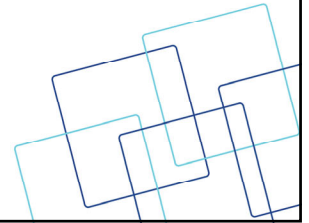




## The Brown Act and COVID-19 California Executive Orders and Public Comments

ELK GROVE UNIFIED SCHOOL DISTRICT  
March 10, 2021

A photograph showing a person's hands typing on a laptop keyboard. The laptop screen displays a video conference with multiple participants in a grid layout. A semi-transparent teal box is overlaid on the left side of the screen.

Brown Act  
&  
COVID-19

The 'LS' logo, consisting of the letters 'LS' in white inside a blue square, located in the bottom left corner of the slide.

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Status of Executive Orders

~~N-25-20 March 12, 2020~~

N-29-20 March 17, 2020

LS

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## Elk Grove Unified School District – Current Status

In response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which temporarily suspended provisions of the Brown Act relating to public meetings, and Elk Grove Unified School District Board Members began conducting Board meetings via Zoom video/teleconferencing on April 21, 2020.



LS

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## Elk Grove Unified School District Current Process for Public Comments During Zoom

- For Public Comments –members of the public may complete and submit electronic public comments through the Google Speaker’s Card Form online.
- Public comments that address topics within the jurisdiction of the Board will be read during open session.
- Public Comment may be submitted on Items on Agenda or Not on the Agenda for regular board meetings.
- Electronic speaker card must be submitted prior to 4:30 p.m. on the day of the Board meeting. Public is asked whether the matter is on the Agenda or Not on the Agenda.
- Total amount of time allocated to present electronic speakers cards is limited to a maximum of three (3) minutes each, with a total of thirty (30) minutes designated for public comment on an item.
- Time limitations are at the discretion of the President of the Board of Trustees.



SMITS1

## Executive Order N-29-20 (March 17, 2020)

### COVID-19 Rules regarding Public Participation in Board Meetings:

STATE ORDERS APPLY WHEN SOCIAL DISTANCING IS MANDATED OR RECOMMENDED BY PUBLIC HEALTH:

1. Allows for a physical location for an in-person Board meeting.
2. No requirement for physical presence of Board Members and District personnel at Board meetings.
3. No need to make remote locations publicly accessible.
4. No need to have quorum within jurisdiction.
5. Authorized to hold public Board meetings via teleconferencing.



**SMITS1** Flexability has allowed through this  
Steve Mate in Technology Services, 2/16/2021

## Executive Order N-29-20 (March 17, 2020)

### COVID-19 Rules regarding Public Participation in Board Meetings (continued):

STATE ORDERS APPLY WHEN SOCIAL DISTANCING IS MANDATED OR RECOMMENDED BY PUBLIC HEALTH:

6. Public meetings can be accessible telephonically or otherwise electronically to all members of the public to observe and address the Board.
7. Schools Boards are not required to make available any physical location for the public.
8. Board meeting procedures for access to Board meetings held via teleconferencing must be in compliance with Americans with Disabilities Act.
9. Boards are “urged to use sound discretion and make reasonable efforts to adhere as closely as reasonably possible to ...the Brown Act, ...in order to maximize transparency and provide the public access to their meetings.”



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### What Others In The Area Are Doing:

- Do the same as we do currently
- Online form to have people request public comment time and enable audio for the person to speak via Zoom
- Online form for people to request time to speak via Zoom or have comments read by staff
- Participants virtually raise their hand for public comment, staff unmutes microphone when the participants name is called by Board and muted when time is over
- One local District now meeting in-person, public comments done via Zoom- Video and Audio (Not using Webinar Feature)



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## Need Guidance from Board

- Worked on solution for virtual meetings, but things have changed.
- Staying virtual for Board Meetings or moving to in-person?
  - If in person, is the public in the building or online?
- If staying virtual, desire to change how public comment done?
- If desire to change, what is most important?
  - Live person speaking
  - Hearing people in their own voice
  - Ability to submit written comments and have them read by staff?



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## Align With Current Practice

Staff recommends aligning public comments virtually to past practice of face to face meetings

- Blue cards are submitted- usually before meeting starts
- Cards organized by agenda item and topic
- Individuals called upon to make their public comment either at general public comment time or aligned with an agenda item



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## Option 1- (Virtual/ In-Person) Status Quo

- Submission of public comments in advance of Board Meeting electronically to be read during the Board Meeting.
- Could attach written comments for public to view
- No additional work or items needed for this option



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## Option 2 – (Virtual) Form Prior to meeting- Public Un-Muted

- Online form is submitted in advance of Board Meeting requesting to speak during public comment
  - Form closes prior to allow timely sorting and organization of the request
- Each member of the public would be unmuted during the Zoom Videoconference, in the order of submission, during the agenda item to personally provide the Board audio public comments in their own voice.
  - Board would call the persons name, the individual would be un-muted.
  - A timer would be on the screen, like what is seen in a presentation
- With this option, there would need to be another person working behind the scenes to unmute and mute people



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## Option 3- (Virtual) Form Prior to Meeting- Public Un-Muted OR Comments Read Aloud

- Online form is submitted in advance of Board Meeting requesting to speak or have comments read for them during public comment
  - Form closes prior to allow timely sorting and organization of the request
- Each member of the public would be unmuted during the Zoom Videoconference, in the order of submission, during the agenda item to personally provide the Board audio public comments in their own voice.
  - Board would call the persons name, the individual would be un-muted.
  - A timer would be on the screen, like what is seen in a presentation
- Staff will read the requested comments in the same order and time as the audio public comments
- Could attach written comments for public to read
- With this option, there would need to be another person working behind the scenes to unmute and mute people
- More time will be needed to organize and prepare the order of audio and read comments



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## Option 4 – (Virtual/ In-Person)- Recorded Voice

- A phone number would be published and the public could call and leave a recorded public comment.
  - Number tuned off at a set time prior to meeting to allow staff to organize messages
- Staff would play the recorded messages at the appropriate time
- Could attach all submitted audio comments when all comments are not included during the meeting.
- Will take staff more time to organize because staff will need to listen to the beginning to put with correct agenda item.
- May or may not want staff to listen to message prior to meeting to filter out inappropriate content.



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## Option 5 – (In-Person) Continue to use Zoom

- Online form is submitted in advance of Board Meeting requesting to speak during public comment
  - Form closes prior to allow timely sorting and organization of the request
- Each member of the public would be unmuted during the Zoom Videoconference, in the order of submission, during the agenda item to personally provide the Board audio public comments in their own voice.
  - Board would call the person's name, the individual would be un-muted.
  - A timer would be on the screen, like what is seen in a presentation
  - Individual speaker time may be adjusted to allow each comment to be heard
- With this option, there would need to be another person working behind the scenes to unmute and mute people and control Zoom Meeting.
- Not 100% sure how this would all work with the equipment in place in the Board Room
  - Audio in from Zoom so can be heard in Board Room and not provide feedback.



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## Option Re-Cap

- Option 1 - Status Quo (3/23/21)
- Option 2 - Form submission prior to meeting- Individuals un-muted to address board in own voice (3/23/21)
- Option 3 - Form submission prior to meeting- Individuals un-muted to address the board in own voice OR written comments read by staff (3/23/21)
- Option 4- Recorded Voice (4/6/21)
- Option 5- In-Person, Individuals un-muted via Zoom (4/6/21)



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# Questions?



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