

**Minutes of the  
CHIME Charter School  
Board of Directors Meeting  
Held via Zoom Video Conference  
Tuesday December 7th, 2021**

**Members Present:** Josh Mark, Patrick Smith, Marc Polansky, Dawn Hamilton, Melissa Aguilar, Tony Battaglia

**Members Absent:** Traci Myman

**Others Present:** Erin Studer, Annie Cox, Erin Studer, Irina Castillo (EXED), Caitlin Healey, William Caplenor,

Call to Order: The meeting was called to order by Board Chair/President P. Smith **Public Comment** (3 minutes each)—Speakers given an 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.

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

1. Dr. Studer presented the following recommendation that board meetings be held remotely.

December 7th, 2021

**TO:** CHIME Charter  
Board of Directors

**FROM:** Erin Studer  
Executive Director

**SUBJECT: Recommendation to approve December 2021 and January 2022 CHIME Charter School 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 may

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 November 2<sup>nd</sup> and December 7th, 2021 Board meetings virtually.

2. **M/S/P Motion** (P. Smith) to Make the finding that there are continuing emergency conditions necessitating a remote meeting.
3. **Public comment:** There was an opportunity for public comment. None were made
- a. **VOTE**
- b. **Yeses:** *M. Rinnert, D. Hamilton, M. Polansky, M. Aguilar, P. Smith, J. Mark*
- c. **No's:** none
- d. **Abstentions:** *none*
- e. **MOTION PASSES: 6-0-0**

**II. Public Comment:** There was an opportunity for public comment, and none was made

**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 11/2/2021 CHIME Charter School Board Meeting with amendments
- a. **M/S/P Motion** (P. Smith) to approve the minutes of the 11/2/2021 CHIME
2. **Public comment:** There was an opportunity for public comment. None were made
- a. **VOTE**
- b. **Yeses:** *J. Mark, M. Polansky, P. Smith, D. Hamilton, M. Aguilar, T. Battaglia*
- c. **No's:** none
- d. **Abstentions:** *none*
- e. **MOTION PASSES: 6-0-0**

**IV. Resolution: SELF JPA withdrawal and CharterSAFE JPA Confirmation.**

1. E. Studer explained the circumstances that necessitate this resolution and why it is necessary

a) There was a discussion about who recommended the action.

**WHEREAS**, the Board of the CHIME Charter School, along with other school districts and charter schools of the State of California, have been studying self-funding of excess liability; and

**WHEREAS**, these districts and public charter schools have determined there is a need for a self-funding system for excess liability coverage by combining their respective efforts to establish, operate and maintain a Joint Powers Agency for self-funding of excess liability;

**WHEREAS**, Title I, Division 7, Chapter 5, Article I (Section 6500 et seq.) of the Government Code of the State of California, authorizes joint exercise by two or more public agencies of any power common to them;

**WHEREAS**, the charter school previously joined Schools Excess Liability Fund (“SELF”) for its excess liability coverage as an individual member and now, with the charter school’s primary coverage JPA participating in SELF as a Master Member, the charter school seeks to withdraw its individual membership from SELF and re-join under CharterSAFE’s membership in SELF effective July 1, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

1. The Charter School hereby resolves to withdraw from SELF JPA and the Excess Liability Program as an individual member school effective June 30, 2022.
  2. The Board of Directors of CHIME Charter School hereby declares its desire to continue its membership in the Schools Excess Liability Fund Excess Liability Program uninterrupted via its membership in CharterSAFE JPA, which is a member of SELF.
  3. The Charter School will continue to have obligations and benefits relating to its participation in SELF as an individual member, for its years of participation, pursuant the SELF Joint Powers Agreement, Article VII.
  4. The Board instructs staff to take all necessary steps to implement this resolution.
- a. **M/S/P** Motion (P. Smith) to approve the minutes of the 11/2/2021 CHIME
  2. **Public comment:** There was an opportunity for public comment. None were made
  - a. **VOTE**
  - b. **Yeses:** J. Mark, M. Polansky, P. Smith, D. Hamilton, M. Aguilar, T. Battaglia
  - c. **No’s:** none
  - d. **Abstentions:** none
  - e. **MOTION PASSES: 6-0-0**

## **II. Approval of 1st Interim Financials**

1. I. Castillo presented the 1<sup>st</sup> interim financials
2. There was a discussion about TK
3. There as a discussion about the oversight committee and what they will ask about in their meeting.
4. There was a discussion about enrollment.
5. P. smith called for a recommendation by the finance committee. The committee did recommend the approval of the financials.
- a. **M/S/P** Motion (J. Mark/M. Aguilar) to approve the 1<sup>st</sup> interim Financials as presented by I. Castillo.
6. **Public comment:** There was an opportunity for public comment. None were made

- a. **VOTE**
- b. **Yeses:** J. Mark, M. Polansky, P. Smith, D. Hamilton, M. Aguilar, T. Battaglia
- c. **No's:** none
- d. **Abstentions:** none
- e. **MOTION PASSES: 6-0-0**

### III. Approval Revision of Fiscal Policies Manual

- 1. E. Studer explained why this approval was required. He outlined a change in the threshold his fiscal authority without board approval.
  - a) There was a discussion about how many contracts would be affected by this decision because they would meet the old threshold but not the new one.
- 2. I. Castillo outlined a statement about a nutrition program.
- a. **M/S/P Motion** (M. Polansky, J. Mark) to approve revision of Fiscal Policies Manual
- 3. **Public comment:** There was an opportunity for public comment. None were made
- a. **VOTE**
- b. **Yeses:** J. Mark, M. Polansky, P. Smith, D. Hamilton, M. Aguilar, T. Battaglia
- c. **No's:** none
- d. **Abstentions:** none
- e. **MOTION PASSES: 6-0-0**

### IV. Approval of Educator Effectiveness Grant Plan

- 1. E. Studer reviewed the grant plan as presented in the 11/2/2021 meeting.
  - a) There were no questions from the board.
- b. **M/S/P Motion** (D. Hamilton/M. Polansky) to approve Educator Effectiveness Grant Plan
- 2. **Public comment:** There was an opportunity for public comment. None were made
- a. **VOTE**
- b. **Yeses:** J. Mark, M. Polansky, P. Smith, D. Hamilton, M. Aguilar, T. Battaglia
- c. **No's:** none
- d. **Abstentions:** none
- e. **MOTION PASSES: 6-0-0**

### V. Charter School Educational Program Report

The Board will be given an opportunity to review and ask questions about the report provided by the Executive Director of the Charter School, summarizing any updates and actions taken since the last meeting and any recommendations to the Board.

- 1. E. Studer discussed the winter break plan including the camp which will be run during the break.
- 2. P. Smith opened up the floor to S. Doherty, K. Jamison, and C. Healey for comments.
  - a) There was a discussion about the After-school program.
  - b) There was a discussion about C. Healey and W. Caplenor running a marathon
  - c) There was discussion about independent study.

**VI. Adjournment**

- a. **M/S/P** Motion (P. Smith/J. Mark) to adjourn the 12/7/2021 meeting of the CHIME Charter School board of directors meeting
2. **Public comment:** There was an opportunity for public comment. None were made
- a. **VOTE**
- b. **Yeses:** *J. Mark, M. Polansky, P. Smith, D. Hamilton, M. Aguilar, T. Battaglia*
- c. **No's:** none
- d. **Abstentions:** *none*
- e. **MOTION PASSES:** *6-0-0*