



Board Agenda Item #	II A: Recommended Action Item
Date:	January 14, 2022
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: January 14, 2022

**VOTE**

AYE:

NOES:

ABSENT:

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