



YOLO COUNTY BOARD OF EDUCATION SPECIAL BOARD MEETING

03/05/2021 09:00 AM

YOLO COUNTY OFFICE OF EDUCATION - Winters Conference Room - 1280 Santa
Anita Court, Suite 200, Woodland, CA 95776 &
ZOOM VIDEO CONFERENCING
Open Session - 9:00 AM

AGENDA

The Yolo County Office of Education's vision is to be a model of excellence in educational service, innovation, and impact.



Scan the above QR code with your phone to view this meeting agenda on your phone.

BOARD MEMBERS

Matt Taylor, President
Melissa Moreno, Vice President
Jerry Jimenez
Carol Souza Cole
Tico Zendejas

This meeting will be held at the Yolo County Office of Education and will abide by the Yolo County Health Department regulations which include social distancing and wearing masks. There will also be the option to participate by Zoom Conference Call. This meeting is being agendaized to allow Board members, staff and the public to participate in the meeting in person or via teleconference, pursuant to the Governor's Executive Order N-29-20 (March 17, 2020).

Teleconference options to join Zoom meeting:

OPTION 1: COMPUTER: Using a computer or Mobile Phone:

Click this link (this is the easiest and fastest): <https://ycoe.zoom.us/j/5306686700?pwd=SzMyZG1OenJhdWtnVnBtNnYreHYyZz09>

Join Zoom Meeting Here: <https://zoom.us/join>

...and enter Meeting ID: 530 668 6700 Password (If using Computer or Mobile Phone Zoom App): countymtg

OPTION 2: PHONE: Using a traditional phone or cell phone:

Dial by Phone: +1 669 900 6833 Meeting ID: 530 668 6700

Password: 877269007

1. OPENING PROCEDURES

- | | |
|--------------------------------|---|
| 1. Call to Order and Roll Call | 4 |
| 2. Pledge of Allegiance | 5 |
| 3. Approval of Agenda | 6 |
| Motion to approve Agenda. | 7 |

4. Public Comment

Executive Order N-29-20 authorizes local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public. Members of the public are encouraged to observe and participate in the Zoom teleconference. For those individuals who wish to make a public comment, please do so in the following manner: 8

- *If you are joining the meeting via Zoom and wish to make a comment on an item, press the "raise a hand" button or Zoom chat.*
- *You may also make public comment online by google form:*

<https://docs.google.com/forms/d/e/1FAIpQLScxyl6GvazAzBA7nUY174MngxFpGGilkd6Jo2AiX5kQjiKuhg/viewform>

- *In person at the Yolo County Office of Education, 1280 Santa Anita Court, Suite 200 in the Winters Conference Room. Please wear a mask and adhere to social distancing rules.*
- *Please submit your google form by the Board meeting date. A moderator for the meeting will read your comments for the record.*

Comments may not exceed three (3) minutes.

2. BOARD RETREAT 

For Information.

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3. ADJOURNMENT

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AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE FOLLOWING LOCATIONS:

- For disability related accommodations, please contact the Yolo County Office of Education - Superintendent's office at (530) 668-3702, at least 24 hours working days prior to the scheduled meeting.
- For translation services, if joining the meeting via Zoom, please check the box to Enable Language Interpretation for the meeting.
- One (1) calendar days prior to the meeting, a full Board packet is available for review on the Yolo County Office of Education website: www.ycoe.org



1. OPENING PROCEDURES



1. 1. Call to Order and Roll Call



1. 2. Pledge of Allegiance



1. 3. Approval of Agenda

Recommendation

Motion to approve Agenda.

1. 4. Public Comment

Quick Summary / Abstract

Executive Order N-29-20 authorizes local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public. Members of the public are encouraged to observe and participate in the Zoom teleconference. For those individuals who wish to make a make a public comment, please do so in the following manner:

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2. BOARD RETREAT








Description

The Agenda and Attachments for the Board Retreat are attached.

Recommendation

For Information.

Supporting Documents

-  03-5-21 Board Retreat Agenda
-  AALRR Social Media for Board Members 1
-  AALRR Social Media for Board Members 2
-  PUBLIC COMMENT CARD
-  Sign-in_Reg. Mtg
-  YOLO COUNTY OFFICE OF EDUCATION google form page 1
-  YOLO COUNTY OFFICE OF EDUCATION google form page 2

Contact Person

Superintendent Garth Lewis and Board President Matt Taylor will present the items.

