



Agenda Item:	III A: Action Item
Date:	November 10, 2022
To:	Magnolia Educational & Research Foundation dba Magnolia Public Schools (“MPS”) Board of Directors (the “Board”)
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead(s):	Alfredo Rubalcava, CEO & Superintendent
RE:	Approval of Findings to Conduct Virtual Meetings Pursuant to AB361/ Government Code Section 54953

**Action Proposed:**

I move for the Magnolia Public Schools Board of Directors to adopt the findings relating to the ability of the MPS Board and all MPS Committees to conduct meetings through teleconference during the State of Emergency, in reference to AB 361/Government Code Section 54953.

**Purpose:**

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.

**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. AB 361 will sunset January 1, 2024.

**Analysis:**

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.

Governor is expected to end the state of emergency on February 2023 which will make AB361 null and void.



**Exhibits:**

- Board Findings pursuant of Government Code 54953(e)(3)



**EACH THIRTY DAYS THEREAFTER FOR BOARD OF DIRECTORS & COMMITTEES**

Magnolia Public Schools

**Magnolia Public Schools findings pursuant to Government Code Section 54953(e)(3)**

The Magnolia Public Schools Board of Directors 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 Directors to meet safely in person and/or that State or local officials continue to impose or recommend measures to promote social distancing.

DATE: November 10, 2022

**VOTE**

AYE:

NOES:

ABSENT:

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