Oasis Charter Public School

A small school for kids with BIG ideas.

1135 Westridge Parkway, Salinas, CA 93907
T: (831) 424-9003 F: (831) 424-9005 www.oasischarterschool.org

Under Construction Education Network (UCEN)
Board of Directors Meeting

Annual Board Retreat Meeting Agenda

Saturday, August 16, 2025
9:00 a.m.

Join Zoom Meeting
https://zoom.us/j/92337170487?pwd=Yy09dMjjjTJ9D9dvfYQqgxJaBBm6Lw.1

Meeting ID: 923 3717 0487
Passcode: 127479
By Phone: (669) 900-9128

Members of the public may join the meeting in-person at the address listed below. Please read Information for the Public section below on public participation.

Taylor Farms Corporate Offices Boardroom
150 Main Street
Salinas, CA 93901

INFORMATION FOR THE PUBLIC

I. For persons wishing to address the Board of Directors: The public is encouraged to attend and participate where designated in the Under Construction Educational Network (UCEN) Board meetings. In person and attending virtually, members of the public are welcome to make comments when the Board chair opens the item on the agenda for the public. When the President of the Board recognizes a public member for comment, such comment will be limited to three (3) minutes. Your comments will be heard under the designated section of this agenda. For the record, state your name, title, whom you represent, and the agenda item you are addressing.

II. The Board encourages those with disabilities to participate fully in public meetings. If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the public meeting, please contact the main office of Oasis Public Charter School at (831) 424-9003 at least 72 hours before a regular board meeting or 24 hours before a special board meeting so that we may make every reasonable effort to accommodate you. (Government Code § 54954.2; Americans with Disabilities Act of 1990, § 202 (42 U.S.C. § 12132).

III. The Board can provide translation services for board meetings as needed. To request translation services, please contact the main office at Oasis Public Charter School at (831) 424-9003 at least 72 hours before a regular board meeting or 24 hours before a special board meeting so that we can make arrangements.

INFORMACIÓN PARA EL PÚBLICO

I. Para las personas que deseen dirigirse a la Mesa Directiva: Se anima al público a asistir y participar cuando se les designe en las reuniones de la Mesa Directiva de Under Construction Educational Network (UCEN). Si asiste en persona o virtualmente, están invitados a hacer comentarios cuando el presidente de la Mesa Directiva abre el asunto de la agenda para el público. Cuando el Presidente de la Mesa Directiva reconozca a un miembro del público para hacer comentarios, dichos comentarios se limitarán a (3) minutos. Sus comentarios serán escuchados en la sección designada de esta agenda. Para que conste en acta: indique su nombre, cargo, a quién representa y el punto del orden del día al que se refiere.

II. La Mesa Directiva anima a las personas con discapacidad a participar plenamente en las reuniones públicas. Si necesita una modificación o adaptación relacionada con su discapacidad, incluidas ayudas o servicios auxiliares, para participar en la reunión pública, póngase en contacto Oasis Public Charter School en el (831) 424-9003 al menos 72 horas antes de una reunión regular de la Mesa Directiva o dentro de 24 horas de una junta especial para que podamos hacer todos los esfuerzos razonables para adaptarnos a usted. (Código Governmental § 54954.2; Americanos con Discapacidades de 1990, § 202 (42 U.S.C. § 12132)

III. La Mesa Directiva puede proporcionar servicios de traducción para las reuniones de la junta según sea necesario. Para solicitar servicios de traducción, por favor póngase en contacto Oasis Public Charter School en el (831) 424-9003 dentro de 72 horas de una junta regular o dentro de 24 horas de una junta especial para que podamos hacer los arreglos.

1.0 REGULAR AGENDA

1.1 Call Meeting to Order

2.0 ROLL CALL OF GOVERNING BOARD

Melissa Edwards, President	Present ___ Absent____
Jorge Acosta, Vice President	Present ___ Absent____
Julie Laughton Poma, Secretary	Present ___ Absent____
Tamara Mitchell, Treasurer	Present ___ Absent____
Vacant Position, Member	Present ___ Absent____

3.0 ADOPTION OF THE AGENDA

That the Governing Board approves the agenda as presented.

4.0 BOARD OF TRUSTEES REPORTS/COMMENTS/REQUESTS FOR INFORMATION

4.1 REPORT: BOARD MEMBERS

4.2 REPORT: EXECUTIVE DIRECTOR

5.0 PUBLIC COMMENT

The public may address the Board on any consent action item or item not listed on the agenda. Pursuant to the Brown Act, during this period, the Board cannot consider issues or take action on any item not listed on the agenda. Questions, concerns, and/or input may be referred to the appropriate person for follow-up. Time is limited to 3 minutes per person. An additional three minutes will be given to individuals utilizing an interpreter.

6.0 ACKNOWLEDGMENTS

7.0 CONSENT AGENDA

That the Governing Board approve the Consent Agenda.

7.1 ACTION: Approval of Minutes

- July 29, 2025 Regular Board Meeting

8.0 DISCUSSION/RECOMMENDATION/ACTION

8.1 DISCUSSION/ACTION: Discuss and vote on new Board Member, Minc Brooker

8.2 DISCUSSION/ACTION: Brown Act Training/Form 700

8.3 DISCUSSION: Behavior Needs Update

8.4 DISCUSSION: Oasis Community Council (OCC) Policies and Bylaws

8.5 DISCUSSION: OCC Financials, Events and Fundraising

8.6 DISCUSSION: School Site Council

9.0 FUTURE AGENDA ITEMS

-

10.0 NEXT MEETING DATE

10.1 September 30, 2025

11.0 ADJOURNMENT

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Under Construction Education Network (UCEN)
Board of Directors Meeting

Regular Meeting Minutes

Tuesday, July 29, 2025
5:15 p.m.

Join Zoom Meeting
https://zoom.us/j/92337170487?pwd=Yy09dMjjjTJ9D9dvfYQqgxJaBBm6Lw.1

Meeting ID: 923 3717 0487
Passcode: 127479
By Phone: (669) 900-9128

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1.0 REGULAR AGENDA

1.1 Meeting called to order at 5:22 p.m.

2.0 ROLL CALL OF GOVERNING BOARD

Melissa Edwards, President	Present _x__ Absent____
Jorge Acosta, Vice President	Present _x__ Absent____
Julie Poma, Secretary	Present _x__ Absent____
Tamara Mitchell, Treasurer	Present _x__ Absent____
Vacant Position, Member	Present ____ Absent____

3.0 ADOPTION OF THE AGENDA

That the Governing Board approves the agenda as presented.

Motion to approve the agenda by Board Secretary, Julie Poma; Seconded by Board Vice President, Jorge Acosta.

Vote on Motion: 4 - 0 **Motion: Approved**

4.0 BOARD OF TRUSTEES REPORTS/COMMENTS/REQUESTS FOR INFORMATION

4.1 REPORT: BOARD MEMBERS

Board President, Melissa Edwards, informed everyone that the Monterey County Office of Education (MCOE) has requested all members of this Board attend their next board meeting on August 13, 2025. Everyone agreed to make plans to do so.

She also gave an overview of the Community Foundation of the Monterey Peninsula's MCGives campaign. This program runs between November and December. The idea is to have any donor funds raised matched by the campaign.

4.2 REPORT: EXECUTIVE DIRECTOR

Executive Director, Lauren Ricker, informed and reviewed with the group the following:

- Taylor Farms has agreed to give us $200k which will help our budget immensely;

- She attended a press conference hosted by Jimmy Panetta on Monday, July 28th. The purpose was to discuss funding strategies for education as the current

Administration has impounded funding for many programs that help our communities, ie, after school, migrant, and nutrition programs. Several ideas and connections came out of that event;

- Ms. Ricker informed the group that she has met with the MCOE Liaison to review their boards questions and concerns for the upcoming meeting in August;
- Currently have 166 registered students and wait lists in Kinder and First Grades;
- Recruitment has been fierce and the enrollment campaign has been aggressive. Kudos to Ms. Uppman and Ms. Onitsuka on the team effort;
- The Budget was submitted and MCOE talked us through a few changes. Cash reserves are solid for 2025-26;
- MCOE asked about Special Education at Oasis. When Ms. Ricker assumed the Executive Director position, the school was out of compliance with IEP's and SST's. Since that time we have brought all IEP's and SST's current and hired a very qualified individual, Ronette Parker, to coordinate that program. She will also be responsible for specialized instruction. And final note that the amount of 1:1 aids has dramatically reduced since last year which has also helped with budgeting;
- We are all very excited to also welcome Kathryn Corvarrubias as our new 5th Grade teacher;
- All family and employee handbooks are almost finished as well as the new Code of Conduct;
- In closing, Ms. Ricker announced she is officially finished with her Masters Program. She is very excited to turn all her focus on the school.

