

**Minutes of the  
CHIME Institute  
Board of Directors Meeting  
Held via Zoom Video Conference  
Tuesday, December 6th, 2022**

**Members Present:** Patrick Smith, Joshua Mark, Dawn Hamilton, Marc Polansky, Melissa Aguilar

**Members Absent:** Matthew Rinnert, Traci Myman

**Others Present:** Irina Castillo (EXED), Kathy Jamison,

**Call to Order:** The meeting was called to order by Board President, Patrick Smith

**I. Affirmation of Continuing Emergency Conditions Necessitating Virtual Board Meeting**

1. The board was given the following recommendation from Dr. Studer:  
December 6th, 2022

**TO:** CHIME Institute  
Board of Directors

**FROM:** Erin Studer  
Executive Director

**SUBJECT: Recommendation to approve the December 2022 and January 2023 CHIME Institute Virtual Board Meeting**

**BACKGROUND**

While California's Ralph M. Brown Act has been amended to allow fully virtual board meetings during a state of emergency after the Governor signed Assembly Bill 361 into law on September 16, 2021. The new law comes as local public agencies were preparing for the expiration of Executive Orders that currently allow virtual board meetings. AB 361 goes into effect immediately, and it amends Section 54953 of the Brown Act to allow virtual board meetings through January 1, 2024 in any of the following circumstances:

1. 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.
2. 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.

3. 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.

These circumstances allow agencies to hold entirely virtual board meetings during the current pandemic, while California is in a proclaimed state of emergency. The previous teleconference rules under the Brown Act also remain in place, but are not as flexible.

If a board meeting is held virtually under the new provisions of AB 361, the agenda must still be posted under the appropriate timelines: 72 hours in advance for a regular board meeting, and 24 hours in advance for a special board meeting. The agenda must include the meeting link or dial-in, so that members of the public make

access the meeting. Members of the public must be allowed to address the board in real-time during the meeting. Boards can no longer require public comments to be submitted in advance. When boards use agenda items with timed public comment periods, they must allow those time limits to expire before closing public comment. When boards take public comment separately on each agenda item, they must allow a reasonable amount of time per agenda item.

AB 361 also has special provisions for technical glitches. In the event the meeting broadcast is disrupted, or if a technical issue on the agency's end disrupts public comment, the board cannot take any further action on the agenda until the technical issue is resolved.

Most significantly, in order to continue to hold virtual meetings when a state of emergency remains active, the board must make findings every 30 days that 1) the board has reconsidered the circumstances of the state of emergency and 2) the state of emergency continues to directly impact the ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing.

As of now, the current Executive Orders that allow fully virtual board meetings are slated to remain in effect until September 30, 2021. This gives public agencies about two weeks to prepare for virtual meetings under AB 361.

## **ANALYSIS**

- 1) the CHIME Charter board has reconsidered the circumstances of the state of emergency and
- 2) the state of emergency continues to directly impact the ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing.

## **RECOMMENDATION**

It is recommended that the Board of Directors approve to conduct the December 2022 and January 2023 Board meetings virtually.

2. **RESOLUTION M/S/P**(P. Smith) The board resolves to conduct December 2022 and January 2023 board meetings remotely via Zoom.
3. **Public comment:** There was an opportunity for public comment. None were made

- a. **VOTE**
- b. **Yeses:** *P. Smith, D. Hamilton, J. Mark, M. Aguilar, M. Polansky*
- c. **No's:** none
- d. **Abstentions:** *none*
- e. **MOTION PASSES:** *5-0-0*

**II. Public Comment:** (3 minutes each)—Speakers were given the opportunity to make a public comment. Each speaker, if any, was advised of the three (3) minute time limit and that ordinarily, Board members cannot respond to presentations on non-action items as no action can be taken on non-agenda items, but that the Board may advise that direction may be given to staff following a presentation later.

**III. Consent Agenda:** The following item(s) may be adopted by a single vote of the board, or any item(s) may be pulled off of consent by any member's request (without any need for a vote to pull from consent).

- 1. Approval of the minutes of the 11/1/2022 CHIME Institute Board Meeting.
- a. **M/S/P Motion** ( ) to approve the minutes of the 11/1/2022 CHIME Charter School Board meeting
- 2. **Public comment:** There was an opportunity for public comment. None were made
- a. **VOTE**
- b. **Yeses:** *P. Smith, D. Hamilton, J. Mark, M. Aguilar, M. Polansky*
- c. **No's:** none
- d. **Abstentions:** *none*
- e. **MOTION PASSES:** *5-0-0*

**IV. Educational Programs Reports**

- 1. A. Cox is not present due to personal circumstances.

**V. Board Committee Reports**

- 1. Ad-Hoc Committee
- a. M. Rinnert was unable to attend so the update will have to wait. There was a discussion with E. Studer about his understanding of the status of the Director of Development position.

**VI. Adjournment: The next meeting will be on the second Tuesday of the month.**

- 1. There was a discussion about the status of the Brown Act and whether or not the next meeting would be in person. It's unclear how the law will change however the next meeting will be virtual.
- 2. E. Studer noted that indoor masking may be required again by the county.
- 3. **M/S/P Motion**(P. Smith) to adjourn the CHIME Institute Board meeting.
- 4. **Public comment:** There was an opportunity for public comment. None were made
- a. **VOTE**
- b. **Yeses:** *P. Smith, D. Hamilton, J. Mark, M. Aguilar, M. Polansky*
- c. **No's:** none
- d. **Abstentions:** *none*

*e. MOTION PASSES: 5-0-0*