



YPI CHARTER SCHOOLS

February 28, 2022

TO: YPI Charter Schools (YPICS)
Board of Directors

FROM: Yvette King-Berg
Executive Director

SUBJECT: Recommendation to approve continued remote viewing option via tele/video conferencing meetings for the YPICS Board of Directors and for all Brown Act Committees Under AB 361 and Executive Order N-15-21

BACKGROUND

On December 2, 2021, the Board approved Resolution #50: Teleconference Board Meeting Pursuant to Special Rules in Government Code Section 54953(e). 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:

- Notice the meeting and post agendas as the Brown Act requires;
- Allow the public to access the meeting and give notice for how the public can access the meeting and provide public comment;
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option;
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body;
- Provide a public comment period where the public can address the legislative body directly and allow for public comment up until the period is closed;
- Prohibits limiting public comments to only those submitted in advance and specifies that the legislative body must provide an opportunity for the public to offer comment in real time;
- In the event of a disruption that prevents the public agency from broadcasting the meeting or prevents members of the public from offering public comment, the legislative body is prohibited from taking action on items appearing on the meeting agenda until public access to the meeting via the teleconferencing option is restored.

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 in order to continue utilizing the bill's teleconferencing provisions:

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

In consideration of the state of emergency, the following circumstances continue to exist:

1. The state of emergency continues to directly impact the ability of the members to meet safely in person.
2. State or local officials continue to impose or recommend measures to promote social distancing.

RECOMMENDATION

Given current health conditions, it is recommended that the Board of Directors approve teleconferencing provisions for continued remote viewing option via tele/video conferencing meetings for the YPI Charter Schools Board of Directors and for all Brown Act Committees Under AB 361 and Executive Order N-15-21.