5.0 PUBLIC COMMENT

The public may address the Board on any consent action item or item not listed on the agenda. Pursuant to the Brown Act, during this period, the Board cannot consider issues or take action on any item not listed on the agenda. Questions, concerns, and/or input may be referred to the appropriate person for follow-up. Time is limited to 3 minutes per person. An additional three minutes will be given to individuals utilizing an interpreter.

No comments at this time.

6.0 ACKNOWLEDGMENTS

Melissa spoke to the hard work that Eric and Katie Uppman have given this school with their work on branding, recruitment, and media, to name a few. Everyone was very grateful for their help and time.

7.0 CONSENT AGENDA

That the Governing Board approve the Consent Agenda.

7.1 ACTION: Approval of Minutes

- July 29, 2025 Annual Board Meeting

Motion to approve the Consent Agenda by Board Vice President, Jorge Acosta; Seconded by Board Treasurer, Tamara Mitchell.

Vote on Motion: 4 - 0 **Motion: Approved**

8.0 DISCUSSION/RECOMMENDATION/ACTION

8.1 DISCUSSION: Subcommittee Reports:

- **Re-Chartering:**
- **Fund Development:**
- **Governance Subcommittees**

Nothing to report at this time as no meetings were held during the summer.

8.2 DISCUSSION/ACTION: Finances and Budget Update

Ms. Ricker spoke to the classroom budgets. Through our fundraising efforts led by Grisela Macias, Office Manager, each classroom teacher will receive $650 for supplies plus $200 for Enrichment. Teachers were asked to submit a list of their supplies and any additional items they may need.

8.3 DISCUSSION: Boards Role in Employment Decisions

Ms. Edwards spoke to the fact that this board does not have a say in employment decisions at OCPS but they are always there to support Administration.

8.4 DISCUSSION: Family Resource Fair August 9th

Ms. Edwards gave an update on those organizations that will be attending the event as well as the planned activities.

8.5 DISCUSSION: Upcoming Fundraisers

Ms. Uppman and Ms. Edwards are brainstorming ideas to raise funds for the Family Resource Center and new House System, ie, rummage sale, bake sales, etc. Ms. Ricker spoke to another chocolate and braided bread fundraiser that could also benefit the 5th Grade Science Camp trip. OCPS never wants to have a family not send their student because of cost. Ms. Mitchell suggested that families of the 5th Grade students be notified early so they may begin to prepare.

8.6 DISCUSSION: Board Retreat

The Retreat will be on August 16, 2025 from 8:30 a.m. until 12:30 p.m. at the Taylor Farms building in Old Town Salinas. Lunch and breakfast will be provided from Portabellos.
Ms. Edwards also took a moment to introduce Minc Brooker . who was invited to sit in the meeting today as she is considering joining this Board. Ms. Brooker just received the Teacher of the Year Award in Santa Cruz County. When Ms. Edwards asked to say a few words, she spoke to her credentials and informed everyone how excited she was to be here and that in watching the group she could hear and see the passion and caring everyone had for the students. As a 30 year education veteran, she explained her desire to not only serve the students but the teachers as well. She was honored and humbled by this evening's experience and thanked everyone for the warm welcome.

8.7 DISCUSSION: Oasis Community Counsel (OCC) Update

No one from the OCC was present to give the update. Ms. Edwards will reach out to help them with the Resource Fair.

8.8 DISCUSSION: Facilities Use Form

Ms. Edwards asked that a map of the building and grounds be added to the form to help with clarity for setting events up.

9.0 FUTURE AGENDA ITEMS

- **Brown Act**
- **Strategic Planning**

10.0 NEXT MEETING DATE

12.1 August 16, 2025 Board Retreat

11.0 Meeting adjourned at 6:12 p.m.

OASIS CHARTER PUBLIC SCHOOL

ANNUAL BOARD GOVERNANCE TRAINING

AUGUST 3, 2024

YM&C



Presenter:

LEE J. ROSENBERG, ESQ.

PARTNER



YM&C

AGENDA

1. Brown Act
2. California Public Records Act
3. Conflict of Interest
4. Seven Habits of Highly Effective Governing Boards

YM&C

Understanding the Brown Act

YM&C

PURPOSE OF THE BROWN ACT

What Is the Purpose of the Brown Act?

- To Foster Broad Public Access

"... The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."



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MEETINGS

Brown Act Applies to Meetings of the Board

When any congregation of a majority of the members of the body meet to hear, discuss, deliberate, or take action on any item of Charter School business



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MEETINGS

Board Committees: Nearly all Committees Must Comply with the Brown Act

Exception Applies Only if All of the Following:

- Advisory Committee (not decision making)
- Composed of only Board members
- Less than a quorum of the Board
- Must not be a standing committee

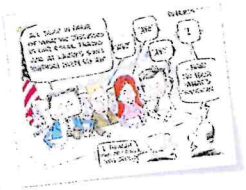
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MEETINGS

Serial Meetings

Serial Meetings Are Prohibited

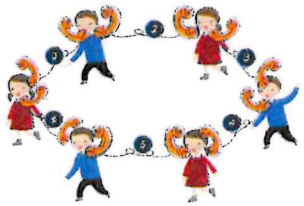
- Majority of Board members
- Engaging in a series of communications
- Outside Board meeting
- Through direct communications or intermediaries or technology
- To discuss, deliberate, or take action on any item of business (including relaying comments or position of other Board members)



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Serial Meetings

- Hub or Chain prohibited
- Technology may result in meetings at times you might not expect
  - E-mails
  - Text messages
  - Social media
  - Website postings
  - Online forums
  - Telephone calls
  - Faxes



One-Way Communications

- Emails from administration, attorneys, and others to the Board providing information to the Board
- Do not respond
  - Avoid serial meeting risk

Limit on Sharing Board Opinions/Positions Outside Agendized Meetings:

While an employee or official may engage in separate conversations or communications outside of a meeting with other members of the body in order to answer questions or provide information regarding a matter of School business, that person may not communicate to members of the board the comments or position of any other member or members of the Board.

Teleconference Meetings (Normal rules)

Six Additional Requirements:

1. Agenda must be posted at all teleconference locations.
2. Each teleconference location must be identified in the notice and agenda of the meeting.



Teleconference Meetings *(cont'd)*

3. All votes taken must be by roll call.
4. Each teleconference location must be accessible to the public. (ADA-compliance required.)
5. Members of the public must be able to hear and must have the right to address the Board directly from each teleconference location.
6. A quorum of the Board must participate from within the Charter School's "jurisdiction."

Signed by the Governor on September 13, 2022; effective on January 1, 2023

Amends the Brown Act teleconferencing rules to allow relaxed teleconferencing requirements for members' personal **emergencies** and for **just cause**

Allows teleconferencing without any obligation to

- Identify the teleconferencing location on the agenda
- Allow public access to the teleconferencing location

Member must participate through both audio and visual technology

Teleconferencing is available under these rules where one of the following circumstances applies:

- The member notifies the governing board at the earliest opportunity possible, up to the start of a regular meeting, for **just cause** up to twice per calendar year
- The member requests to participate in the meeting remotely due to **emergency circumstances** and the governing board takes action to approve the request.
  - A general description of an item generally need not exceed 20 words (no need to disclose medical diagnosis or disability, or any personal medical information that is already exempt under existing law)

"**Emergency circumstances**" means a physical or family medical emergency that prevents a member from attending in person.

"**Just cause**" means any of the following:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.
- A contagious illness that prevents a member from attending in person.
- A need related to a physical or mental disability as defined in law and not otherwise accommodated
- Travel while on official business of the governing board or another state or local agency.

JUST CAUSE/EMERGENCY TELECONFERENCING

Teleconferencing based on an **emergency** requires that:

- The member shall make a request to participate remotely as soon as possible.
- The member must make a separate request for each meeting in which they seek to participate remotely.
- If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting.

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JUST CAUSE/EMERGENCY TELECONFERENCING

Under no circumstances can a member participate in meetings solely by teleconference from a remote location for a period of more than:

- three consecutive months;
- 20 percent of the regular meetings within a calendar year; or
- more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

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JUST CAUSE/EMERGENCY TELECONFERENCING

Other requirements:

At least a quorum of members must participate in person from a singular physical location clearly identified on the agenda and which is open to the public and situated within the local agency's jurisdiction.

Members of the public must be provided a means to "remotely hear and visually observe the meeting, and remotely address" the governing board, " i.e., a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting.

Agenda must provide notice of how members of the public can access the meeting and provide public comment.

If the broadcast is disrupted, the board may not take action until remote access to the meeting is restored

Board cannot require public comments to be submitted in advance

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JUST CAUSE/EMERGENCY TELECONFERENCING

The member shall publicly disclose before any action is taken, if any individuals 18 years of age or older are present in the room at the remote location, and the general nature of the member's relationship with any such individuals.

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NOTICE REQUIREMENTS

Notice and Agendas

General Rule: The agenda shall be posted properly in advance of a meeting and must include a brief description of items to be transacted or discussed.

