



## YPI CHARTER SCHOOLS

December 6, 2021

**TO:** YPI Charter Schools  
Board of Directors

**FROM:** Yvette King-Berg  
Executive Director

**SUBJECT: Recommendation to approve Resolution #2021-10: Teleconference Board Meeting Pursuant to Special Rules in Government Code Section 54953(e).**

### BACKGROUND

Under Executive Order N-29-20, adopted in March of 2020, various procedures under the Ralph M. Brown Act governing “Brown Act Committee” meetings were suspended due to the COVID-19 global pandemic. Pursuant to a later Executive Order N-08-21, those suspended provisions were to continue until September 30, 2021. On September 16, 2021, Governor Gavin Newsom signed Assembly Bill (AB) 361 (Rivas, R., D-Salinas) into law, which gives local agencies, including local educational agency (LEA) governing boards, flexibility in conducting public meetings virtually during a declared state of emergency (wildfires, floods, pandemics, etc.).

AB 361 authorizes, until January 1, 2024, a local agency to use teleconferencing for public meetings, without complying with certain Brown Act requirements, in any of the following circumstances:

1. State or local officials have imposed or recommended measures to promote social distancing;
2. The board 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;
3. The board 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.

AB 361 specifies that if a local legislative body determines it is entitled to use the exemptions afforded to it in this bill, then it must abide by the following requirements when conducting a public meeting:

The teleconferencing flexibilities for local agencies under AB 361 sunset on January 1, 2024. This means that unless subsequent legislation extends the provisions of AB 361 for local agencies, they will expire on January 1, 2024, and that local agencies would be expected to follow all of the rigid Brown Act requirements regardless of an emergency beginning in 2024.

## **ANALYSIS**

AB 361 stipulates that if the state of emergency remains active for more than 30 days, a local agency must make the following findings every 30 days by majority vote to continue utilizing the bill's teleconferencing provisions. Initial guidance from our attorneys advised us to hold a meeting every 30 days to evaluate whether or not a state of emergency remains.

The current position supported by Young, Minney & Corr, Procopio, CCSA, ASCIP, and one of the sponsors of AB 361 is that schools are not legally required to hold a meeting every 30 days, just to be able to continue holding virtual meetings. Resolution #50 was reviewed by Procopio and meets the legal requirements for Teleconference Board Meeting Pursuant to Special Rules in Government Code Section 54953(e)

## **RECOMMENDATION**

Given current health conditions, it is recommended that the Board of Directors approve Resolution #2021-10: Teleconference Board Meeting Pursuant to Special Rules in Government Code Section 54953(e) and approve the January 2022 Meeting to be held as a Teleconference Board Meeting.

***Attachments: Resolution #2021-10: Teleconference Board Meeting Pursuant to Special Rules in Government Code Section 54953(e)***