

**Minutes of the
CHIME Charter School
Board of Directors Meeting
Held via Zoom Video Conference
Tuesday February 7th, 2023**

Members Present: Patrick Smith, Melissa Aguilar, Traci Myman, Dawn Hamilton, Marc Hamilton

Members Absent: Josh Mark, Matthew Rinnert

Others Present: Irina Castillo (EXED), Erin Studer, William Caplenor, Caitlin Healey, Kathy Jamison, Brent Guttman

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

February 7th, 2023

TO: CHIME Charter
Board of Directors

FROM: Erin Studer
Executive Director

**SUBJECT: Recommendation to approve the February 7th, 2023
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 February 2023 Board meetings virtually.

2. **M/S/P Motion** (P. Smith/D. Smith) to Make the finding that there are continuing emergency conditions necessitating remote meetings for January and February 2023
3. **Public comment:**
4. ***VOTE***
 - a. ***Yeses:*** P. Smith, D. Hamilton, M. Aguilar, T. Myman, M. Polansky
 - b. ***No's:*** none
 - c. ***Abstentions:*** none
 - d. ***MOTION PASSES:*** 5-0-0

5. **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.

6. **There was an opportunity to make public comment and none were made**

II. 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 1/10/2023 CHIME Charter School Board Meeting.
 - a. **M/S/P Motion** (P. Smith/M. Polansky) to approve the minutes of the 1/10/2023 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, M. Aguilar, T. Myman, M. Polansky
 - c. ***No's:*** none
 - d. ***Abstentions:***
 - e. ***MOTION PASSES:*** 5-0-0

III. December Financials

1. I. Castillo presented the December financials dashboard.
 - a. There was discussion about a training program

IV. Educational report

1. Director Studer presented his board report.
2. M. Polansky requested that Dr. Studer share the number of open seats available in CHIME's enrollment.
3. There was a question about TK enrollment has affected students with disabilities.
4. There was a discussion about CHIME's advertising

V. Pension Investment Approval

1. Brent Guttman discussed some of the options available for the Pension plan investment.
 - a. There was a discussion
 - b. The Board directs staff to invest up to one million dollars in a six year annuity with 20 percent loss protection and maximum gain percentage offered on the day of investment with the advisor determined investment fund.
 - c. **M/S/P Motion** (P. Smith/M. Polansky) to approve the motion
2. **Public comment:** There was an opportunity for public comment. None were made
 - a. **VOTE**
 - b. **Yeses:** *P. Smith, D. Hamilton, T. Myman, M. Polansky, M. Aguilar*
 - c. **No's:** none
 - d. **Abstentions:**
 - e. **MOTION PASSES: 5-0-0**

VI. Brown Act Update

1. P. Smith updated the board on changes to the law related to the Brown Act.

VII. Closed session

1. No action was taken

VIII. Adjournment

- a. **M/S/P Motion** (M. Polansky/J. Mark) to adjourn the 2/7/2023 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:** *P. Smith, D. Hamilton, M. Aguilar, T. Myman, M. Polansky*
 - c. **No's:** none
 - d. **Abstentions:** none
 - e. **MOTION PASSES: 5-0-0**