With a few exceptions,
if an item is not on the agenda,
the Board cannot discuss it.



NOTICE REQUIREMENTS

When?

- Regular meetings – 72 hours notice
- Special meetings – 24 hours notice
- Emergency meetings – 1 hour notice (rare)

Where to Post?

- Physically at a publicly accessible location within the jurisdiction during the entire posting period
- On the website – homepage with a prominent, direct link

RIGHTS OF THE PUBLIC

Rights to Enable Access and Participation

- Give oral testimony at meeting
  - Time limits
  - Addressing disruptive speakers
- Audio record and broadcast



RIGHTS OF THE PUBLIC

Rights to Enable Access and Participation *(cont.)*

- No conditions of public attendance
- Non-discriminatory facilities (reasonable accommodations under ADA)
- Copies of agendas and other public writings

CLOSED SESSIONS

What Are the Permissible Closed Sessions?

- Pending/Anticipated Litigation (conference with legal counsel)
- Personnel (appointment, employment, evaluation, discipline, dismissal)
  - Caveat: 24-hour written notice to employee is required if Board will hear complaints and/or charges



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CLOSED SESSIONS

What Are the Permissible Closed Sessions? *(cont.)*

- Conference with Real Estate Negotiator
- Conference with Labor Negotiator
- Public Security
- Pupil Discipline (Education Code)

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CLOSED SESSION

Requirements

- Use "Safe Harbor" agenda language (GC 54954.5)
- Prior to Closed Session:
  - Board Must Make a Public Announcement of Reasons for Closed Session Prior to Closed Session
- Public Must Have an Opportunity to Comment
- After Closed Session:
  - Board Must Make a Public Report of Action Taken in Closed Session and Vote or Abstention of Every Board Member
- Only necessary personnel may attend
- Confidentiality is required

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EXECUTIVE COMPENSATION

Executive Compensation

- Approval of CEO/Executive Director's compensation (and some others) must occur at a regular meeting
- Govt. Code 54953: Prior to final action, Board must orally report a summary of the recommendation for final action, including the salary, salary schedule, and fringe benefits, during the open meeting where final action will be taken.
- Final action in open session



YM&C

ENFORCEMENT

Complaints and Challenges

Notice of Concern

- Often brought by Charter Authorizer
- Short turnaround to respond
- Seek advice from legal counsel on response

Notice and Demand for Cure or Cease and Desist

- Can be brought by DA or member of the public
- Board must cure/respond within 30 days
- Seek advice from legal counsel on response

Public Records Act

PURPOSE OF THE PUBLIC RECORDS ACT

"In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (Govt. Code § 7921.000)

RECEIPT AND REVIEW OF REQUEST

A request may be in any form and does not need to reference the PRA.

Practice Pointers:

- Treat any request for records or information as a PRA request.
- Reduce verbal requests to writing, provide a copy to requester, and refer to administration.

What is the purpose of this request?

"This division does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure." (Govt. Code § 7921.300.)

"The [] motive in making the request is essentially irrelevant." *(Bertoli v. City of Sebastopol* (2015).)

Public Records

"Includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."

(Govt. Code § 7920.530)



Writing

"Any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." (Govt. Code § 7920.545)

"This definition is intended to cover every conceivable kind of record that is involved in the governmental process and will pertain to any new form of record-keeping instrument as it is developed. Only purely personal information unrelated to 'the conduct of the public's business' could be considered exempt from this definition. . ." (*Braun v. City of Taft* (1984).)





City of San Jose v. Superior Court (2017)

"A city employee's writings about public business are not excluded from CPRA simply because they have been sent, received, or stored in a personal account."

Must relate in some substantive way to the conduct of the public's business.



Factors:

- Content;
- Context and purpose;
- Audience to whom it was directed; and
- Was it prepared by an employee acting or purporting to act within the scope of his or her employment?

Are the records disclosable?

"The Act contains a number of exemptions from disclosure. Because of the strong public policy in favor of disclosure of public records, such records must be disclosed unless they come within one or more of the categories of documents exempt from compelled disclosure. . . .These exemptions are construed narrowly, and the burden is on the public agency to show that the records should not be disclosed." (*Rogers v. Superior Court* (1993).)

EXEMPTIONS

Pending Litigation (Govt. Code §7927.200.)

- Applies only during ongoing litigation.
- Prevents a litigant from using the PRA to gain **earlier/ greater access to** records outside of the rules of discovery.
- Protects documents specifically prepared for use in litigation.
- Settlements are generally disclosable.
- Attorneys' fees and invoices while litigation is pending.



EXEMPTIONS

Personnel, medical, or similar files:

"the disclosure of which would constitute an unwarranted invasion of privacy." (Govt. Code § 7927.700)



- Personnel records defined by content not location.
- Evaluations are exempt.

Investigative Reports:

Personnel exemption can be overridden if allegations being investigated are substantial in nature and well-founded. (*Marken v. Santa Monica Malibu Unified School District* (2012).)

PROCESSING RECORDS

EXEMPTIONS

Drafts

- Not kept in ordinary course of business; and
- Public interest in withholding outweighs public interest disclosure. (Govt. Code §7927.500.)



PROCESSING RECORDS

EXEMPTIONS

Records exempted by federal or state law (Govt. Code § 7927.705.):

- Attorney-client privileged:
  - Copying emails to attorney is not sufficient.
  - Investigations performed by your legal counsel.
- FERPA – identifiable student records.

Catchall exception (Govt. Code § 7922.000.):

Balancing test: Public interest in not disclosing vs. public interest in disclosure.



PROCESSING RECORDS

EXEMPTIONS

Deliberative Process Privilege

Protects pre-decisional discussions the disclosure of which would expose an agency's decision-making process discouraging candid discussion within the agency and undermining the agency's ability to perform its functions.

- Governor's appointment calendars and schedules exempt from disclosure. (*Times Mirror Co. v. Superior Court* (1991).)

POST PRODUCTION

- To enforce rights under the Public Records Act a requester must institute proceedings for injunctive/declaratory relief or seek a writ of mandate. (Govt. Code § 7923.000.)
- The court shall award court costs and reasonable attorneys' fees to the plaintiff should the plaintiff prevail in litigation. (Govt. Code § 7923.115.)
  - Plaintiff prevails if suit motivates disclosure.



POST PRODUCTION

- The costs and fees shall be paid by the public agency and shall not become a personal liability of the public official. (Govt. Code § 7923.115.)
- If the court finds that the plaintiff's case is clearly frivolous, it shall award court costs and reasonable attorneys' fees to the public agency. (Govt. Code § 7923.115.)

ELECTRONIC COMMUNICATION BEST PRACTICES

- Employees and board members should use school-issued email accounts for all communications touching on public business.
- Keep school-related email communication professional.
- Strongly discourage discussing public business on Facebook, Twitter, or other social medium.
- Discourage employees and board members from using text messages to communicate about public business.
- Encourage phone or in-person communication with board members and employees.
- Adopt records retention policy that addresses all records including email retention.

Understanding Conflict of Interest Laws

CONFLICTS OF INTEREST

Broad Definition

- A *conflict of interest* arises when an individual who has a private financial interest in the outcome of a corporate contract or a public decision, participates in the decision-making process or influences or attempts to influence others making the contract or decision.
- In short, a conflict of interest is a clash between an individual's duty to his or her office and his or her personal interests.

FINANCIAL INTERESTS

Common Types of Financial Interests Regulated by Conflict Laws

- Ownership or investment in business entity
- Investment in real property
- Source of income
- Source of gifts
- Effect on personal finances



☞ Financial interests of immediate family members of Board Members and employees typically <u>are</u> covered.

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GOVERNMENT CODE SECTION 1090

Elements

1. Public official (officer, board member, or employee)
2. Making a public contract (for sale or purchase)
3. Public official has a financial interest in the contract

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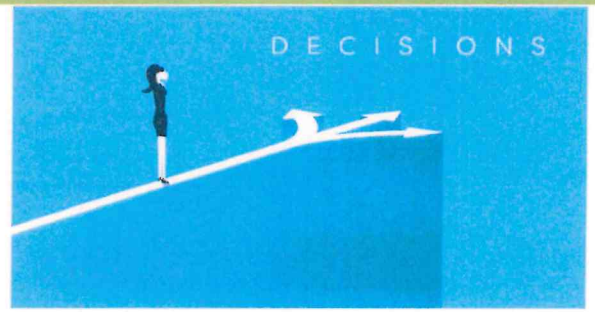
GOVERNMENT CODE SECTION 1090

What you need to know about Section 1090

- If board member has financial interest, the entire board is prohibited from entering into the contract; *even if it is with the <u>best vendor</u> at the <u>best price</u> and the interested board member abstains.* (Unless an exception applies.)
- Making a public contract is defined very broadly! Applies to earliest discussions, planning, solicitation for bids, etc., not just vote.
- Thus, this statute is, in most respects, the toughest standard to meet.
- Violation of GC 1090 is a felony and the contract void!

