wear face masks while indoors. I write to demand that the District cease and desist from implementing this unlawful resolution and that it comply with its legal obligation to provide a safe school environment for its students and employees.

The CDPH “COVID-19 Public Health Guidance for K-12 Schools in California” is not optional when it comes to indoor student masking: it provides that “K-12 students are required to mask indoors,” with limited exceptions.<sup>1</sup> Indeed, the Board’s resolution recognizes that compliance with the masking requirement is “mandatory.”

In addition to being mandatory under the law, compliance with the CDPH guidance is critical for the health and safety of students and staff, and for the legal protection of the District. In an August 23, 2021 memorandum to school leaders concerning the “Requirement for Universal Masking Indoors at K-12 Schools,”<sup>2</sup> the CPDH explained in detail how violation of the masking

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<sup>1</sup> <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2021-22-School-Year.aspx>

<sup>2</sup> <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Requirement-for-Universal-Masking-Indoors-at-k-12-Schools.aspx>

December 21, 2021

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guidance “puts the health and safety of students, staff, and their families needlessly at risk, and also carries significant legal, financial, and other risks.”

As the CDPH notes, these risks include the potential for: 1) “significant financial liability if a student or staff member contracts COVID-19 in the absence of universal masking being enforced”; 2) civil lawsuits by families or employees seeking to compel the District to comply with the CDPH guidance; 3) referral of school administrators to the Commission on Teacher Credentialing for disciplinary action for violating a mandatory legal duty; and 4) fines or civil enforcement actions by local health officers. In addition, school districts that fail to enforce the CDPH masking guidance may find themselves without the protection offered by the workers compensation system should an employee contract COVID-19 in the workplace. *See Singh v. Southland Stone, U.S.A., Inc.* (2010) 186 Cal. App. 4th 338, 366. Likewise, failing to enforce mandatory public health guidance could result in a loss of independent insurance coverage that may otherwise apply to claims brought by employees or members of the public related to COVID-19.

The Association urges the Board to convene a special meeting at the earliest possible opportunity to rescind Resolution 2021/2022-08. If the District does not comply with CDPH guidance and state law, the Association reserves all rights to challenge the District’s unlawful conduct by any means available.

Very truly yours,



Jean Shin, CTA Staff Counsel  
Attorney for Soulsbyville Teachers Association, CTA/NEA

cc (by email):  
Russ Fulkerson, STA President  
Kenya Spearman, CTA Staff Consultant





175 Fairview Lane  
Sonora, CA 95370

Phone: (209) 536-2035  
Fax: (209) 533-9513  
[www.tuolumnejpa.org](http://www.tuolumnejpa.org)

#### **EXECUTIVE DIRECTOR**

Norma Wallace

#### **OFFICERS**

President: Cathy A. Parker  
Vice President: Jared Critchfield  
Secretary: Michael S. Chimente  
Treasurer: Elizabeth Rico

#### **MEMBERS**

Alpine County Office of Education  
Alpine County Unified School District  
Amador County Office of Education  
Bellevue Elementary School  
Big Oak Flat/Groveland Unified School District  
Bret Harte Union High School District  
Calaveras County Office of Education  
Calaveras Unified School District  
Columbia Union School District  
Curtis Creek School District  
Jamestown School District  
Mark Twain Union Elementary School District  
Sonora Elementary School  
Sonora Union High School District  
Soulsbyville Elementary School  
Summerville Elementary School  
Summerville Union High School District  
Tuolumne County Superintendent of Schools  
Twain Harte School District  
Vallecito Union School District

December 17, 2021

Board of Trustees  
Soulsbyville Elementary School District  
20300 Soulsbyville Road  
Soulsbyville, CA 95372  
[jwinfield@soulsbyvilleschool.com](mailto:jwinfield@soulsbyvilleschool.com)

#### **Notice of Action Taken by Tuolumne Joint Powers Authority against Soulsbyville Elementary School District Resolution 2021/2022-08**

Board of Trustees:

Tuolumne Joint Powers Authority (JPA) is sending this written notification to Soulsbyville Elementary School District Board of Trustees (Board) that it took action regarding the Soulsbyville Elementary School District (District) Resolution 2021/2022-08 (Resolution) at a special board meeting of JPA on December 16, 2021. At the special meeting where all JPA members were in attendance, JPA took action by a motion, as follows:

The Tuolumne JPA Board will exclude coverage from the Tuolumne Joint Powers layer pool from Soulsbyville School District for any claims, costs, litigation, and any other cost of any nature associated with the Soulsbyville Resolution #2021/2022-08. Furthermore, the Soulsbyville School's membership in the JPA will be reevaluated and recommended for revocation of JPA membership if the resolution is not rescinded before January 3, 2022.

JPA took this action because of the significant risk of exposure to liability created by the Board's passage of the Resolution. The Resolution exposes all members of JPA to significant legal liability

because it expressly states that the Board intends to willfully violate the following:

1. The California Department of Public Health (CDPH) universal masking mandate for students in K-12 schools;
2. The Order of the Health Officer of the County of Tuolumne Modifying COVID-19 Orders issued on November 29, 2021;
3. The California Division of Occupational Safety and Health (CAL/OSHA) COVID-19 Emergency Temporary Standards (ETS); and
4. The future CDPH order to require students to be vaccinated against COVID-19.

