

**Minutes of the  
CHIME Charter School  
Board of Directors Meeting  
Held via Zoom Video Conference  
Tuesday January 4<sup>th</sup>, 2022**

**Members Present:** Patrick Smith, Traci Myman, Matthew Rinnert, Dawn Hamilton, Josh Mark, Melissa Aguilar

**Members Absent:** Tony Battaglia, M. Polansky

**Others Present:** Erin Studer, Annie Cox, William Caplenor

**Call to Order:** The meeting was called to order by Board Chair/President P. Smith

**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 the January 2022 and February 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 (Declared by governor Newsom on November 10 2021 through March 21<sup>st</sup> 2022)  
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

January 4<sup>th</sup>, 2021 and February 1<sup>st</sup> 2022 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:** P. Smith, J. Mark, T. Myman, D. Hamilton, M. Rinnert, M. Aguilar
  - c. **No's:** none
  - d. **Abstentions:** none
  - e. **MOTION PASSES: 6-0-0**

**II. Public Comment:** (3 minutes each)—Speakers were allowed the opportunity to make a public comment and public comment was invited for each agenda action item. 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 12/7/2022 CHIME Charter School Board Meeting with amendments
  - a. **M/S/P Motion** (P. Smith) to approve the minutes of the 12/7/2021 CHIME
2. **Public comment:** There was an opportunity for public comment. None were made
  - a. **VOTE**
  - b. **Yeses:** J. Mark, P. Smith, D. Hamilton, M. Aguilar, T. Battaglia, T Myman
  - c. **No's:** none
  - d. **Abstentions:** none
  - e. **MOTION PASSES: 6-0-0**

**IV. ESSR III plan amendment approval**

1. Dr. Studer explained the necessity for the approval of this plan and the changes that were made.
  - a) There was a discussion about the feedback and instructions we received about making these changes.
  - b) There was discussion about whether there were repercussions for having the plan revised.
- a. **M/S/P Motion** (J. Mark/ D. Hamilton) to approve the ESSR III Plan as amended and presented to the board.

2. **Public comment:** There was an opportunity for public comment. None were made
- a. **VOTE**
- b. **Yeses:** J. Mark, P. Smith, D. Hamilton, M. Aguilar, T. Battaglia, T Myman
- c. **No's:** none
- d. **Abstentions:** none
- e. **MOTION PASSES: 6-0-0**

## II. 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.

- a) Dr. Studer presented his board report.
- b) Dr. Studer thanked Kathy Jamison, Shelbi Doherty, and Caitlin Healey for all the additional work that had been done related to testing
- c) J. Mark asked if we should adjust the school schedule so that there should be more testing after the next break.
  - (1) There was a discussion about this.
- d) There was a discussion about how this would affect ADA funding. All students on quarantine are on independent study so there should not be a significant loss in funding.
- e) D. Hamilton requested if Dr. Studer would be addressing parent questions about specifics about the numbers of positive cases.
  - (1) Dr. Studer responded.
- f) P. Smith commented that the board should act within the board act when emailing Dr. Studer or any member of the board.
- g) E. Studer discussed the new procedures related to COVID.
  - (1) There was a discussion about the requirement of antigen vs. PCR tests

## III. Adjournment

- a. **M/S/P Motion** (P. Smith/) to adjourn the 1/4/2021 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. Pollansky, P. Smith, D. Hamilton, M. Aguilar, T. Battaglia
- c. **No's:** none
- d. **Abstentions:** none
- e. **MOTION PASSES: 6-0-0**