



GOVERNING BOARD MEETING

AGENDA

Friday, October 15, 2021 1:00 p.m.

Locations:

In Person:

197 Mono Way, Suite B
Sonora, CA 95370
(209) 533-3396

Teleconference:

Join Zoom Meeting:
<https://us02web.zoom.us/j/6067573943>
Dial-in audio: 669-900-9128
Meeting ID: 606 757 3943

CSEDD Governing Board Members (12):

JPA Member Agency	Elected Board Member	Citizen Board Member
Alpine County	Terry Woodrow, Supervisor	JT Chevallier
Amador County	Frank Axe, Supervisor	Kim Holland
Calaveras County	Benjamin Stopper, Supervisor (Vice-Chair)	Kathryn Gallino
Mariposa County	Marshall Long, Supervisor (Chair)	Tara Schiff
Tuolumne County	Ryan Campbell, Supervisor	Cole Przybyla
City of Angels Camp	Alvin Broglio, Mayor	
City of Sonora	Ann Segerstrom, Council Member	

CALL TO ORDER – ROLL CALL

- ORAL COMMUNICATION:** The Public may speak on any item not on the printed agenda. No action may be taken. [Gov. Code § 54954.2(b)(2)]
- CONSENT AGENDA:** The following Consent Agenda items are expected to be routine. They will be acted upon by the District Board at one time. Any Board Member, staff

member or interested person may request that any Consent items be removed for discussion.

- a. Approval of the Minutes of the August 19, 2021 meeting of the CSEDD Governing Board

3. ACTION ITEMS:

- a. Consideration of Adopting a Resolution Making Findings in Support of Allowing Remote Meetings Pursuant to AB361 (Modifies Brown Act Procedures During a Declared Emergency) and Direction Regarding Holding CSEDD Board Meetings in Person or Remotely (Exec. Director)
- b. OPR is drafting documents for County of Tuolumne to receive the grant for a Natural Resources Organizational Study on behalf of the 5 counties for our Supply JPA Proposed Organization. Consideration of CSEDD writing a letter of support for this grant. (Cole Przybyla)

4. INFORMATION/DISCUSSION ITEMS:

- a. Update on Mono County addition to the CSEDD JPA (Exec. Director)
- b. Update on USDA grant for Biomass Feasibility study (Exec. Director)
- c. Update on EDA grant to write a 4-year CEDS (Exec. Director)
- d. Board member topics of interest (Roundtable)

5. NEXT MEETING(S):

- a. 2021 meeting dates (all at 9:30 AM)
Nov. 18

6. ADJOURN

In accordance with the American with Disabilities Act, if you need special assistance (i.e. auxiliary aids or services) in order to participate in this public meeting, please contact the Administrative Assistant of Mother Lode Job Training (MLJT) at 209-588-1150. Notification 48 hours prior to the start of the meeting will enable the Administrative Assistant to make reasonable accommodations to ensure accessibility to this meeting.



GOVERNING BOARD MEETING

MINUTES

Thursday, August 19, 2021 9:30 a.m.

Locations:

In Person:

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Sonora, CA 95370
(209) 533-3396

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CSEDD Governing Board Members (12):

JPA Member	Member Name	Present	Absent
Alpine County Supervisor	Terry Woodrow	X	
Alpine County Citizen Member	JT Chevallier	X	
Amador County Supervisor	Frank Axe	X	
Amador County Citizen Member	Kim Holland	X	
Calaveras County Supervisor	Benjamin Stopper (Vice-Chair)	X	
Calaveras County Citizen Member	Kathyn Gallino	X	
Mariposa County Supervisor	Marshall Long (Chair)	X	
Mariposa County Citizen Member	Tara Schiff	X	
Tuolumne County Supervisor	Ryan Campbell	X	
Tuolumne County Citizen Member	Cole Przybyla	X	
City of Angels Camp	Alvin Broglio, Mayor		X
City of Sonora	Ann Segerstrom, Council Member	X	

Guests: Derek Kirk (GO-Biz), Paul Jurasin (Cal Poly Digital Transformations), Nicholas Osterbur (Cal Poly Digital Transformations) and Tim Fitzpatrick (Amazon Web Services)

CALL TO ORDER – ROLL CALL

1. ORAL COMMUNICATION: *None*

2. CONSENT AGENDA:

- a. Approval of the Minutes of the June 17, 2021 meeting of the CSEDD Governing Board
Minutes approved, (M) F. Axe, (S) R. Campbell, ayes carried, 1 abstained, 1 absent.

