

From Academic Senate President Josh Scott: Preparation for December 5, 2022 Meeting

Hello all,

On Monday we will discuss our plans to resume in-person Senate meetings for the spring semester and to begin to think about best practices for hybrid meetings going forward. In preparation for the meeting, I wanted to share some of what I've learned in a recent ASCCC webinar on the Brown Act and some of the new legislation coming in ([link here](#)). After participating in the webinar, consulting with Celia, and doing more follow up research (with an assist from Christina!), here is what I understand currently:

1. AB361 extends through January '24 but is only valid when we are in a state of emergency (declared by the governor). Newsom tells us the COVID-era state of emergency will end on February 28th, 2023. As long as the state of emergency is in play, we can declare a local state of emergency once every 30 days which allows us to meet remotely, which means the longest we could continue our current format is through February 28th. As a side note, we have been out of compliance as we should have been holding roll call votes while meeting remotely ☹️.
2. AB2449 (excerpted text below) goes into effect January 1st, 2023 and extends past the end of the state of emergency. After February 28th at the latest (if we elect to continue our local state of emergency up to this point), we will need to resume meeting in person, where a quorum (50%+1) will need to be maintained on campus. Voting members can participate in up to 20% (3 meetings in our case) of meetings a year virtually if they notify the group (at their "earliest convenience") that they meet the criteria for "just cause" or an "emergency circumstance" (more details available [here via the link I forwarded to the Senate last week](#)). Voting members will need to keep their cameras on and all votes will need to be done via roll call vote.
3. If people want to continue meeting remotely for more than 20% of meetings, they can do it via the historic remote meeting criteria: meeting in a publicly accessible place where the address is posted in advance (library, park, center, etc.).

I'm hoping on Monday we can discuss our plans for next semester, share our perspectives, our concerns, and think about what best practices we will need to maintain as a Senate and campus community as we come back in person while still being as inclusive and accessible (to each other, to our students) as possible. If you have perspectives on this issue or concerns that you are uncomfortable sharing in the meeting, I invite you to send them to me personally so I can share them with the Senate. I am also happy to talk on the phone or set up a meeting.

I also ask that if you are attending via zoom, please turn your cameras on for our meeting (this will be the law starting January 1st when AB2440 comes into effect). This makes my job running the meeting significantly easier as it allows me to more clearly understand and engage my online colleagues, and I believe it will help all of us communicate more effectively.

Josh

AB 2449:

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. 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 in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

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

(C) The member shall participate through both audio and visual technology.