



## Magnolia Public Schools

### Nominating/Governance Committee Meeting

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**Date and Time**

Thursday December 16, 2021 at 5:00 PM PST

**Location**

<https://zoom.us/j/97311202810?pwd=bTNpOWJxOWQrcnBjR3EwV0FndjZxUT09>

**Meeting ID:** 973 1120 2810      **Passcode:** 733772

**One tap mobile:** +16699009128,,97311202810# US (San Jose)

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All members of the public can participate by calling in using the numbers provided above.

In compliance with the Americans with Disabilities Act (ADA) and upon request, Magnolia Public Schools may furnish reasonable auxiliary aids and services to qualified individuals with disabilities. Members of the public who need special accommodations or translation are strongly encouraged to contact Magnolia Public Schools at least 24 hours in advance of the Board meeting so assistance can be assured.

Any public records relating to an agenda item for an open session which are distributed to all, or a majority of all, of the Board Members shall be available for public inspection. Magnolia Public Schools values public comment during Board meetings. Pursuant to AB 361 members of the public may address the Board during the Public Comment period on the day of the board meeting without the need to complete a public speaker form. We limit individual speakers to three (3) minutes and speakers with interpreters to six (6) minutes. For any questions regarding this meeting email [board@magnoliapublicschools.org](mailto:board@magnoliapublicschools.org) or call 213-628-3634 Ext. 100.

**Nominating/Governance Committee Members:**

Dr. Umit Yapanel, Chair

Ms. Sandra Covarrubias

Dr. Salih Dikbas (alternate)

**CEO and Superintendent:**

Mr. Alfredo Rubalcava

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**Agenda**

|   | Purpose | Presenter   | Time           |
|---|---------|-------------|----------------|
| <b>I. Opening Items</b>   |         |             | <b>5:00 PM</b> |
| Opening Items   |         |             |                |
| <b>A.</b> Call the Meeting to Order   |         |             | 1 m            |
| <b>B.</b> Record Attendance and Guests  |         |             | 1 m            |
| <b>C.</b> Approval of Agenda  | Vote    |             | 1 m            |
| <b>D.</b> Public Comments   |         |             | 3 m            |
| <b>E.</b> Announcements from CEO & Superintendent and Committee Members   |         |             | 3 m            |
| <b>II. Recommended Action Items</b>   |         |             | <b>5:09 PM</b> |
| <b>A.</b> Committee Approval of Findings to Conduct Virtual Meetings Pursuant to AB 361/Government Code Section 54953 | Vote    | A.Rubalcava | 5 m            |
| <b>III. Closing Items</b>   |         |             | <b>5:14 PM</b> |
| <b>A.</b> Adjourn Meeting   |         |             | 1 m            |

## Coversheet

### Committee Approval of Findings to Conduct Virtual Meetings Pursuant to AB 361/Government Code Section 54953

**Section:** II. Recommended Action Items  
**Item:** A. Committee Approval of Findings to Conduct Virtual Meetings Pursuant to AB 361/Government Code Section 54953  
**Purpose:** Vote  
**Submitted by:**  
**Related Material:** AB 361 Findings for Nominating.Governance Committee (Dec.16).pdf



|                     |   |
|---------------------|---|
| Board Agenda Item # | II A: Recommended Action Item   |
| Date:               | December 16, 2021   |
| To:                 | Magnolia Public Schools – Nominating/Governance Committee   |
| From:               | Alfredo Rubalcava, CEO & Superintendent   |
| Staff Lead:         | Alfredo Rubalcava, CEO & Superintendent   |
| RE:                 | Committee Approval of Findings to Conduct Virtual Meetings Pursuant to AB 361/Government Code Section 54953 |

### **Proposed Board Recommendation**

I move for the Nominating/Governance Committee to adopt the findings relating to the ability of the Magnolia Public Schools Nominating/Governance Committee to conduct meetings due to teleconference during the State of Emergency, in reference to AB 361/Government Code Section 54953.

### **Introduction**

In September 16, 2021, Governor Newsom signed executive order Assembly Bill (AB) 361 into law which gives local agencies, included local educational agencies (LEA) governing boards, flexibility in conducting public meetings virtually during a declared state of emergency. While AB 361 offers flexibilities similar to the expiring Executive Order N-29-20, there are some key difference in regards to public comment and meeting operations.

In order for Magnolia Public Schools (MPS) Board Meetings to trigger the AB 361 teleconferencing provisions, any of the following circumstances must follow:

- 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
- 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
- The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees

Requirements under this new law include; notice of the meeting and post agendas as the Brown Act requires on our MPS websites and school sites; allow public to access the meeting and give notice for how the public can access the

meeting; include in the agenda an opportunity for all persons to attend via call-in or internet-based service; provides opportunity for the public to offer comment in the real time; provide public comment period; conduct meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the board; in an event of a disruption that prevents MPS from broadcasting the meeting or prevents members of the public from offering public comment, the meeting must stop and no action can be taken until access is restored.

MPS Board of Directors must make the following findings every 30 days by majority vote in order to continue utilizing the bills teleconferencing provisions which include:

- The legislative body has reconsidered the circumstances of the state of emergency
- Any of the following circumstances exist:
  - The state of emergency continues to directly impact the ability of the members to meet safely in person
  - State or local officials continue to impose or recommend measures to promote social distancing

### **Background**

In March 2021, Governor Newsom issued Executive Order N-29-20, which, among other things, temporarily suspended certain Brown Act teleconference meeting requirements for as long as public health agencies have imposed or recommended social distancing measures, as the COVID-19 pandemic has made them unsafe. This law will sunset through September 30, 2021.

### **Analysis**

As recommended by MPS legal counsel, Young, Minney & Corr, LLP all MPS Committee's must vote on a separate findings for those Committee's to follow the provisions under AB 361.

### **Budget Implications**

N/A

### **Exhibits (Attachments):**

- Findings for Nominating/Governance Committee Pursuant to Government Code 54953(e)(3)



**EACH THIRTY DAYS THEREAFTER FOR NOMINATING/GOVERNANCE COMMITTEE**

Magnolia Public Schools

**Magnolia Public Schools Nominating/Governance Committee findings pursuant to Government Code Section 54953(e)(3)**

The Magnolia Public Schools Nominating/Governance Committee has reconsidered the circumstances of the State of Emergency declared by the Governor on March 4, 2020, and finds the State of Emergency continues to directly impact the ability of the Committee members to meet safely in person and/or that State or local officials continue to impose or recommend measures to promote social distancing.

DATE: December 16, 2021

**VOTE**

AYE:

NOES:

ABSENT:

BOARD SECRETARY: \_\_\_\_\_