3. ACTION ITEMS:

- a. *None*

4. INFORMATION/DISCUSSION ITEMS:

- a. Kim Holland – New Citizen board member from Amador County
CSEDD welcomed new board members, Kim Holland (Citizen Member for Amador County) and JT Chevallier (Citizen Member for Alpine County).
- b. Discussion: CSEDD's role in regional E.D. initiatives (Supervisor Long)
M. Long addressed the board on this matter. He reminded the board that if any county entities become aware of regional initiatives, to bring them to the CSEDD board so that regional effort can be made.
- c. Central Sierra Natural Resources Supply Aggregation Organization (Cole Przybyla)
Cole informed the board that he is teaming up with Paul Jurasin (Cal Poly Digital Transformations), Nicholas Osterbur (Cal Poly Digital Transformations) and Tim Fitzpatrick (Amazon Web Services) to create a regional Natural Resources Supply Aggregation Tool. The tool would assist private property owners in getting un-used wood supply to business owners.
- d. Update on USDA grant for Biomass Feasibility study (Exec. Director)
D. Thoeny shared that a draft Feasibility Study has been received and requested the board review and provide feedback.
- e. Update on CAL FIRE grant app. to create a 'Forestry Corps' (Exec. Director)
Dave informed the board that the grant app. to create a Forestry Corps has been denied.

- f. 'Build Back Better Regional Challenge' EDA grant (Kathryn Gallino)
K. Gallino addressed the board on this matter, asking for feedback from the board on whether or not to pursue EDA's 'Build Back Better Regional Challenge' grant. The board unanimously decided not to move forward with applying.
- g. Update on EDA grant to write a 4-year CEDS (Exec. Director)
An RFP (Request for Proposal) is ready for release to procure a writer for CSEDD's next CEDS.
- h. Update on Mono County addition to the CSEDD JPA (Exec. Director)
Ratification is currently awaiting approval by Mono County Board of Supervisors. Once approved, ratification amendment will be sent to other CSEDD counties for their BOS approvals.
- i. Board member topics of interest (Roundtable)
 - *T. Schiff shared that she is working on a Yosemite Gateway partners grant for Mariposa County. The grant will help establish a visitation management strategy and prevent over-crowding for Yosemite National Park.*
 - *T. Woodrow informed the board that the Middle Mile Advisory Committee has released a map of planned fiber installation for the region. She also shared that board members are able to provide feedback to the committee to encourage them to cover areas that are not currently shown on the map.*

5. NEXT MEETING(S):

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Office of the County Counsel

"Providing Quality Legal Services to the County of Tuolumne"

Sarah Carrillo
County Counsel


Attorney Assistant
Leah Moroles

Executive Legal Assistant
Angela Handel

Deputies

Christopher Schmidt
Cody M. Nesper
Maria Sullivan

MEMORANDUM

DATE: October 8, 2021 
TO: Tuolumne County Committees and Commissions
FROM: Sarah Carrillo, County Counsel
SUBJECT: **Consideration of Adopting a Resolution Making Findings in Support of Allowing Remote Meetings Pursuant to AB361 (Modified Brown Act Procedures During a Declared Emergency) and Direction Regarding Holding Board Committees and Commission Meetings in Person or Remotely**

The Brown Act, also known as the open meeting law, applies to local legislative bodies including the Board of Supervisors and its subsidiary bodies, such as advisory or decision-making Committees and Commissions. The Brown Act was recently amended and allows for a modified remote meeting procedure during a declared emergency. The purpose of this Memorandum is to advise your Committee or Commission regarding the new law and how to properly comply with it, should your Committee/Commission desire to hold remote meetings.

Background:

During the COVID-19 pandemic concerns arose regarding holding public in person meetings given the recommendation for individuals to engage in social distancing to lessen the spread of the disease. To that end, Governor Newsom issued several Executive Orders that waived certain Brown Act requirements and allowed remote meetings without compliance with the standard teleconferencing procedures.

Pursuant to the Brown Act, standard teleconference procedures include: (1) provide notice of each teleconference location from which a member of the legislative body will participate, (2) each teleconference location must be accessible to the public, (3) members of the public must be able to address the legislative body at each teleconference location, (4) agendas must be posted at each teleconference location and (5) at least a quorum of members of the body must participate from locations within the boundaries of the jurisdiction.

Governor Newsom's Executive Orders waived the above requirements during the health emergency through September 30, 2021. On September 16, 2021, the Governor signed AB361 which created exceptions to the remote meeting requirements found in the Brown Act. The law allows flexibility for agencies that wish to continue with remote meetings but also includes procedures that must be followed. The law is now effective and any legislative body that wishes to meet remotely without complying with the standard teleconference procedures must making findings pursuant to AB361.

AB 361 suspends the standard requirements in Government Code Section 54593(b)(3). The modified teleconference requirements include:

- During a declared emergency by the Governor,
- Agendas do not need to be posted at all teleconference locations,
- Agendas do not need to identify each teleconference location,
- Agencies are not required to make each teleconference location accessible to the public,
- There is no requirement that board members participate from within the territorial boundaries of the jurisdiction,
- Each agenda must include notice to the public as to how members may access the meeting and offer public comment,
- The agenda shall identify and include an opportunity for all persons to attend via a call-in or internet-based service option,
- Members of the public are allowed to access the meeting remotely,
- In the event of a disruption which prevents the agency from broadcasting the meeting to the public, or in the event of a disruption within the local agency's control which prevents the public from offering public comments, the body shall take no further action on items appearing on the meeting agenda until the public access is restored,
- Remote public comment must be accepted until the point at which the public comment period is closed,
- The public shall not be required to register with the local agency to provide comment, however if a 3rd party provider such as Zoom requires registration such requirement is acceptable as long as the public agency does not control this 3rd party provider.