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POLITICAL REFORM ACT



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POLITICAL REFORM ACT

Big Picture

1. Public official
2. Participating in or attempting to influence a governmental decision
3. Public official has qualifying financial interest (*Includes spouse and children*)
4. Financial interest is material

The Official Must Recuse Him or Herself from All Parts of the Decision-Making Process

- Lots of very detailed regulations have also been adopted by FPPC.

YM C

COI CODE

Conflict of Interest Code

- States who must file the Form 700
- Assigns disclosure categories



YM C

FORM 700

Form 700

- Statement of Economic Interests
- When it must be filed:
  - Assuming or reappointment to office or position (within 30 days)
  - Once annually (by April 1st)
  - Leaving office or position (within 30 days)
- Penalties for failure to file:
  - Criminal charges by Atty General or District Atty for deliberate failure to file
  - Civil or administrative action by FPPC or private citizen

YM C

Form 700

Gifts

- General rule is that you cannot accept more than $590 from one source in a calendar year.
- General rule is that gifts worth more than $50 must be reported (one gift or aggregate gifts from same source in a calendar year).

1. Many exceptions to <u>both</u> general rules, the most common being:
   - Special Occasions – Birthdays, Holidays:
     - Can be gifts from anyone (other than lobbyists) if the gift giving and taking is proportional.
2. Inheritance

YM C

Form 700

Gift *(cont.)*

3. Family Members:
   - ☛ Spouse (or former spouse), child, parent, grandparent, great grandparent, grandchild, brother, sister, current or former parent-in-law, brother-in-law, sister-in-law, aunt, great aunt, uncle, great uncle, niece, great niece, nephew, great nephew, first cousin, or first cousin once removed, or the spouse of any such person. (other than a lobbyist)
4. "BFF's"- Long-term friendships:
   - ☛ Friends for a "period of time" and gift giving and taking must be proportional. (other than a lobbyist)
5. Dating – "bona fide" relationship (other than a lobbyist)
   - ☛ Returning or Donating Gifts vs. Reporting

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COMMON LAW ON CONFLICTS-OF-INTEREST

Prohibition Against Conflicts of Interest

- Public official engaging in transaction or influencing decision.
- Creating an appearance of impropriety (financial interest not necessarily required)

Doctrine of Incompatible Offices

- Public official holding two public offices simultaneously
- Offices are incompatible with each other (creating divided loyalties); overlapping jurisdictions

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NEW LAW! AB 2158

- Signed by the Governor on September 13, 2022, effective January 1, 2023; subject to a ramp up period for full compliance by January 1, 2026
- Existing law has required members and certain employees of cities and counties to engage in **two hours** of ethics training "relevant" to their public service" **every two years**
- AB 2158 adds charter schools to the list of **local agencies** subject to the biennial training requirement and extends the training obligation to members of charter school boards

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NEW LAW! AB 2158

"Ethics laws" include, but are not limited to, the following:

- (1) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.
- (2) Laws relating to claiming perquisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

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NEW LAW! AB 2158

Requirements

- The Fair Political Practices Committee and the Attorney General must be "consulted" in connection with the development of course materials
- Charter schools must provide their officials with information on how they can meet the training requirements at least once annually
- Charter schools must maintain records for at least five years after the training was provided indicating
  - The dates that officials satisfied the training requirements
  - The entit(ies) that provided the training

NEW LAW! AB 2158

Applicability

- Not applicable to board members whose terms will expire before January 1, 2026
- All other board members seated as of January 1, 2025 must receive the required training by January 1, 2026 and retrain at least once every two years thereafter

NEW LAW! AB 2158

Applicability

- What about charter school employees?
  - Are they an "[a]n employee designated by a local agency governing body to receive the training specified under this article?"
- What about training requirements in charters and MOUs?
- Does this training count towards the new "ethics training" requirement?

SUMMARY OF THE SEVEN HABITS OF HIGHLY EFFECTIVE GOVERNING BOARDS



THE 7 HABITS OF HIGHLY EFFECTIVE GOVERNING BOARDS

1. Establish Core Board Governance Policies
2. Avoid Managing & Instead Govern
3. Establish & Enforce Operational Norms as a Board
4. Only Recognize/Sanction Group [Board] Authority
5. Utilize Time Effectively & Efficiently
6. Continually Develop the Board Professionally
7. Comply with Public Transparency Laws & Maintain Core Policy Framework

1 ESTABLISH CORE BOARD GOVERNANCE POLICIES



1 ESTABLISH CORE BOARD GOVERNANCE POLICIES

❑ Role of the Governing Board

- Hires & Evaluating Executive Director
- Adopts School Policies Consistent with Law & Mission
  - Student Achievement
  - Safe Schools
  - Fiscally Sound Schools
  - Serves as Limited Appellate Body

1 ESTABLISH CORE BOARD GOVERNANCE POLICIES

❑ Role of Individual Board Members

- Understand Authority Rests with the Whole Board
- Act in Student-centered Manner
- Act with Dignity and Respect
- Comply with Legal Responsibilities

1 ESTABLISH CORE BOARD GOVERNANCE POLICIES

- Role of the Board Chair
  - Work Closely with Executive Director
  - Assist in Legal Compliance for Board/Board Members
  - Facilitate Effective and Lawful Board Meetings

YMC

1 ESTABLISH CORE BOARD GOVERNANCE POLICIES

- Role of the Executive Director/Administration
  - Promote Success of All Students
  - Act with Dignity and Civility in All Matters
  - Support Governing Board as Integral Team Member
  - Communicate Openly with Trust and Integrity
  - Maintain Accountability for All Members of Organization

YMC

1 ESTABLISH CORE BOARD GOVERNANCE POLICIES

- Oath of Office
  - Upon Taking Office, Board Member Affirms Duty to:
    - Always be Guided by what is Best for Students
    - Be Fair and Civil in All Interactions with Stakeholders
    - Keep Confidential Matters Confidential
    - Comply with All Legal Requirements/Fiduciary Duties
    - Refrain from Overstepping Authority
    - Tell the Truth

YMC

1 ESTABLISH CORE BOARD GOVERNANCE POLICIES

- Board Meetings
  - Process for Developing Agendas & All Related Compliance
  - Interaction with Members of the Public
  - Board Discussion/Action/Voting Process

YMC

2 AVOID MANAGING AND GOVERN



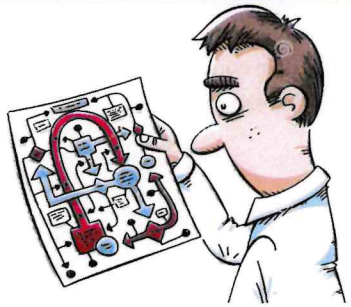
YMCA

2 AVOID MANAGING AND GOVERN

- ❑ Board Hires & Evaluates Executive Director
- ❑ Executive Director Manages All Staff and Day-to-Day Operations
  (How Will)
- ❑ Board Sets Policy Framework (How Well)

YMCA

3 ESTABLISH AND ENFORCE OPERATIONAL NORMS AS A BOARD



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3 ESTABLISH AND ENFORCE OPERATIONAL NORMS AS A BOARD

- ❑ Examples of Common Norms
  - Civility/Respect/Honesty in Transparent Communications
  - Maintaining Confidentiality Where Appropriate
  - Preparedness
  - Requests for Information

YMCA

3 ESTABLISH AND ENFORCE OPERATIONAL NORMS AS A BOARD

- Agenda Setting Process
- Public Comment Protocols
- Interactions with Executive Director/Staff
- Listen Openly/Look for Common Ground
- Spokesperson Limitations

4 ONLY RECOGNIZE/SANCTION GROUP [BOARD] AUTHORITY



4 ONLY RECOGNIZE/SANCTION GROUP [BOARD] AUTHORITY

- ❑ Course Correction is Essential to Hold All Board Members Accountable to Norms/Policies
- ❑ Course Correction Approaches are Case Specific & Range in Severity Depending Upon the Violation
- ❑ The Strongest Board is a Unified Board

5 UTILIZE TIME EFFECTIVELY AND EFFICIENTLY



5 UTILIZE TIME EFFECTIVELY AND EFFICIENTLY

- ❑ Remember the "Movie" Rule
- ❑ Talk About the Right Stuff
- ❑ Stick to Public Testimony Process/Timelines
- ❑ Stay On Topic
- ❑ Use Agenda Item Board Reports
- ❑ Ensure Board Chair and Executive Director Pre-meetings
- ❑ Facilitate Balanced Discussion in a Timely Manner (Board Chair)
- ❑ Deploy Consent Calendar When Appropriate

6 CONTINUALLY DEVELOP THE BOARD PROFESSIONALLY



6 CONTINUALLY DEVELOP THE BOARD PROFESSIONALLY

- ❑ Professional Development is an Ongoing Process
- ❑ Find Ways You can Develop Yourself and the Board as a Whole
- ❑ Consider Self-Evaluation Process

