



BOARD OF DIRECTORS AGENDA REPORT

MEETING DATE: **SEPTEMBER 22, 2022** ITEM: **8D**

SUBJECT: **Discussion and Vote on Format for Future Board Meetings Pursuant to SB189**

DATE: September 16, 2022

FROM: Michele Richards, CEO

PRESENTATION BY: Michele Richards, CEO

Action Item

BACKGROUND

SB189, an important Bagley-Keene amendment, was enacted effective June 30, 2022 restoring the meeting process that was permitted under the Governor's COVID-19 executive order regarding public meetings. The amendment permits DAA Boards to again hold meetings with all members participating via teleconferencing until July 1, 2023.

Under this amendment, Board meetings could be held again via Zoom as long as information is indicated in the notice for the meeting. The amendment suspends the requirement to publish the location of Board members attending by Zoom.

The Board will discuss and vote on the following options for Board meetings held between October 2022 and June 2023 after which the bill expires:

1. Conduct all meetings in the OC Room at the headquarters of the 32nd DAA with the Board and public present.
2. Conduct all meetings via Zoom with all Board members and public participating electronically.
3. Conduct all meetings using a hybrid model with some Board members and the public in person in the OC Room at the headquarters of the 32nd DAA, and some members of the Board and public via Zoom.

A copy of the text from SB189 is attached, and related correspondence from CDFA is included in the Board packet.

RECOMMENDATION

Staff recommends that the Board consider the option that works best for most Board members, taking into consideration that the period of the amendment is only through the June 2023 Board meeting.

From: Pelle, Sarah@CDFA <Sarah.Pelle@cdfa.ca.gov>
Sent: Thursday, July 7, 2022 4:13 PM
To: Pelle, Sarah@CDFA
Cc: Francesconi, Mike@CDFA; Yates, Kaylen@CDFA; Goss, Sofia@CDFA; Anater, Kenneth@CDFA; Kume, Joji@CDFA; Mitchell, Kalia@CDFA
Subject: F&E Circular Letter #D2022-02 Bagley Keene Update -Effective immediately
Attachments: D2022-02 Bagley Keene Update ADA.pdf; Senate Bill 189 ADA.pdf

Good Afternoon DAA CEOs & Board of Directors,

Please find attached, Circular Letter #D2022-02 that outlines updates to Bagley Keene effective June 30, 2022. In addition the corresponding legislation is attached.

Please ensure that this information is shared with the fair board at the next regularly scheduled board meeting listed as an item of correspondence.

For future reference, you may view and download the F&E Circular Letters at [https://www.cdfa.ca.gov/Fairs & Expositions/](https://www.cdfa.ca.gov/Fairs%20&%20Expositions/) which are located under the "Correspondence" tab.

Thank you,

Sarah Pelle
RTD Supervisor
F&E Branch
916-900-5368





CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

July 7, 2022

D2022 - 02

TO: All District Agricultural Association CEOs
SUBJECT: Bagley Keene Updates

An important Bagley-Keene amendment was enacted last week with the budget trailer bill, restoring the meeting process that was permitted under the Governor's COVID-19 executive order regarding public meetings. [Section 20, SB 189](#), effective June 30, 2022, added Government Code section 11133, which **permits DAA boards to again hold meetings with all members participating via teleconference until July 1, 2023.**

This bill, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, DAA boards to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a DAA board holding a public meeting pursuant to these provisions, the bill suspends certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the DAA board at each teleconference location. Under this bill, the DAA board that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the DAA board allow members of the public to attend the meeting and offer public comment. The bill requires that each DAA board that holds a meeting through teleconferencing provide notice of the meeting and post the agenda 10 days in advance. The bill urges state bodies utilizing these teleconferencing procedures to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to otherwise applicable provisions, as provided. These provisions expire July 1, 2023.

If you have any questions or need additional information, please do not hesitate to contact Sarah Pelle, 916-900-5368.

Sincerely,

Mike Francesconi
Branch Chief

Enclosure



This bill would state that those executive functions include the discretion to inform the public of information that would be or is a public record regarding shorthand reporting corporations operating in this state.

(19) The California Constitution generally prohibits the total annual appropriations subject to limitation of the state and each local government from exceeding the appropriations limit of the entity of government for the prior fiscal year, adjusted for the change in the cost of living and the change in population, and prescribes procedures for making adjustments to the appropriations limit. The California Constitution defines "appropriations subject to limitation" of the state to mean any authorization to expend during a fiscal year the proceeds of taxes levied by or for the state, exclusive of, among other things, state subventions for the use and operation of local government, except as specified. The California Constitution defines "appropriations subject to limitation" of an entity of local government to mean any authorization to expend during a fiscal year the proceeds of taxes levied by or for that entity and the proceeds of state subventions to that entity, except as specified, exclusive of refunds of taxes.

Existing statutory provisions implementing these constitutional provisions establish the procedure for establishing the appropriations limit of the state and of each local jurisdiction for each fiscal year. Under existing law, revenues and appropriations for a local jurisdiction include subventions and with respect to the state, revenues and appropriations exclude those subventions. Existing law defines, for those purposes, "state subventions" as only including money received by a local agency from the state, the use of which is unrestricted by the statute providing the subvention.

This bill, for fiscal years commencing with the 2020–21 fiscal year, would define "state subventions" to additionally include money provided to a local agency pursuant to certain state programs and would require any money received by a local agency pursuant to that provision to be included within the appropriations limit of the local agency, up to the full appropriations limit of the local agency, as prescribed.

(20) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

Existing law authorizes teleconferencing subject to specified criteria, including, among others, that agendas be posted at all teleconference locations and that each teleconference location be identified in the notice and agenda of the meeting or proceeding and be accessible to the public, and that members of the public be able to address the state body directly at each teleconference location.

This bill, until July 1, 2023, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to otherwise applicable provisions, as provided.

This bill would repeal those provisions as of July 1, 2023.

(21) The California Constitution provides that the Legislature may make no law except by statute and may enact no statute except by bill. The California Constitution requires the Legislature to pass a budget bill making appropriations for the ensuing fiscal year by midnight on June 15 of each year.

This bill would add a section to the Government Code that identifies the bills that constitute the Budget Act for each fiscal year from 2011–12 through 2020–21.

(22) Existing law establishes the Office of Broadband and Digital Literacy within the Department of Technology. Existing law requires the office to oversee the acquisition and management of contracts for the development and construction of a statewide open-access middle-mile broadband network, as defined.