YOLO COUNTY BOARD OF EDUCATION

March 5, 2021

9:00 a.m. - Noon

Special Meeting – Board Retreat
YCOE (Washington Conference Room) and Via Zoom

- I. Board President Welcome
 - Team Building Exercise (5 min)

- II. Effective Governance Conversation and Agreements (1 hour)
 - Discussion on leadership, communication and trust building
 - Bylaws update – Changes to the Brown Act Affecting Use of Social Media for Members of Legislative Bodies & Public Comment Procedures
 - Criteria for scheduling Special Meetings
 - Scheduling Committee meetings
 - Board member Roles and Responsibilities
 - Meeting Norms

- III. Superintendent’s Vision - Strategic Planning (30 min)

- IV. When and How the Board conducts a Self-Evaluation – Sample tools (20 min)

- V. Future Agenda Items (10 min)
 - Questions
 - Concerns
 - Other

- VI. Adjournment

Alerts & Articles

AB 992 Clarifies Permissible Communications via Social Media Platforms

10.08.2020

On September 18, 2020, Governor Newsom signed Assembly Bill 992 (“AB 992”), which clarifies how public officials may communicate on internet-based social media platforms through a new exception to the Brown Act’s prohibition against “serial meetings.”

Background

The Brown Act generally requires meetings of legislative bodies to be open and public. Outside of properly noticed public meetings, the Brown Act prohibits “serial meetings” between a majority of a legislative body’s members. Serial meetings are defined as any type of communication, direct or through intermediaries, that allows the majority of the legislative body’s members to “discuss, deliberate or take action” on a matter “within the subject matter of the legislative body.” This prohibition does not apply to individual communications between members of a legislative body and employees/staff of the public agency, provided that the employees/staff do not communicate the comments or position of any other members of the legislative body. The Brown Act also does not prohibit communications involving a total of less than a quorum of the legislative body.

While communications on internet-based social media platforms may be public and allow members of the public to comment/react, such communications do not meet the general open meeting requirements of the Brown Act, including compliance with the usual notice, agenda and accessibility requirements. AB 992 attempts to clarify how members of a legislative body may permissibly use social media platforms to address matters within the subject matter jurisdiction of their legislative body by amending the Brown Act in two notable ways.

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AB 992 Clarifies Permissible Communications via Social Media Platforms

Communications on Internet-Based Social Media Platforms

AB 992 amends Government Code section 54952.2 to clarify that certain communications involving a legislative body's members on an internet-based social media platform do not constitute meetings under the Brown Act. As such, a legislative body's members may engage in separate communications on an internet-based social media platform to "answer questions," "provide information to the public," and/or solicit public input on matters within the body's jurisdiction. However, a majority of the legislative body may not "discuss among themselves" "business of a specific nature" within the body's jurisdiction. As defined by AB 992, "discuss among themselves" includes "comments or use of digital icons that express reactions to communications," as well as any communications posted or shared on a social media platform between members of the legislative body. Accordingly, a majority of the members of a legislative body may not respond to the same communication on an internet-based social media platform, whether accessing the internet-based social media by computer, phone, iPad, or other device, including the use of emojis, the "like" button on Facebook or Instagram, and/or retweeting on Twitter.

Additionally, AB 992 now limits direct communications via social media between individual members of a legislative body regarding a matter within a legislative body's subject matter jurisdiction. Specifically, members may not directly respond to a social media communication made, posted, or shared by any other member of the same legislative body. Previously, the Brown Act did not prohibit such communications, as long as they did not involve a majority of the members of a legislative body. This change is significant considering the increase in social media usage by members of legislative bodies in recent years, and especially during the COVID-19 pandemic, in order to connect to and communicate with their constituents.

AB 992 applies to any communication on an internet-based social media platform that is "open and accessible to the public." This means social media platforms which members of the public may access and participate in free of charge and without prior approval, and from which they cannot be blocked, except for violations of the platform's protocols or rules (as determined by the platform). This includes any forum or chatroom on a social media platform.



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AB 992 Clarifies Permissible Communications via Social Media Platforms

As written, this new provision sunsets on January 1, 2026, and then Section 54952.2 reverts to the prior language. However, given the proliferation in the use of social media by and among members of legislative bodies and the public, it is critical for members of legislative bodies to be aware of and adhere to these new requirements and restrictions. This is especially true considering the potential for both criminal and civil penalties, as well as public criticism, for violations of the Brown Act.

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Alerts & Articles

Changes to the Brown Act Affecting Use of Social Media for Members of Legislative Bodies

01.21.2021

On October 8, 2020, our firm published an alert relating to Governor Newsom signing Assembly Bill 992 (“AB 992”) into law and the substantive changes to the Ralph M. Brown Act (“Brown Act”) enacted pursuant to AB 992.

AB 992 amends Government Code section 54952.2 and became operative on January 1, 2021, with the amendments remaining in place until January 1, 2026. As a reminder, the new law impacts only members of legislative bodies (“Board/Council Members”) and their usage of social media, rather than local agencies, local agency staff and employees, and any of the local agencies’ corresponding social media accounts and/or platforms.