7 COMPLY WITH PUBLIC TRANSPARENCY LAWS & MAINTAIN CORE POLICY FRAMEWORK



7 COMPLY WITH PUBLIC TRANSPARENCY LAWS & MAINTAIN CORE POLICY FRAMEWORK

- Open Meeting Law (Brown Act: Government Code Section 54950 et seq.)
- Conflicts of Interest Laws
  - Government Code Section 1090 (Prohibits Contracts if Conflict of Interest)
  - Political Reform Act (Requires COI Code Form 700 Disclosures and Allows for Recusals)
- Public Records Act

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THANK YOU

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QUESTIONS?

ymclegal.com | 916.646.1400



Board Policy # ____

POLICY GOVERNING THE USE OF
TRADITIONAL AND VIRTUAL TELECONFERENCING OPTIONS
UNDER THE RALPH M. BROWN ACT

1. Overview

As of January 1, 2023, and through January 1, 2026, members of the governing board (the "Board") of [redacted] (the "Charter School") will have two options for remote attendance at Board meetings held under the Ralph M. Brown Act ("Brown Act"): **traditional teleconferencing** and **virtual teleconferencing**. (In-person attendance requirements remain as they have always been under the Brown Act.) Traditional teleconferencing means pre-COVID Brown Act requirements. Virtual teleconferencing means relaxed virtual attendance rules under Assembly Bill 2449 (2022). The key features for each remote attendance option are as follows:

	Traditional Teleconferencing	Virtual Teleconferencing
Agenda Requirements	All teleconference locations where board members are participating must be identified on the agenda (e.g., board member's home address, office, hotel, rented space, etc.) Agenda must be posted at each teleconference location, within the legal timeline.	Agenda must identify means by which the public can attend the board meeting, both (i) in-person and (ii) through video conferencing/webcasting and telephonically. Locations of board member(s) participating virtually are not agendized. Agendas need not be posted at teleconference location(s).
Accessibility Requirements	Public has the right to physically attend each teleconference location; must be accessible per Americans with Disabilities Act (ADA) standards.	Public has the right to participate at the agendized physical meeting location(s) or through videoconferencing/webcasting and telephonically, but no right to attend location(s) where board member(s) are participating virtually.
Quorum Requirements	Teleconference locations may be anywhere, so long as a quorum of board members are participating from one or more agendized location(s) anywhere within the charter school's jurisdiction (Los Angeles County).	Board members may participate virtually from anywhere, so long as quorum of board members are participating from a singular physical location within the charter school's jurisdiction, e.g., the charter school campus.
Board Member Reasons for Utilization	Board members may use traditional teleconferencing for any reason.	Board members may use virtual teleconferencing only for specified just cause reasons as defined by law or physical or family medical emergencies.
Limits on Utilization	No limits in law; provided all other requirements are satisfied, and subject to board policies and procedures, board members may participate in board meetings via traditional teleconferencing without limit.	Limited; each member may participate virtually up to 2 times per calendar year for a board that regularly meets less than 10 times per calendar year, or 20% of regular meetings (inclusive of no more than two regular/special meetings for "just cause"); virtual participation may not exceed three consecutive meetings (regular/special).
Approvals Required	Per Board policy: Board Chair determines whether teleconference locations will be agendized.	Virtual participation for emergency circumstances is subject to board approval; virtual participation for just cause is allowable if eligibility requirements are satisfied.
Advance Notice Requirements	Per Board policy: Board member must provide notice sufficiently in advance of the agenda posting deadline to the Board Chair to consider and agendize the teleconference location.	Board member must provide notice of need to participate virtually to the Board Chair and the Executive Director at earliest occasion; however, requests not submitted prior to publication of agenda may be considered at the meeting.

The purpose of this policy is to identify the requirements, considerations, and procedures for Board members to participate in meetings via traditional teleconferencing and virtual teleconferencing.

2. Key Considerations

The Board finds that maintaining its meeting schedule, achieving quorum, and compliance with the Brown Act are fundamental to the conduct of its affairs. While it is the Board's strong preference that members attend each meeting on campus, it is the Board's policy that members may utilize teleconferencing as necessary to ensure their regular participation in meetings to the greatest extent possible. Teleconferencing may not be utilized, however, to the extent doing so would impede the Board's ability to hold meetings, e.g., where it would prevent the Board from achieving quorum requirements.

The Brown Act allows for the utilization of **traditional teleconferencing** for *any* reason, but it is the Board's expectation that traditional teleconferencing should be used only when meeting attendance on campus is impractical, infeasible, ill-advised, or unsafe for a personal, family, or work-related reason. If a member is unable or unwilling to participate in a meeting using traditional teleconferencing, or it is impractical or unfeasible to do so, members may participate via virtual teleconferencing in the event of circumstances constituting just cause or an emergency, as identified below.

Virtual Participation: **Just Cause** Reasons	Virtual Participation: **Emergency Circumstances**
• A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the member to participate remotely. • A contagious illness that prevents a member from attending in person. • A need related to a physical or mental disability as defined (see addendum for definitions) and not otherwise accommodated (e.g., through reasonable accommodations provided consistent with the Americans with Disabilities Act). • Travel while on official business of the Board or another state or local agency.	• A physical or family medical emergency that prevents a member from attending in person.

Compliance with Teleconference Quorum Requirements

As demonstrated in the examples below (for a five-member board requiring a three-member quorum), whether either teleconferencing rule may be utilized depends on the threshold matter of whether the Board will be able to satisfy the teleconferencing quorum requirements:

(1) Traditional Teleconferencing	**Allowable**. As long as a quorum is meeting anywhere

• Two board members are meeting at the school, and one member is meeting at a different location in the jurisdiction, as agendized. • One member is participating through traditional teleconferencing from Colorado; one member is participating through traditional teleconferencing from Georgia, as agendized.	in the jurisdiction, other members may participate anywhere via traditional teleconferencing anywhere. All teleconference locations must be listed in the agenda, and the agenda must be posted at all teleconference locations.
(2) Traditional Teleconferencing • One board member is meeting at the school • One member is meeting at a different location in the jurisdiction, as agendized. • One member is participating through traditional teleconferencing from Colorado. • One member is participating through traditional teleconferencing from Georgia, as agendized. • One member is absent.	**Not Allowable**. A quorum of the Board must be present in the Charter School's jurisdiction for traditional teleconferencing to proceed. Here, only two Board members are present in the jurisdiction.
(3) Virtual Teleconferencing • Three members are meeting at the school (a quorum). • One member is participating virtually from Georgia for a just cause reason. • One member is participating virtually from Colorado due to an emergency.	**Allowable**. Because a quorum is meeting at the same location within the jurisdiction, other members may participate anywhere, via virtual attendance rules. The Board must provide for the public to attend in-person, and by video, or webcast with telephonic access.
(4) Traditional/Virtual Teleconferencing Hybrid • Three members are meeting at the school (a quorum). • One member is participating via traditional teleconferencing in Colorado, as noticed on the agenda. • One member is participating virtually due to an emergency, which was not agendized.	**Allowable**. Because a quorum is meeting at the same location within the jurisdiction, other members may participate anywhere via teleconferencing through the traditional or virtual attendance rules.
(5) Traditional/Virtual Teleconferencing Hybrid • Two board members are meeting at the school. • One member is meeting at a different location in the jurisdiction, as agendized. • One member is meeting at a different location in Georgia, as agendized. • One member requests to participate virtually due to an emergency or just cause.	**Not Allowable**. Virtual participation rules cannot be used unless a quorum is meeting at a singular physical location in the charter school's jurisdiction.

3. Before the Meeting

Member Request to Participate via Teleconferencing

To ensure that the Board can achieve quorum and that a meeting may proceed as scheduled, it is important that members seeking to participate via teleconferencing make their requests as soon as possible prior to the publication of the relevant meeting agenda. The Board Chair shall be responsible for decisions on agenizing teleconferencing-related matters.

A member wishing to participate remotely under the traditional teleconferencing rules or under the virtual participation rules shall utilize the following email templates, sending their request to the Chair or Secretary of the Board, and copying the Executive Director.

Traditional Teleconferencing Request

To the Chair of the Board:

*I am requesting to participate in the Board meeting(s) scheduled on [*dates*] through traditional teleconferencing under Government Code Section 54953(b). My teleconferencing location will be [*address*], [*city*], [*county*], [*state*], [*zip*]. This location will be open and accessible to the public, including to members of the public with disabilities consistent with the requirements of the Americans with Disabilities Act. I understand that if I am permitted to participate via traditional teleconferencing that this address will be included on the posted meeting agenda(s), and that I am responsible for posting a copy of the agenda at this meeting location during the agenda posting period. I understand that I must allow members of the public to hear and observe the meeting from the teleconference location, and address the Board during designated public comment period(s).*

[Board member name]

Just Cause Virtual Teleconferencing Request

To the Chair of the Board:

I intend to participate virtually in the meeting on [date] for just cause pursuant to Government Code Section 54953(e)(2)(A)(i)[1].