JPA is highly concerned that the Board fails to understand the legal consequences of the Resolution. To that end, JPA is providing the Board this review of the liability impact the Resolution creates should the District proceed with the Resolution's stated intentions.

**1. The Resolution Violates the Board's Legal Duties and States the District Will Violate State and Local Law.**

The governing board's primary responsibility is to act in the best interest of every student in the District. (BB 9005.) School leaders, including governing boards, may not refuse to enforce a public health directives' order because they have legal duties to protect the health and safety of students attending school. (See Cal. Const. art. 1, section 28 [public school students and staff "have the inalienable right to attend campuses which are safe, secure and peaceful"].) Courts have long recognized that school leaders have a heightened duty of care to protect the health and safety of students under their supervision. All Board members prior to entering upon the duties of their office are required to take the oath or affirmation required by California Constitution, Article 20, section 3, affirming that they will follow the state constitution. (BB 9224.)

**A. The Resolution States the District Will Violate the CDPH Universal Masking Mandate for Students and the Cal/OSHA ETS by Allowing Students on District Sites Without Masking.**

State law authorizes the CDPH to "take measures as are necessary to . . . prevent [the] spread" of communicable diseases such as COVID-19 (Health & Safety Code section 120140). The Guidance was issued pursuant to a June 11, 2021 State Health Officer Order, expressly based on that statutory authority. The Legislature has expressly authorized CDPH to issue mandatory public health directives *carrying the force of law* to prevent the spread of communicable disease, including COVID-19, and the Guidance was issued pursuant to that authority. (Emphasis added.)

CDPH Guidance for K-12 Schools (Guidance) requires mandatory universal masking indoors in K-12 settings—both public schools and private schools—with limited

exemptions as specified in the general Guidance for the Use of Face Coverings. Relevant here, the Guidance also requires schools to "develop and implement local protocols to enforce the mask requirements. . . . Under this provision, schools retain flexibility to tailor the protocols for enforcing the mask requirement to their local circumstances. **[Schools] do not have discretion or authority to opt out from enforcing the requirement.**<sup>1</sup> (Emphasis added.)

Paragraph 7 of the Resolution states that the District plans to "*make masking for student's a decision left to the parents or guardians of those students, effective January 3, 2022.*" This is an express statement that the District intends to violate a public health order that has the same force and effect of law. Willful action by the Board and District to violate a public health order is a misdemeanor that can be pursued by the local public health officer.

Paragraph 8 of the Resolution goes on to specifically state the District will direct certificated employees that they may not enforce the student masking mandate. Directing certificated employees that they may not enforce the mask mandate jeopardizes these employees' credentials. Certificated individuals—including school administrators—may be subject to referral to the Commission on Teacher Credentialing for disciplinary action for violating a mandatory legal duty to implement the masking requirement and knowingly exposing students to preventable harm. (See Education Code section 44421 [authorizing discipline for "refusal to obey . . . laws regulating the duties of persons serving in the public school system"].) Labor Code section 1102.5(c), prohibits any person acting on behalf of the employer and the employer from retaliating against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

Allowing students to be present at school without masking increases the likelihood of students and staff being exposed to COVID-19 at District sites. Cal/OSHA has regulatory authority to issue citations and fines against employers for failure to provide employees with safe working conditions. This willful failure to comply with state law can also subject schools and school officials to fines and civil enforcement action by the local health officers pursuant to Health and Safety Code section 120175. The local public health officer's authority includes the authority to order closure of schools, which would result in a full loss of ADA funding to the District for the duration of the closure.

**B. The Resolution States the District Will Violate the Local Public Health Order on Isolation Protocols and the Cal/OSHA ETS by Only Requiring Quarantine Protocols to Apply to Persons Who are Symptomatic.**

Pursuant to the Order of the Health Officer of the County of Tuolumne Modifying COVID-19 Orders (Local Order):

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<sup>1</sup> Notably, this legal authority is specifically cited in the Resolution at paragraph 4.

1. “All persons residing in the County of Tuolumne and who test positive for the virus that causes COVID-19 shall:
  - a. Isolate themselves until ten days after onset of symptoms and one day after cessation of fever without use of fever-reducing medications.
  - b. This isolation period may be extended to twenty days if the person has continued symptoms that have not improved or have worsened by the tenth day of symptoms.

The Local Order requires isolation for all persons who test positive for COVID-19, and does not limit it only to persons who are symptomatic. This Local Order has the force and effect of law and violation of it is a misdemeanor. Cal/OSHA ETS also requires employers to exclude employees from the workplace who have had close contact with a person confirmed positive to COVID-19.

The Resolution states at paragraph 12 that “quarantine protocols will be limited to those exhibiting symptoms of COVID-19.” This is an express statement that the District intends to violate both the Local Order and the Cal/OSHA order by only requiring persons in the school setting to quarantine away from District sites if they are experiencing symptoms. This makes it highly likely that staff and students may be exposed to COVID-19 while at District sites, and increases the potential for an outbreak situation to occur.