Effective January 1, 2021, the Brown Act authorizes individual Board/Council Members to engage in conversations with the public on an “internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body.” Board/Council Members, however, are not authorized to use social media to discuss among themselves business within the subject matter jurisdiction of the legislative body. *Additionally, Board/Council Members are prohibited from responding directly to any post and/or comment that is made, posted, or shared by any other Board/Council Member of the same legislative body.*

This latter is the most significant restriction imposed by AB 992.

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Changes to the Brown Act Affecting Use of Social Media for Members of Legislative Bodies

Common questions:

What is an “internet-based social media platform”?

AB 992 defines an “internet-based social media platform” as “an online service that is open and accessible to the public.” “Open and accessible to the public” generally means a social media platform that the public has the ability to access and participate, free of charge, without approval by the social media platform or person or entity other than the social media platform, and cannot be blocked from doing so, except when the social media platform determines a violation of its rules.

As written “internet-based social media platform” would include popular social media applications/platforms such as Facebook, Twitter, Instagram, LinkedIn and similar.

What does it mean for Board/Council Members to “discuss among themselves” business within its legislative body’s jurisdiction on an internet-based social media platform?

Communications restricted by AB 992 include not only comments, but also include the “use of digital icons that express reactions to communications made by other members of the legislative body” (i.e., emojis, “like” buttons, reactions).

Example: If Board/Council Member A commented in response to a question posed by the member of the public and Board/Council Member B “liked” Board/Council Member A’s original comment, this interaction would be a violation. AB 992 is unclear as to whether both Board/Council Member A and Board/Council Member B, or if only Board/Council Member B (who responded directly to Board/Council Member A) would have violated AB 992.

Does the local public agency have to turn off comments on its various social media platforms as a result of the changes of AB 992?

The restrictions on social media usage relates to actions of Board/Council Members, individually, and not the respective local agencies. Board/Council Members must be made aware of their limitations on how to use ever-changing social media platforms and what they can and cannot do under the legal limitations. While it is permissible for

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Changes to the Brown Act Affecting Use of Social Media for Members of Legislative Bodies

Board/Council Members to engage with the public on social media, Board/Council Members should avoid interacting with fellow Board/Council Members when discussing matters within its local agency's jurisdiction.

What if a local public agency posts on its Facebook page with a Board/Council Member statement and a member of the public comments with a question that Board/Council Member A answers?

Board/Council Member A's response is permissible given these facts.

Moreover, what if several members of the public comment on the local public agency's original Facebook post and Board/Council Member B responds to one of the other questions posed by a member of the public?

AB 992 is unclear whether a violation of the Brown Act limitations exists in this scenario. There is an argument that Board/Council Member A and Board/Council Member B are not communicating directly on Facebook; however, both Board/Council Members are engaging in the same Facebook post.

In light of this ambiguity in the law (as currently worded), we are of the view that it would be advisable for multiple Board/Council Members to not comment and/or communicate within the same post.

Since there are ambiguities within the current wording of AB 992, it is important for Board/Council Members to be aware of what is authorized, what is prohibited and where there are uncertainties pursuant to the Brown Act while using social media. If you have any questions regarding this Alert, you can contact the authors or your regular attorney at Atkinson, Andelson, Loya, Ruud & Romo.

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YOLO COUNTY OFFICE OF EDUCATION
Request for Participation in Yolo County Board of Education Meetings

The Board of Trustees is interested in all points of view and in community involvement in school matters. Any citizen who wishes to express an opinion or make a suggestion on any item on the Agenda is able to do so with the permission of the President of the Board at the time the item is discussed. The Board of Trustees meeting is a meeting held in public and the Agenda provides citizens an opportunity to approach the Board under the section entitled "Recognition of Visitors" if one wishes to speak to an item which is not on the Agenda.

PLEASE COMPLETE AND HAND THIS FORM TO THE SUPERINTENDENT AT THE BEGINNING OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES.

DATE: _____

Your Name/Affiliation: _____

Agenda Item # _____ **Title of Agenda Item** _____

Brief Statement regarding your interest: _____

(Please limit your comments to three minutes so the Board may stay within the time allowed for this meeting.)

YOLO COUNTY OFFICE OF EDUCATION

BOARD OF EDUCATION MEETING

* Required

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PLEASE COMPLETE AND SUBMIT THIS FORM FOR THE SUPERINTENDENT AT THE BEGINNING OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES


DATE OF PRESENTATION *

Date

03/03/2021

YOUR NAME / AFFILIATION *

Sample





AGENDA ITEM # *

Sample

TITLE OF AGENDA ITEM *

Sample

Brief Statement Regarding Your Interest *

Sample

Three (3) Minute Presentation Time

(Please limit your comments to three (3) minutes so that the Board may stay within the time allowed for this meeting)

Next

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YOLO COUNTY OFFICE OF EDUCATION

CONTACT INFORMATION (Optional)

You may optionally provide your email address or phone number in case the Superintendent or Board Members have questions about your item or need to follow up you with later. Thank you.

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3. ADJOURNMENT