I am providing the following general description of the circumstances related to my need to appear remotely at the meeting:

[choose one:

- *A childcare/caregiving need for my [see list above of qualifying relatives]*
- *A contagious illness that prevents me from attending in person*
- *I have a disability within the meaning of Government Code Section 54953(j)(2)(C) which cannot be readily accommodated at an in-person meeting.* [see definition of physical and mental disability in addendum]
- *I am required to travel on official business of [the Board]/[a state agency]/[a local agency].]*

I have not participated virtually in a meeting during this calendar year for just cause on more than two occasions, nor have I participated virtually for the greater of two or 20% of regularly scheduled meetings during this calendar year, nor have I participated virtually for the three immediately preceding meetings.

*[*Board member name*]*

[1] Until January 1, 2024, Government Code Section 54953(e) is codified as Section 54953(f). All references to Section 54953(e) in this Policy shall be treated as Section 54953(f) until January 1, 2024.

Emergency Virtual Teleconferencing Request

(a separate request shall be made for each board meeting at which a member wishes to participate virtually due to an emergency)

To the Chair of the Board:

I am requesting that the Board approve my virtual participation at the meeting scheduled for [date] pursuant to Government Code Section 54953(e)(2)(A)(ii) due to a personal emergency.

*I am providing the following general description of a [*physical*]/[*family*] medical emergency that prevents me from attending in person:*

[insert brief description not to exceed twenty words; the description need not contain confidential medical information]

I have not participated virtually for the greater of two or 20% of regularly scheduled meetings, overall, during this calendar year, nor have I participated virtually for the three immediately preceding meetings.

*[*Board member name*]*

Based on the request(s) received, the Board Chair shall determine whether quorum requirements for a given meeting are expected to be achieved, assess Board member participation and eligibility for participation via teleconferencing, inform the requesting Board member of the same, and in coordination with the Executive Director, prepare the agenda consistent with the template language below.

If under the circumstances, a member is not able to submit a request to participate virtually for a physical or family medical emergency, or for just cause, prior to the publication of the agenda, including up until the start of a regular meeting, the Board may nonetheless take up the member's request at the start of the meeting by following the procedures described below.

Agenda Requirements

Standing Board Agenda Language

Because Government Code Section 54953(e)(2)(A) provides that a Board member may request to participate in a meeting virtually after the time the agenda has been posted, and the public has the right to attend virtually if at least one member participates virtually, **all Board agendas published after January 1, 2023 should include language allowing for the public to access the meeting via videoconferencing/webcasting (with a dial-in option)**:

One or more board members may qualify to participate in the meeting virtually without agendizing their location pursuant to Government Code Section 54953(e). *Such circumstances, to the extent not agendized, will be addressed following roll call. In the event one or more board members participates virtually under Section 54953(e), members of the public may attend and address the Board during public comment period(s) at the meeting location(s) identified above, and may also attend virtually and address the Board during public comment period(s) by logging into _____, and/or by dialing _____.*

If a Board member seeks to participate in a meeting virtually, and the agenda has not provided information on how the public may attend and participate via videoconferencing/webcasting and a dial-in option, the member may not attend the meeting virtually.

Agenda Language Based on Type of Participation

If a Board member requests to participate through traditional teleconferencing or virtually, the agenda shall include the following information:

Traditional Teleconferencing

Each teleconferencing location must be identified on the agenda. No action is required to approve or explain the member's participation via traditional teleconferencing at the meeting.

Virtual Teleconferencing – Emergency

Add the below action item(s) after roll call:

> Member [name] has made a request to the Board to participate in the meeting virtually pursuant to Government Code Section 54953(e) due to circumstances constituting an emergency: [describe] [Do not reveal confidential private medical information.] The Board shall consider approving the request on the basis that Member [name] has (1) provided an adequate emergency reason for participating remotely under Section 54953(e); (2) has not exceeded the cap for participation under Section 54953(e); and (3) that a quorum of members is participating at a singular physical location within the jurisdiction.

Virtual Teleconferencing – Just Cause

No language is required to be added to the agenda reflecting participation by a Board member for a just cause reason.

Agenda Posting

- Traditional teleconferencing: agenda must be posted in the jurisdiction for the entire posting period (e.g., 72 hours for a regular meeting) and at each teleconference location.
- Virtual teleconferencing: agenda must be posted in the jurisdiction for the entire posting period.

4. At the Meeting

Check Eligibility for Virtual Teleconferencing

The Board shall confirm the below circumstances prior to allowing a board member to attend a meeting virtually due to a just cause or emergency reason:

1. Confirm Eligibility	Has the member articulated a valid just cause or emergency basis to participate virtually? (See definitions above.)
2. Check the Member's Virtual Attendance Record	Is the member within the numerical cap for virtual participation? (Check the tracking document, template below.)

3. Ensure Quorum requirements Are Met	Is a quorum of the Board participating at the same physical singular location within the Charter School's jurisdiction?

If the answer to each of the above questions is "yes," the board member should qualify to attend the meeting virtually. If the answer is "no" to one or more of the above questions, the member must be treated as absent and may not participate in discussing or voting on any item.

After roll call, the Board Chair shall utilize the scripts below to create a record of eligibility. During roll call, a member seeking to participate virtually may be considered provisionally present, subject to confirmation of their eligibility to participate virtually as addressed below.

Script: Confirm Eligibility on the Record

Just Cause

Conditions Satisfied:

Member [name] informed the Board that they intend to participate in the meeting virtually pursuant to Government Code Section 54953(e) due to circumstances constituting just cause. I confirm that Member [name] has (1) provided an adequate just cause reason [describe briefly]; (2) has not exceeded the cap for participation under Section 54953(e); and (3) that a quorum of members is participating at a singular physical location within the jurisdiction.

Conditions Not Satisfied:

Member [name] informed the Board that they intend to participate in the meeting virtually pursuant to Government Code Section 54953(e) due to circumstances constituting just cause. However, Member [name] is not eligible to participate remotely because (1) they have not provided a valid just cause reason; AND/OR (2) they exceeded the cap for participation under Section 54953(e); AND/OR (3) a quorum of members is not participating at a singular physical location within the jurisdiction.

Emergency Reason

[If request was not agendized, state: After the agenda for this meeting was posted, and without sufficient time to place the proposed action on the posted agenda for this meeting…]

Member [name] made a request to the Board to participate in the meeting pursuant to Government Code Section 54953(e) due to circumstances constituting an emergency of the following nature: [describe briefly without relaying personal confidential information.] The Board shall take action to approve the request and confirm that Member [name] has (1) provided an adequate emergency reason; (2) has not exceeded the cap for participation under Section 54953(e); and (3) that a quorum of members is participating at a singular physical location within the jurisdiction.

[If the member does not qualify or the conditions for virtual teleconferencing are not satisfied, state them on the record. A member should make a motion that the request for the member to participate remotely be approved or not approved, as applicable.]

After Confirming Eligibility to Participate via Virtual Teleconferencing

- Ensure that each virtual teleconferencing member's eligibility is reflected in Board minutes, as well as the Board's vote (as applicable) to allow virtual teleconferencing.
- Update the Virtual Attendance Tracker (see attached template) to reflect each member's virtual attendance.

Reminders: Traditional Teleconferencing Requirements

- Member must post a copy of the agenda outside of the teleconference meeting location and admit any member of the public seeking to attend.
- Member may participate via audio only, or audio and visual, but any members of the public attending the teleconference location must be able to listen and observe the meeting.
- All votes must be by taken by roll call.
- Any members of the public attending the teleconferencing location must be allowed to provide public comment and address the board at designated times for public participation.

Reminders: Virtual Participation Requirements

- All votes must be by taken by roll call.
- Member must announce any individuals over the age of 18 present with them in the room prior taking any action, and a general description of their relationship to the individual (e.g., spouse, colleague, parent, etc.).
- Member must participate via both audio and visual means.
- The Board must ensure that members of the public are able to see and hear the meeting through videoconferencing or a webcast of the meeting, and a dial-in option for audio. If access/broadcast is disrupted, Board must not take any action until access is restored.
- Any members of the public participating via videoconferencing/webcast/dial-in must be allowed to provide public comment and address the board at designated times for public participation.

Board Policy # ____

Virtual Attendance Tracker Template

[Does Not Apply to Members Participating Via Traditional Teleconferencing]

Board members may not participate virtually in a meeting in excess of the statutory caps during the course of a calendar year. The purpose of this document is to assist the Board in tracking member participation and ensuring compliance with applicable caps.

