

## MEETING AGENDA



### Mother Lode Job Training Board of Directors

Monday, October 18, 2021 (10:00am)

#### Via Teleconference:

<https://us02web.zoom.us/j/6067573943>

Phone audio: (669) 900-9128

Meeting ID: 606 757 3943

#### In Person:

197 Mono Way, Suite B

Sonora, CA 95370

(209) 588-1150

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### 1. CALL TO ORDER

- 1.1. Roll call / Establish quorum

### 2. PUBLIC COMMENTS

*The Mother Lode Job Training Board of Directors welcomes public comments. A member of the public may comment on agenda items or any item that is within the subject matter jurisdiction of the Board, even though subject matter may not be on the agenda. The Chair will limit the time allocated for each individual public speaker to no more than five (5) minutes.*

### 3. CONSENT CALENDAR

*All items under the Consent Calendar are considered routine and will be approved in one action without discussion. If a Board member requests that an item be removed from the Consent Calendar or a citizen wishes to speak on an item, the item will be considered under Action Items.*

- 3.1. Accept the July 19, 2021 meeting minutes

### 4. ACTION ITEMS

- 4.1. 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 MLJT Board Meetings in Person or Remotely (Exec. Director)
- 4.2. Consideration and Approval of Harshwal & Company LLP as the accountant for the 2021-22 single audit, with MLJT's option for 2 additional years
- 4.3. Consideration and Approval of the 2021-22 Plan Year Budget

### 5. INFORMATION/DISCUSSION ITEMS

- 5.1. Funding/Operations Report (Amy Frost)
- 5.2. Director's Report (David Thoeny)

### 6. ADJOURN INTO CLOSED SESSION

- 6.1. Discuss Executive Director's annual performance evaluation, *without* Executive Director present
- 6.2. Discuss Executive Director's annual performance evaluation and salary action *with* Executive Director

### 7. RECONVENE INTO OPEN SESSION

- 7.1. Report out

### 8. 2022 MEETINGS (All 10:00 – 12:00)

January 24; April 18; July 18; October 17

**9. ADJOURN**



# Office of the County Counsel

“Providing Quality Legal Services to the County of Tuolumne”

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**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**

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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 **Mother Lode Job Training**

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4 **FINDINGS OF THE BOARD OF DIRECTORS OF MOTHER LODE JOB TRAINING**

5 **AUTHORIZING REMOTE TELECONFERENCE MEETINGS**

6 **OF THE BOARD OF DIRECTORS OF MOTHER LODE JOB TRAINING**

7 **FOR THE PERIOD OCTOBER 18, 2021 – NOVEMBER 17, 2021**

8 **PURSUANT TO THE RALPH M. BROWN ACT.**

9

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

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

2       **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which  
3 formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a  
4 gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did  
5 not rescind the proclaimed state of emergency; and,

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

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

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

17       **WHEREAS**, the Board of Directors of Mother Lode Job Training finds that state or local officials  
18 have imposed or recommended measures to promote social distancing, based on the California Department  
19 of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the  
20 California Code of Regulations, Section 3205(5)(D); and,

21       **WHEREAS**, as a consequence, the Board of Directors of Mother Lode Job Training does hereby  
22 find that it shall conduct its meetings by teleconferencing without compliance with Government Code  
23 section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative bodies shall comply with the  
24 requirements to provide the public with access to the meetings as prescribed by Government Code section  
25 54953(e)(2).

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1           **NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED** by the Board of  
2 Directors of Mother Lode Job Training, in regular session assembled on October 18, 2021 does hereby  
3 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 Mother Lode Job Training hereby proclaims that state officials have  
8 imposed or recommended measures to promote social (physical) distancing based on the California  
9 Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title  
10 8 of the California Code of Regulations, Section 3205(5)(D).

11           Section 3. Remote Teleconference Meetings. The Board of Directors of Mother Lode Job  
12 Training is hereby authorized and directed to take all actions necessary to carry out the intent and purpose  
13 of these Findings including, conducting open and public meetings in accordance with Government Code  
14 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 17, 2021, or (ii) such time the Board of Directors of  
17 Mother Lode Job Training adopts a subsequent Findings in accordance with Government Code section  
18 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without  
19 compliance with Section 54953(b)(3).

20           ADOPTED this 18th day of October, 2021 by the Board of Directors of Mother Lode Job Training,  
21 by the following vote:

22  
23 YES:

24 NO:

25 ABSENT:

26 ABSTAIN:

27

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**2021 Mother Lode Job Training Single Audit Accountant RFP - Score Sheet:**

<b>Evaluation Factors</b>	<b>Point Range</b>	<b>Harshwal</b>	<b>CLA</b>	<b>Ricciardi</b>
<b>1. Organization, size, and structure type of firm.</b> <ul style="list-style-type: none"> <li>Adequate size of the firm (considering size in relation to audits to be performed) 0-2</li> <li>Small, Minority and/or Women-owned business utilization 0-3</li> </ul>	<b>0 - 5</b>	3	3	3
<b>2. Qualifications of staff</b> <ul style="list-style-type: none"> <li>Audit team makeup, education, position in firm, years and types of experience, continuing professional education, and Governmental audit qualifications will be considered.</li> <li>Quality control procedure, results of peer review and overall supervision to be exercised.</li> </ul>	<b>0 - 25</b>	19	21	18
<b>3. Recent Audit Experience</b> <ul style="list-style-type: none"> <li>Recent experience auditing Work Force Development programs operated by Employment &amp; Training and/or Workforce Development agencies.</li> <li>Prior experience auditing programs financed by the Federal Government.</li> <li>Prior experience auditing non-profit organizations</li> <li>Providing references of other similar completed audits including contact name, title, and telephone number and email address for the references listed.</li> </ul>	<b>0 - 25</b>	19	23	20
<b>4. Understanding of work to be performed</b> <ul style="list-style-type: none"> <li>Adequate audit coverage, projected milestone or benchmarks for completing the audit within the total time allowed.</li> <li>Realistic time estimates of each audit phase and task.</li> </ul>	<b>0 - 10</b>	8	9	8
<b>5. Cost – Submitted as separate attachment.</b>	<b>0 – 35</b>	35 (\$18,000)	23 (\$30,000)	20 (\$33,400)
<b>Total</b>	<b>100</b>	<b>84</b>	<b>79</b>	<b>69</b>