



First 5 Commission, November 14, 2022

Agencies/Organizations affected by Action Items or Discussion Items on the agenda for today's meeting are:

None

Conflict of Interest Reminder for Commissioners and Alternates:

Commissioners with a direct financial interest (for themselves or their family members) shall recuse themselves from the decision on the proposal.

Commissioners who wish to recuse themselves for reason other than a financial interest (such as a possible perception of personal or professional bias for or against a proposal), may recuse themselves from the decision. Commissioners are asked to carefully evaluate this if there might be any problem with a quorum.

It is the Commission's practice to ask individuals who are recusing themselves to leave the room while the proposal is being considered. If you recuse yourself, please remain available in the Health Dept. waiting room, so that you can be easily found to rejoin the meeting for subsequent agenda items.

Advisory Committee Members Participation. Advisory Committee members should avoid any perception of influencing the Commissioner's funding decisions affecting their own agencies. Although they may speak on any agenda item at any time, it is impossible to speak regarding one's own agency's First 5 funding without the public perception of bias, and they are encouraged to avoid doing so. Although it is appropriate to answer specific questions of the Commission regarding a proposal affecting their agency, it would be inappropriate to advocate for a proposal affecting their agency.



ATTACHMENT # 1
FIRST 5 Meeting, November 14, 2022

Item 1. Adopt a Resolution Making Findings in Support of Allowing Remote Meetings Pursuant to AB361 (Modified Brown Act Procedures During a Declared Emergency) based on the CalOSHA regulations recommending social distancing to prevent the spread of COVID-19. (attachment #1)

RESOLUTION
OF THE FIRST 5 COMMISSION OF THE COUNTY OF TUOLUMNE
PROCLAIMING AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF
THE FIRST 5 COMMISSION FOR 30 DAYS PURSUANT TO AB361 BROWN ACT
PROVISIONS.

WHEREAS, the County of Tuolumne is committed to preserving and nurturing public access and participation in meetings of the First 5 Commission; and

WHEREAS, all meetings of First 5 Commission are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the First 5 Commission conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the County's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, the Governor proclaimed pursuant to his authority under the California Emergency Services Act, California Government Code section 8625, that a state of emergency exists with regard to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, on June 4, 2021, the Governor clarified that reopening of California on June 15, 2021, did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

WHEREAS, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020, and other Executive Orders but did not rescind the proclaimed state of emergency; and,

WHEREAS, as of the date of this Resolution, neither the Governor nor the state Legislature have exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution the state Legislature; and,

WHEREAS, the California Department of Industrial Relations has issued regulations related to COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors; and,

WHEREAS, the First 5 Commission finds that state or local officials have imposed or recommended measures to promote social distancing, based on the California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D); and,

WHEREAS, the First 5 Commission meetings will be conducted virtually wherein the public may appear remotely to participate in the meeting; and

WHEREAS, on occasion a First 5 Commission member may need to appear and participate in a Commission meeting remotely in order to comply with Public Health guidance, the Commission desires to allow such participation using the requirements of AB361;

NOW, THEREFORE, THE FIRST 5 COMMISSION OF THE COUNTY OF TUOLUMNE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The Commission acknowledges the Governor has declared a state of emergency related to the novel coronavirus and hereby proclaims that state officials have imposed or recommended measures to promote social (physical) distancing based on the California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D).

Section 3. Remote Teleconference Meetings. The Chair of the Commission is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of November 6, 2021, or such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.



Item 2. *Approve Grant Request for Applications Timeline*

Event	Date
First 5 Tuolumne issues Request for Application packet	December 12, 2022
Deadline for submitting Letter of Intent (LOI)	December 23, 2022, 5:00 PM
Deadline for submitting an Application	February 3, 2023, 5:00 PM <i>Late submittals will not be accepted.</i>
Commission Subcommittee Reviews Applications	February 7, 2023
First 5 Commission Meeting to Review Subcommittee Recommendations	February 15, 2023
Notice of recommendation of funding- If approved by the Commission	February 16, 2023
Contract development and signature period	March 1-April 1, 2023
Activities begin (Note: No activities may begin until contracts are fully executed)	July 1, 2023
1st Quarter (July 15-Sept.30, 2022)	Report Due October 14, 2023
2nd Quarter (Oct.1-Dec.30, 2022)	Report Due January 13, 2024
3rd Quarter (Jan.1-Mar.31,2023)	Report Due April 14, 2024
4th Quarter (April 1-June 30, 2023)	Report Due July 14, 2024



Item 4. Brown Act Changes

Under this new law, members of a legislative body may attend public meetings remotely without identifying their teleconference site on the agency's agenda or ensuring it is accessible to the public if the procedures below are followed.

As long as a quorum of the legislative body participates in person from a physical location open to the public, the remaining agency members can participate remotely in two situations:

1. Just Cause

Just cause is defined as any one of the following:

- childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely;
- a contagious illness that prevents a member from attending in person;
- a need related to a physical or mental disability; or
- travel while on business of the legislative body or another state or local agency.

In order to participate remotely under the *just cause* provisions, the member must notify the legislative body at the earliest possible opportunity, including at the start of a meeting, of their need to participate remotely and provide a general description of the circumstances related to one of the four items above. A member may only participate remotely under the *just cause* provisions up to two meetings per calendar year.

2. Emergency Circumstances

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

In order to participate remotely under the *emergency circumstances* provisions, the member must request that the legislative body allow them to participate in the meeting remotely because of emergency circumstances and the legislative body must take action to approve the request.

A member must make a request to participate remotely under the *emergency circumstances* provisions as soon as possible. The legislative body may take action on this request at the earliest opportunity. If the request does not allow sufficient time to place it on the agenda for the meeting for which the request is made, the legislative body may take action on the request at the beginning of the meeting by majority vote.

The legislative body must request a general description of the circumstances relating to the member's need to appear remotely. This description does not have to be more than 20 words and the member does not have to disclose any personal medical information.

Additional Rules if Members Participate Remotely

If agency members participate remotely under this new law for either the *just cause* or *emergency circumstances* situations described above then the following rules apply:

- The legislative body must provide a way for the public to remotely hear, visually observe, and remotely address the legislative body, either by a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting.
- The legislative body must provide notice of how the public can access the meeting and offer comments.
- The agenda must identify and include an opportunity for the public to attend and directly address the legislative body through a call-in option, an internet-based service option, and in-person at the location of the meeting.
- The body cannot require comments to be submitted before the start of the meeting. The public must be allowed to make "real time" public comment.
- If there is a disruption to the meeting broadcast or in the ability to take call-in or internet-based public comment, no further action can be taken on agenda items until the issue is resolved.

- The legislative body must implement a procedure for receiving and resolving requests for reasonable accommodations for individuals with disabilities, and must give notice of these procedures.
- Members participating remotely must participate through both audio and visual technology.
- Members participating remotely must 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 the individual.
- A member may not participate in meetings solely by teleconference under this law for more than three consecutive months or 20% of the regular meetings for the public agency within a calendar year. If the legislative body regularly meets less than 10 times a year, a member may not participate remotely for more than two meetings.

Legislative bodies may still meet via teleconference by following the traditional Brown Act rules of identifying the teleconference site on the agency's agenda and ensuring it is accessible for the public to attend. Further, legislative bodies may meet by teleconference under AB 361 until January 1, 2024 during the Governor's proclaimed State of Emergency and as long as other requirements are met.

<https://www.californiacitynews.org/2022/10/what-local-governments-should-know-about-new-brown-act-rules.html>