Calendar Year: January 1, 2023 to December 31, 2023

Number of Regular Meetings Scheduled During the Calendar Year	Example: 11
Maximum Number of Regular Meetings a Member May Participate Virtually Per Calendar year (2 times, if the Board regularly meets less than 10 times per calendar year, or 20% of regular meetings)	Example: 2

Instructions

Each time a member participates virtually, the Board Secretary shall notate the meeting date, the meeting type (regular or special) and whether the reason was for "just cause" or an emergency, file a copy of the member's request with this tracker, and note the approval in the meeting minutes.

Using this chart allows the Board to determine whether during the calendar year:

- A member has already utilized two "just cause" participations (regular/special meetings)
- A member has already participated virtually for three consecutive meetings (regular/special meetings)
- A member has already participated virtually for two meetings (if the Board regularly meets fewer than 10 times per calendar year) or 20% of regular meetings

Calendar Month	Meeting Date*	Meeting Type (Special/Regular)	Member(s) Participating for Just Cause	Member(s) Participating for Emergency Reasons
January				
February				
March				
April				
May				
June				
July				
August				
September				
October				
November				
December				

*Must add a row to track attendance at any additional meetings held in the same calendar month.

OCC Bylaws

Approved by OCC on 10/21/2020

Approved by UCEN on 10/27/2020

Article Ⅰ - Name

The name shall be Oasis Community Council (OCC)

Article Ⅱ - Purpose

The purpose of the OCC is to strive to support and advocate for our children by partnering with staff, families, and the wider community to create a safe and healthy learning environment where students can excel and feel confident in themselves.

OCC is a group of parents that are dedicated to helping the school. We collaborate with administration, teachers, and parents to create events, fundraisers, and community building events. It is a group where you can bring your ideas, give your feedback, and volunteer. You do not need to be a voting member to be a part of the OCC committee. All are welcomed so bring your ideas, enthusiasm and your willingness to participate.

Article Ⅲ - Authority

The OCC is defined and mandated by the OCPS (Oasis Charter Public School) Charter. Specified roles, operations, and governance are further clarified through the OCC Bylaws as approved by the UCEN and include the following:

The UCEN Board of Directors reserves the right to alter the size and or composition of the Oasis Community Council. The Board of Directors of UCEN maintains the right to veto any decision of the OCC by a majority vote of the members of the UCEN Board of Directors. The OCC president shall serve as a liaison between the OCC and the UCEN Board of Directors. Oasis maintains in effect the general liability and board error and omissions insurance policies.

1. **Responsibilities of the Council**

a. Create bylaws (subject to approval by the UCEN Board for Directors) for the operation of the OCC
b. Recommend to the UCEN board amendments to the OCC bylaws
c. Identify need for additional policies which affect the school
d. Collaborate with the Executive Director to create an annual budget, subject to approval by the UCEN Board of Directors
e. Create and supervise *ad hoc* committees as needed. These *ad hoc* committees may include but shall not be limited to (a) community building activities (b) enrichment programs (c) field trips (d) fundraising (e) recreation

Article IV - Membership and Composition

Oasis Community Council meetings are open to all OCPS (Oasis Charter Public School) communities and the public. The family must not hold two positions such as President, Vice President, Secretary, or Treasurer at the same time. The family must not both be signers of the bank account. Voting members of the OCC are the only members who are eligible to vote.

1. **Composition of the Council**
    a. Voting members (each carry one vote):
        i. One teacher or other staff member elected by the staff.
        ii. Ten parents, Guardians, or primary caretakers and four alternates (with ten votes amongst them)
    b. Non-Voting members may include but are not limited to:
        i. The Executive Director, or his/her designee
        ii. OCC past President (s)
        iii. All adult members of the OCPS (Oasis Charter Public School), all are encouraged and welcomed to attend OCC meetings
        iv. Any Students wishing to address the council on student update, event idea/ planning, comments about OCC events, announcements, or any other information.
2. **Elections to the Council**
    a. During the required school community "All Family Meeting in the fall, elections shall be held to fill any council vacancies.
    b. Nominations
        i. Families shall be notified of potential council vacancies through Parent Square. Nominations shall be taken at least 1 week prior to the evening of the fall All Family Meeting, allowing ample opportunity to voice their desire to run for elected Council position.
    c. Election Procedures
        i. Nominees shall be introduced at the All Family Meeting prior to collection of secret ballots at which time the nominees shall publicly disclose any familial or financial relationship he or she has to any OCC, UCEN Board member, and/or Oasis employee

ii. All individuals who are interested in running for a position on the committee will be listed on the ballot. Voters will be directed to place a check mark on the preferred candidates up to the number of open positions. Ballots will be distributed at the beginning of the All Family Meeting and collected at the end of the meeting. Ballots with more check marks than announced openings will be considered invalid.

iii. Positions will be filled by the candidates receiving the greatest number of votes in ascending order until all vacant positions are filled. Voting positions will be filled first and the alternate positions. Votes will be counted by the OCC president, a member of the OCPS (Oasis Charter Public School) not running for membership and one member of OCPS (Oasis Charter Public School) staff

iv. In case of a tie the OCC will conduct a runoff between the candidates in question.

d. Terms
   i. Term Length: 2 years
   ii. Failure to attend 3 consecutive regular meetings without cause shall constitute forfeiture of council seat and any Office title held.
   iii. Failure to complete duties may result in being removed by majority vote of the council.

e. Vacancies
   i. Any midterm vacancies of any elected council seat will be filled by one of the voting or alternate members, elected by the voting members of the council. The intern member shall serve until the next regularly scheduled election.
   ii. Any officer position that is open can be filled at the next regular OCC meeting by current voting and alternate OCC members. Positions cannot be filled at a special meeting.

Article V - Members, Officers, and Elections

1. **Officers**
   a. Officers shall be selected from the voting and alternate members of the OCC. Officer positions will be limited to two consecutive terms subject to re-election for additional 2 years. All officers must sign a Job Description agreement found In the Presidential Binder, Digital records must be held in an OCC file, at the time of accepting the position.
      i. **President**
         1. Eligibility: May only be held by a voting member
         2. Term Length: 2 years
         3. Duties:
            a. Create regular Agendas 1 week prior to meeting with number or letter bulletins on agenda Items

b. Send Agenda to the Oasis Director no later than 1 week prior to a Regular meeting date. 3 days prior to a Special Meeting, if possible.
c. Alert Oasis Director when OCC regular, Special, and Emergency meetings are being scheduled as soon as they are planned.
d. Receive Admins Agenda items and add them to Agenda
e. Post agenda within the appropriate time frame depending on type of meeting prior with attachments
f. Send Oasis Approved Minutes within 2 days after approval
g. Serve as a facilitator for all OCC meeting
h. Give a small update on any OCC events at UCEN board meetings
i. Document when, where, and why a member receives a warning or action of removal due to
    i. Inappropriate behavior
    ii. Inability to complete jobs specified in a given position
j. Refer to binder for more job description, responsibility, and Sign the job agreement at the end of the description sheet.
k. Sample Agenda:

Template of Agenda:

Oasis Community Council (OCC)
(type of meeting) Monthly/ Regular, Special, Emergency
Date

Time:
Place:
(This is where You would add a Video Conference access code)

1. Call to Order:___:____(am/pm)
2. Welcome by President
3. Announcements
4. Roll Call:
    a. Voting Members and Officers
    b. Alternative Members
    c. Guests
5. Public Comments
6. Consent Agenda
    a. Adoption of Agenda

b. Minutes (date)
7. Student Update
8. Admin Update
9. Teacher Update
10. Treasurer Report
11. Discussion Items:
12. Action/ Resolution Items:
13. Future Agenda Item topics:
14. Announcements of The next meeting Dates of UCEN, Delac, and OCC
15. Adjourn: ____:____(am/pm)

*End of Sample Agenda

ii. Vice President

1. Eligibility: May only be held by a voting member
2. Term Length: 2 years
3. Duties:
    a. Assist the president in duties assigned
    b. Organize and maintain the fundraising binder
    c. Keep track and be in charge of the OCC credit card
    d. Assume the responsibility of the President in their absence.
    e. Make sure the Secretary and Meeting speed are cohesive.
    f. Keep Meetings on track with Agenda and Time.
    g. Refer to binder for more job description, responsibility, and Sign the job agreement at the end of the description sheet.

iii. Treasurer

1. Eligibility: May only be held by a voting or alternate member
2. Term Length: 2 years
3. Duties:
    a. During Meetings
        i. Have accounting Up to date and available for every meeting
        ii. Report any changes from the last OCC meeting during sections "Treasurer Report".
        iii. Present at any other times of the year when requested by the UCEN
        iv. If a handout is to be present, the Treasurer must have a copy available for meeting attendees and send to the president in time for it to be attached to the agenda.
            1. In the event of a video conference, Treasure must attach a typed report if there is anything to report/ show/ handout

v. In the event the Treasurer can not attend, Treasure must give a report to the President via email to handout during the Meeting.