**C. The Resolution States the District Intends to Not Enforce the Future Order to Require Students to be Vaccinated Against COVID-19.**

At paragraph 17 of the Resolution, it states the District “will not enforce or preemptively implement a vaccine requirement.” This is another express statement by the Board that the District intends to violate a future state law.

Currently, the order that will require students to be vaccinated against COVID-19 has not been issued because the FDA has not issued full approval of any vaccine for either grade span ages K-6 or 12-15. Until the Governor or CDPH issues an order and this triggering event occurs, there is no requirement for students to be vaccinated against COVID-19. The FDA only recently issued emergency use authorization for K-6 students. It is unknown when the FDA will give full authorization of any vaccine for elementary age students.

When full FDA approval of a vaccine for K-6 students is issued, the Governor has announced that the COVID-19 vaccine will be added to the list of required vaccinations for students via the CDPH rule-making process. This process requires CDPH to publicly issue rules and regulations for the requirement that must include an exemption based on personal beliefs. The Resolution's statement at paragraph 16 indicates the Board and District will not enforce a student vaccination requirement that does not include a personal

belief exemption. All information currently available indicates that the future order will in fact include a personal belief exemption. This makes the Resolution's stated intention to violate a future state order both inappropriate and unnecessary.

## **2. The Resolution Jeopardizes the Board Members and District's Liability Coverage Through SISC.**

Generally, board members are provided liability insurance coverage while acting within the scope of their office or employment in accordance with Education Code section 35208. However, a board member may only be protected from liability for their acts or omission when those acts or omissions are in conformity with federal, state, and local laws. (BB 9260.) A board member's protection from liability shall not apply when . . . the board member acted with willful or criminal misconduct, gross negligence, recklessness or a conscious, flagrant indifference to the harmed person's right to safety. (*Id.*)

The Board's passage of the Resolution is likely both willful violation of its primary responsibility to students and willful or criminal misconduct because the stated intention is to violate state and local laws. This willful misconduct likely places the Resolution outside of the Self-Insured Schools of California (SISC) Liability Memorandum of Coverage (MOC) No SLP 7121 22 in the following ways:

- It puts at risk coverage that would otherwise be available to the District absent the passing of the resolution.
- It creates the potential for "out of pocket" expenditures to be incurred by the District that would otherwise be covered by SISC absent the passing of the resolution.
- It puts at risk coverage that would otherwise be available to the board members of the District absent the passing of the resolution.
- It creates the potential for "out of pocket" expenditures to be incurred by board members that would otherwise be covered by SISC absent the passing of the resolution.
- It creates the potential of exposure to "punitive" damages, not covered by SISC under any circumstances, to board members as the result of the passing of the resolution.
- It creates the potential for criminal liability on the part of individual board members as this Resolution represents a willful violation of a public health order.
- It creates the potential of increased scrutiny by future joint powers authorities and/or excess insurers who would otherwise be considering the District for membership into any future program.

In order for a claim to be considered for coverage, there must be demonstration of an "occurrence". As defined in the MOC "**occurrence**" means:

"An accident or event, including continuous or repeated exposure to conditions which results in injury or damage during the **coverage period** to which this **memorandum** applies; *provided such injury or damage is neither*

*expected nor intended from the standpoint of the **covered party.***"  
(Emphasis added).

SISC advised JPA that it is concerned the Resolution is intended by the Board to be a willful violation of a public health order and this willful action potentially takes this Resolution outside the coverage based on the MOC definition of "occurrence". The MOC does not apply to actual, alleged, or threatened liability arising out of or in any way connected to:

- Injuries or damages that do not result from an **occurrence**. (Exclusion A on page 3)
- A dishonest, fraudulent, criminal or malicious act. (Exclusion S on page 6)
- Notwithstanding California Government Code section 990(c), any willful or intentional act or omission for which insurance coverage would be precluded under Insurance Code section 533. (Exclusion BB on page 7)
- Corporal punishment; or physical or mental abuse. (Exclusion CC on page 7)

As to the "physical or mental abuse" exclusion, SISC has advised JPA it is concerned the Resolution could result in future claims or suits alleging the District willfully violated a public health order and increased a child's chances of being exposed to the virus. In the event that the exposed child became seriously ill or succumbed to the virus, there is the possibility their future claims or suits could include allegations that the Board's willful violation of the public health order was tantamount to physical abuse of a child.

### **3. Rescission Deadline Before January 3, 2022.**

Based on all of the above reasons, it was necessary for the benefit and protection of the entire JPA that the Board take action to specifically exclude the Resolution from coverage. JPA Board also specifically took action to preserve its right to reevaluate and recommend the revocation of the District's JPA membership if the Resolution is not rescinded before January 3, 2022.

JPA, and all its members, sincerely hope that the Board will timely take action to rescind this Resolution.

Please contact me should you like to discuss this matter further.

Sincerely,

  
Norma Wallace, Executive Director  
Tuolumne Joint Powers Authority

  
Cathy Parker, Board President  
Tuolumne Joint Powers Authority