

MEETING DATE: April 7, 2022 **Agenda Item E**

TO: BSCC Chair and Members

FROM: Aaron Maguire, General Counsel, Aaron.Maguire@bscc.ca.gov

SUBJECT: Establishing Rules for Executive Steering Committees to Conduct Remote Rater Training: **Requesting Approval**

Summary

This report requests the Board establish rules for its Executive Steering Committees and other advisory bodies to allow rater training to be conducted both virtually and in person when rater training is conducted at BSCC headquarters in Sacramento. This authority will only apply to ESCs and other advisory bodies for purposes of rater training and in conformance with the Bagley-Keene Open Meeting Act. (Gov. Code, §§ 11120 et seq.) The public would be able to attend both in person or on-line.

Background

The Bagley-Keene Open Meeting Act generally requires state bodies, as defined, to conduct business publicly to promote transparency and allow for public participation. Since the start of the COVID-19 pandemic, and pursuant to emergency executive orders, state bodies such as the BSCC have been permitted to meet remotely, using teleconference platforms to conduct meetings. On March 31, 2022, Executive Order N-1-22, which allowed for the use of teleconferencing in lieu of in-person meetings, expired.

In the coming weeks, several ESCs will be convening to participate in rater training. This process consists of BSCC staff providing an overview of grant scoring criteria and providing examples to explain the grant-rating process. No administrative decisions by the ESCs are made during these trainings and no votes are taken. Consequently, there is limited utility in requiring members to travel to Sacramento solely to engage in this training by staff. In addition, some ESC members volunteered to participate with the understanding that travel would not be required. As such, this report seeks board approval to allow participants on ESCs to continue to be trained online. The training still would be open for the public to observe online and in-person; this approval simply would not require a majority of ESC members to be present in Sacramento.

Government Code section 11123 allows for state body meetings to be conducted by teleconference under specified circumstances, including requiring members to participate at noticed locations that are open to the public. Government Code section 11123.5 provides a limited exception for advisory committees to hold open meetings by teleconference without having members appear in public locations and the location of members posted on a 10-day agenda. This limited exception requires that a “quorum of the members of the state body shall be in attendance” at a primary physical location. (Gov. Code, § 11123.5, subd. (e).) For the sole purpose of conducting in-person rater training, however, the Board should establish rules that a quorum of an ESC conducting rater training should consist of one person. ESC

members who wish to travel to Sacramento may continue to do so, but this rule will allow a majority of ESC members to receive training remotely.

Recommendation/Action Needed

Staff recommends that the Board:

1. Establish rule, for the sole purpose of conducting rater training, that a quorum for an ESC, or any subcommittee that rates grant proposal, consists of one member of the body.