b. Record Keeping
   i. Treasurer should have basic knowledge of using Google Sheets/ Excel or be willing to train self before accepting the job.
      1. Oasis requires the Treasurer to maintain expense and funds raised report on Google sheets as of 2018 - 2021 controlled by an Appointed Office staff from Oasis.
   ii. Treasurer is to be present and assist in planning any and all budgets and keep records.
   iii. Receive copies of all bank transactions
   iv. Keep an accurate record of receipts and expenditures
      1. Ask those who purchase to do so separately from personal purchases
         a. In the event separate purchases did not happen, highlight receipt of which items are an OCC purchase and note the total of OCC purchase, including TAX, for refund.
      2. Picture or scanned copy digitally saved and sent, clearly marked the purpose of the purchase, to OCC's digital dropbox (Drive, email, etc., previously set up and approved by OCC and Oasis)

Email: Example:

Subject: 2020-2021 OCC Event - BBQ Receipt
Detail: Salad - $20.00
Attach Image

   v. Keeping such records may be kept on Google sheets/ Excel or a program alike decided by OCC council and Oasis.
   vi. Pay out funds in accordance
   vii. Make a full report by the end of the school year.
   viii. In the absence of the President and the Vice President, treasure shall assume their responsibilities in their absence.
   ix. Spreadsheet Requirements
      1. Title of OCC and Year
      2. Starting Balance

3. Month of event / Detail / Budget / Expense / Revenue/ $ representation of Donations
4. If the Event falls under a Fundraiser indicate by FR in front of the name
    a. Example: BBQ would be marked "FR: BBQ"

Spreadsheet Template Example:

OCC Accounting 2020-2021						
	2020/2021 Balance				$10,069.41	
September	Detail	**Budget**	**$ Unused**	**Expense**	**Revenue**	Donations in $ amount
26th	Pizza for Plant Activity	$ 400.00	$ 126.87	$ 273.13	$ -	$20.00
	TOTAL	**$ 400.00**	**$ 126.87**	**$ 273.13**	**$ -**	$20.00
October	Detail	**Budget**	**$ Unused**	**Expense**	**Revenue**	Donations in $ amount

c. Refer to binder for more job description, responsibility, and Sign the job agreement at the end of the description sheet.

iv. Secretary

1. Eligibility: May be held by a voting or alternate member
2. Term Length: 2 years
3. Duties:
    a. Prepare and distribute meeting minutes of all OCC meetings within 3 days of meeting for review.
    b. Maintain an accurate contact list of all voting and alternate members (name, position, email address, phone numbers)
    c. Maintain an OCC binder with all the agendas, handouts, and meeting minutes to pass on to the next person to serve in office
    d. Maintain and hold attendance sheets in the binder, other duties as assigned
    e. Must have Copy of Agenda prior to meeting Must have copies of Agenda prior to meeting for attendees
        i. In the event the meeting is held via video conference, must provide digital copy to attendees

via virtual mail system prior to the meeting start time.

f. Call to order time recorded at the top of the minutes
g. Adjourn time at the bottom of the minutes
h. Roll call stated on minutes of everyone present including late arrivals: time stamp when someone had arrived.
    i. Video conference meetings: All attendees, roll call and guests, must be recorded on the minutes since the sign in sheet cannot be passed around.
i. Sign in sheet: everyone must sign in, even late arrivals. Secretary is to pay attention to anyone who comes in to insure they sign in.
j. In the event of a meeting being conducted out of order: Notes should follow the agenda, but the secretary must note that the meeting was held as such in announcements.
k. Notes on each Agenda topic.
l. Any comments recorded should be clearly labeled as a comment.
m. All Discussion/ Action topics have notes and votes recorded
n. Copies of all handouts given during meetings by anyone placed in the secretary binder: Ask for them to be emailed before the end of the meeting if hard copies are not available.
o. OCC, DELAC, and UCENs next meeting dates that are announced are recorded

4. Other Duties:
    a. a. Type and send minutes within 3 days after the meeting to the OCC Drive under the Secretary Folder or in hand to the President.
    b. All Secretary documents must be present and accessible at every meeting.
    c. All Secretary documents must be kept in physical and digital form with access at any time requested during a meeting or within a set time frame
    d. Keep track of minutes approvals and which agenda they were approved on
    e. Keep track of Every OCC meeting dates whether the secretary was able to attend or not.
        i. Monthly
        ii. Special
        iii. Emergency
        iv. Video conference

v. Extra - side meetings

f. Refer to binder for more job description, responsibility, and Sign the job agreement at the end of the description sheet.

2. **Officer Elections**
    a. Officers shall be elected by consensus of the first OCC meeting following the Fall All Family Meeting and general election. They shall take office following the meeting.
    b. Each person elected shall hold only one office at a time
    c. Upon the president's term ending, The OCC president for the next term shall be elected at the final meeting of the school year.
3. **Vacancies**
    a. Any vacancies of any officer positions during the school year shall be filled by vote of the counsel at a regularly scheduled meeting.
4. **Removal from Office**
    a. Officers can be removed from office with cause by two-thirds vote of those present (assuming quorum) at a regular meeting.

Article VI - Meetings

1. **Regular Meetings**
    a. The regular OCC meetings shall be held the first week of each month during the school year with the exception of November and June due to elections. Meetings shall be held at 6:00p.m or at a time and place determined by the OCC.
    b. Oasis Community Council meetings are open to the public.
    c. Notice of all regular meetings shall be posted in the school bulletin and parent square at least 72 hours prior to the meeting.
    d. Members are requested to notify any Officer at least 24 hours in advance if unable to attend.
2. **Special Meetings**
    a. Special meetings may be called by the President, or any of the five members of council.
    b. Notice of all Special meetings shall be posted in the school bulletin and parent square at least 24 hours prior to the meeting.
    c. The President, Vice President, or One of the five members may post the agenda.
3. **Emergency Meetings**
    a. Emergency meetings may be called at the discretion of the President or any of the five voting members with 1 hour notice.
    b. The President, Vice President, or any of the five members of council may post the agenda.
4. **Quorum**
    a. Fifty percent of the current membership of the council shall constitute a quorum. Members may attend in person, via conference call or via video conference.
    b. Quorum must be met to vote on any issues.

c. In the event of meetings having to be held via video conference; All officer positions are to be conducted the same. All attendees must be recorded on the minutes with time stamps, including early leaving and late arrivals. Video conference meetings must be recorded and available upon request.

Article VII - Committees

Committees may consist of OCC members, Staff members, board members as well as any parents/guardians of currently enrolled students at Oasis, with the President acting as a non-official member of all committees. Committees serve at the pleasure of the council and are accountable to the council for their work. All activities planned by committees are subject to approval by the Oasis Community Council (OCC). The OCC may create and supervise ad hoc committees as needed.

Article VIII - Finances

OCC shall adopt and follow fiscal policies that are approved by UCEN board of directors

1. Bank Account
    a. All Funds raised during the school year 2019-2020 have been deposited into a sub account with Oasis at Mechanics Bank.
    b. The full amount deposited to the account during 2019-2020 will then be used by OCC to deposit and purchase as needed for 2020-2021 and years following.
        i. To continue usage of the account by OCC, a budget plan must be created at the start of every school year by OCC and presented to UCEN for approval at the UCEN meeting.
            1. If the UCEN board of directors fails to meet before the first expense of OCC, OCC may use the account and reflect the expense of the budget plan. Example: OCC monthly meeting on 8/26/19 $ 200 spent.
        ii. Overall spending must stay within the overall Budget amount presented to the UCEN. OCC may revise the budget mid-year to be evaluated by UCEN.
        iii. All purchases will be done by at least one Officer and one voting member of the OCC. All receipts will be signed by the OCC Officer. Any and all things purchased will be approved by two members of the OCC. Finances will be reviewed and approved on the agenda.
        iv. Card holders must be OCC's President, Vice President, or any officer voted by council.
2. OCC will present a monthly financial report to the UCEN board of directors for review.
3. OCC will use funds for:
    a. Team Building
    b. Community Building events
    c. Parent Participation

d. Food for school related events
e. Teacher appreciation
f. Fundraising supplies
g. Rewards (prizes)
h. Events collaborated with Oasis
i. Any improvement to benefit the students and school

4. UCEN board will have final say on mediating issues that produce disagreement.

Article IX - Standing Rules

Standing Rules may be approved by the OCC and the Secretary shall keep a record of the standing rules for future reference.

Digital records must be stored on the OCC Google Drive for future reference owned by lucyzepeda@oasischarterschool.org from 2020-2021 school year.
OCC will hold a Google Drive for file sharing between OCC using oasisocc2020@gmail.com. President will allow the appropriate members access as necessary.

Article X - Amendments

Amendments to these bylaws may be presented to the OCC at any time and must be voted into approval. All amendments must be approved by the UCEN as the overarching authority.

Article XI - Conflict of Interest

1. Procedures for addressing conflict of interest:
    a. The OCC is required to follow the UCEN adopted Conflict of Interest Policy, which is attached hereto and incorporated herein.