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MONTEREY PENINSULA COLLEGE

To: MPC Foundation Board of Directors

From: Beccie Michael, Executive Director

Date: January 12, 2022

RE: Continuance of Online Meetings

Background

Assembly Bill 361 (Rivas), which became effective September 16, 2021, conditionally authorizes legislative bodies to conduct public meetings via telephonic or other electronic means without its members or the public physically present.

Additionally, AB 361 suspends the requirement that each public meeting teleconference location is accessible to the public and that members of the public are able to address the legislative body at each teleconference location.

The MPC Governing Board of Trustees authorized the use of remote teleconferencing provisions pursuant to AB 361 during the fall (and recently extended this into January 2022). We previously believed that this authorization applied to the Foundation Board, but now understand that the Foundation Board needs to make its own determination on this issue.

The following is required for continued invocations of AB 361:

1. The proclaimed State of Emergency must remain active; or
2. State or local officials have imposed or recommended measures to promote social distancing; and
3. Not later than 30 days after teleconferencing for the first time under the AB 361 rules, and every 30 days thereafter, the legislative body shall reconsider the circumstances of emergency and find, by majority vote, that at least one of the following circumstances exist:
 1. The State of Emergency continues to directly impact the ability of the members to meet safely in person; or
 2. State or local officials continue to impose or recommend measures to promote social distancing.

Potential Actions

- 1) The Board may adopt a resolution authorizing the use of remote teleconferencing provisions pursuant to AB 361 and Government Code Section 54953(e) (note that a draft resolution is included in the agenda packet). Doing so will enable the Foundation Board and Committees to continue to conduct meetings virtually, through the use of telephonic and internet-based services, for thirty (30) days from this action.



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An action item will then be added to each monthly Foundation meeting agenda while AB 361 remains in effect for the Board to reconsider the circumstances and make a determination regarding the continued authorization of remote teleconferencing provisions.

- 2) The Board may determine that the provisions of AB 361 do not apply and vote against adopting a resolution to authorize the use of teleconferencing provisions. Doing so will enable the Foundation to resume in-person meetings starting with the January 19, 2022 board meeting.

Under this determination, the requirement that each public meeting teleconference location is accessible to the public and that members of the public are able to address the legislative body at each teleconference location would also go back into effect - meaning any board member choosing to join remotely would need to post their location publicly and make that location available to members of the public wishing to join the meeting.