Findings Required:

Legislative bodies wishing to hold remote meetings under AB361 must meet one of the following criteria:

- (1) the local agency is holding a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing;
- (2) the local agency is holding a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or

(3) the local agency is holding a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risk to the health or safety of attendees.

If your Committee/Commission is interested in allowing remote meetings, your Committee/Commission would need to pass a Resolution making one of the above findings and then readopt it every 30 days. Each legislative body will need to meet these requirements to hold remote meetings without meeting the standard Brown Act teleconference requirements. Upon renewal, legislative bodies should consider the circumstances of the state of emergency and determine whether the state of emergency continues to directly impact the ability of members to meet safely in person or whether state or local officials continue to impose or recommend measures to promote social distancing.

Practical Effects:

During the pandemic, Committees and Commissions have held remote only meetings, in person meetings and a hybrid of the two. Should a situation occur wherein a member is not able to be physically present for a meeting but wishes to participate remotely (member is sick, member ordered into quarantine or isolation, member required to be out of town for another event, etc.), adopting findings in compliance with AB361 will allow a member to attend remotely without the more stringent requirements of the standard Brown Act rules. Further, should a situation occur wherein it is not safe to hold in person meetings, making findings in compliance with AB361 will allow both the public and the members to attend remotely.

The CAO has directed staff that support Committees and Commissions to either allow remote meetings or in person meetings. Hybrid meetings are burdensome for staff given lack of staff capacity. My Office refers any decisions on this particular matter to the designated Department staff and the CAO.

Additionally, my Office has prepared template Findings for the initial finding and subsequent findings. These documents have been provided to the departments that support each respective committee or commission.

Recommendation: 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.

1 **Board of Directors**

2 **Central Sierra Economic Development District**

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4 **FINDINGS OF THE BOARD OF DIRECTORS OF THE CENTRAL SIERRA ECONOMIC**
5 **DEVELOPMENT DISTRICT AUTHORIZING REMOTE TELECONFERENCE MEETINGS**
6 **OF THE BOARD OF DIRECTORS OF THE CENTRAL SIERRA ECONOMIC**
7 **DEVELOPMENT DISTRICT FOR THE PERIOD OCTOBER 15, 2021 – NOVEMBER 14, 2021**
8 **PURSUANT TO THE RALPH M. BROWN ACT.**
9

10 **WHEREAS**, all meetings of Board of Directors of the Central Sierra Economic Development
11 District and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov.
12 Code §§ 54950 – 54963), so that any member of the public may attend, participate, and view the legislative
13 bodies conduct their business; and

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

18 **WHEREAS**, a required condition of Government Code section 54953(e) is that a state of emergency
19 is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of
20 conditions of disaster or of extreme peril to the safety of persons and property within the state caused by
21 conditions as described in Government Code section 8558(b); and

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

26 **WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency
27 declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California
28

Emergency Services Act (Government Code section 8625); and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did not rescind the proclaimed state of emergency; 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 Findings, 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 Findings 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 Board of Directors of the Central Sierra Economic Development District 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, as a consequence, the Board of Directors of the Central Sierra Economic Development District does hereby find that it shall conduct its meetings by teleconferencing without compliance with Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by Government Code section 54953(e)(2).

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1 **NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED** by the Board of
2 Directors of the Central Sierra Economic Development District, in regular session assembled on October
3 15, 2021 does hereby resolve as follows:

4 Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this
5 Findings by this reference.

6 Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social
7 Distancing. The Board of Directors of the Central Sierra Economic Development District hereby proclaims
8 that state officials have imposed or recommended measures to promote social (physical) distancing based
9 on the California Department of Industrial Relations' issuance of regulations related to COVID-19
10 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D).

11 Section 3. Remote Teleconference Meetings. The Board of Directors of the Central Sierra
12 Economic Development District is hereby authorized and directed to take all actions necessary to carry out
13 the intent and purpose of these Findings including, conducting open and public meetings in accordance with
14 Government Code section 54953(e) and other applicable provisions of the Brown Act.

15 Section 4. Effective Date. These Findings shall take effect immediately upon its adoption and
16 shall be effective until the earlier of (i) November 14, 2021, or (ii) such time the Board of Directors of the
17 Central Sierra Economic Development District adopts a subsequent Findings in accordance with
18 Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue
19 to teleconference without compliance with Section 54953(b)(3).

20 ADOPTED this 15th day of October, 2021 by the Board of Directors of the Central Sierra Economic
21 Development District, by the following vote:

22
23 YES:

24 NO:

25 ABSENT:

26 ABSTAIN: