



**Agenda Packet**  
**Corning Healthcare District**  
**Meeting of the Board of Directors**  
**Tuesday November 16, 2021**

**CORNING HEALTHCARE DISTRICT SERVING SOUTHERN TEHAMA COUNTY**

**CORNING HEALTHCARE DISTRICT  
BOARD MEETING**

**Tuesday November 16, 2021**

**Corning Healthcare District Campus  
275 Solano Street**

**Video and Phone Conferencing Available  
Meeting Inquiries (530) 824-5451**

**Assistance for those with disabilities and those who wish to participate via teleconferencing;** If you have a disability or wish to join remotely and need accommodation to participate in the meeting, please call Tina E Hale, District Manager, at (530) 824-5451 for assistance so the necessary arrangements can be made.

**CALL TO ORDER: 6:00 pm**

**ROLL CALL:** Directors: Yvonne Boles, Valanne Cardenas, Lilia Rodriguez, Ross Turner, Pat Hunn  
District Manager: Tina E Hale

**ALSO PRESENT:** District Counsel: Thomas Andrews, Maintenance Supervisor: Mike Smith

**PLEDGE OF ALLEGIANCE:**

**INVITATION TO PUBLIC TO ADDRESS BOARD:**

If there is anyone in the audience wishing to speak on items not already set on the Agenda, please state your name, and briefly identify the matter you wish to have placed on the Agenda. The Directors will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to discuss the issue. The law prohibits the Directors from taking formal action on the issue, however, it can be placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.

**ADOPTION OF AGENDA:**

**ADOPTION OF MINUTES:** October 19, 2021 Meeting Minutes

**ADOPTION OF FINANCIAL REPORT:**

**POSTED Thursday, November 11, 2021**

**PRESIDENT'S REPORT:**

**COMMENTS AND REPORTS FROM DIRECTORS:**

**COMMENTS AND REPORTS FROM DISTRICT MANAGER:** 12-14-21 Special Board Meeting

**COMMENTS AND REPORTS FROM MAINTENANCE DEPARTMENT:**

**COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION:** Elder Services Handouts

**PROCLAMATION, APPOINTMENTS, RECOGNITIONS, PRESENTATIONS:** AB 1234 Ethics Training and Harassment Prevention Training Certificates

**REGULAR AGENDA:**

-ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS CORNING HEALTHCARE DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR'S ORDER DATED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY OF CORNING HEALTHCARE DISTRICT

-2020-2021 YEAR END AUDIT

**ADJOURNMENT:**

**INVITATION TO JOIN THE 11-16-21 MEETING OF THE BOARD VIA TELECONFERENCE:**

Tina E Hale is inviting you to a scheduled Zoom meeting.

Topic: Corning Healthcare District Meeting of the Board  
Time: Nov 16, 2021 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83026880771?pwd=alh1UEZMYWRFeDFNYWVHNXRoM1ZqUT09>

Meeting ID: 830 2688 0771

Passcode: 454785

One tap mobile

+16699009128,,83026880771#,,,,\*454785# US (San Jose)

+13462487799,,83026880771#,,,,\*454785# US (Houston)

Dial by your location

+1 669 900 9128 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 830 2688 0771

Passcode: 454785

Find your local number: <https://us02web.zoom.us/u/kdMWZyV7wL>

At the discretion of the Board, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.

All public records relating to an agenda item on this agenda are available for public inspection at the time the record is distributed to all, or a majority of all members of the Board. Such records shall be available at the District office located at 275 Solano Street, Corning California. This institute is an equal opportunity provider, and employer.

**CORNING HEALTHCARE DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
Tuesday, October 19, 2021  
275 SOLANO STREET CONFERENCE ROOM  
MEUSER BUILDING, CHD CAMPUS  
VIDEO CONFERENCING**

**CALL TO ORDER:** 6:00 pm

**ROLL CALL:** **Directors:** Yvonne Boles, Lilia Rodriguez, Valanne Cardenas, Ross Turner and Pat Hunn were present.

**ALSO PRESENT:** Head of Maintenance, Mike Smith. District Counsel, Thomas Andrews via Teleconference

**DISTRICT MANAGER:** Tina E Hale present.

**PLEDGE OF ALLEGIANCE:** Given

**INVITATION TO PUBLIC TO ADDRESS BOARD:** Lee Hunn was present.

**ADOPTION OF AGENDA:** A motion was made by Director Hunn to adopt the agenda as presented.  
A second was made by Director Turner. The motion was approved unanimously.

**MINUTES:** A motion was made by Director Rodriguez to adopt the minutes from the two previous meetings held on September 21, 2021 and October 6, 2021 with the correction that Attorney Andrews was present via teleconference on October 6, 2021. A second was made by Director Cardenas. The motion was approved unanimously.

**FINANCIAL REPORT:** Tina Hale gave an overview of the financial report and answered questions. A motion was made by Director Turner to adopt the financial reports for September 2021.  
A second was made by Director Cardenas. The motion was approved unanimously.

**PRESIDENT'S REPORT:** None given

**DIRECTOR'S REPORT:** Director Cardenas reported on the success of the Corning Olive Festival.  
It was well attended with very nice weather.

**DISTRICT MANAGER:** Tina Hale reported on the details of a recent grant opportunity. It was previously agreed upon by the board that the grant was not a good fit for the District at this time.  
She reported that the generators have not arrived due to manufacturers waiting for parts to complete the units.  
She asked the board to consider refinancing the USDA loan while interest rates are down. More information will be presented on this topic after analysis.

**COMMENTS AND REPORTS FROM MAINTENANCE DEPARTMENT:** Mike Smith reported on the progress of the Generator Project. He also reported that, due to high winds, the door on the dumpster enclosure broke off. He suggested that the district purchase a portable welder for such repairs as it is difficult and expensive to hire an outside service. The board agreed with his recommendation.

**COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION:**

CHD Elder Services Quarterly Report was presented to the Board for review.

**PROCLAMATION, APPOINTMENTS, RECOGNITIONS, PRESENTATIONS:** There were none presented.

**OPEN SESSION:**

**REGULAR AGENDA:**

-ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS CORNING HEALTHCARE DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR'S ORDER DATED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY OF CORNING HEALTHCARE DISTRICT

A motion was made by Director Turner to adopt, waive reading and accept by title. A second was made by Director Rodriguez. The motion was approved unanimously.

-DISCUSSION OF THE AGENDA FOR THE DECEMBER MEETING AND EVENTS RELATING TO THE HOLIDAY SEASON

It was decided that there will be a Special Meeting of the Board on Tuesday, December 14, 2021 at 6:00 pm for adoption of a new resolution followed by a holiday celebration.

**ADJOURNMENT: 6:45 PM**



Tina E Hale  
District Manager

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex and familial status. (Not all prohibited bases apply to all programs).

To file a complaint of discrimination, write USDA Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD)."

**CORNING HEALTHCARE DISTRICT  
BOARD MEETING  
Tuesday November 16, 2021  
District conference room  
275 Solano Street  
Corning Healthcare District Campus  
Meeting Inquiries (530) 824-5451**

# **October 2021 Financial Report**

Corning Healthcare District  
P L Budget 2021-2022

	P	Q	R	S	T
1					
2	<b>Month</b>	<b>Oct Budget 21</b>	<b>Oct Actual 21</b>	<b>YTD Budget</b>	<b>YTD Actual</b>
3	CD interest Income	\$240.00	\$37.81	\$960.00	\$824.13
4	Checking Interest income	\$4.00	\$4.60	\$15.00	\$23.19
5	Rental Income	\$18,772.33	\$18,391.89	\$75,089.32	\$73,832.62
6	Assessment Income	\$0.00	\$0.00	\$0.00	\$0.00
7	<b>Total Income</b>	<b>\$19,016.33</b>	<b>\$18,434.30</b>	<b>\$76,064.32</b>	<b>\$74,679.94</b>
8					
9	Payroll Expenses	\$14,078.33	\$13,619.19	\$56,313.32	\$52,710.03
10	Health Insurance	\$4,379.17	\$4,292.72	\$17,516.68	\$17,170.88
11	Workmans comp	\$0.00	\$0.00	\$12,487.00	\$11,770.60
12	Training	\$0.00	\$0.00	\$1,000.00	\$2,647.89
13	<b>Total Employee Expense</b>	<b>\$18,457.50</b>	<b>\$17,911.91</b>	<b>\$87,317.00</b>	<b>\$84,299.40</b>
14					
15	Public Education Material	\$360.00	\$202.93	\$1,440.00	\$773.60
16	Admin Legal	\$1,333.00	\$1,057.50	\$5,332.00	\$3,467.16
17	Stipend	\$300.00	\$200.00	\$1,400.00	\$450.00
18	Office Supplies	\$500.00	\$369.96	\$2,000.00	\$898.46
19	Advertising	\$600.00	\$0.00	\$1,200.00	\$485.00
20	Audit	\$0.00	\$0.00	\$8,500.00	\$0.00
21	Postage	\$58.00	\$0.00	\$232.00	\$55.00
22	Election	\$0.00	\$0.00	\$0.00	\$0.00
23	Admin Other	\$400.00	\$159.61	\$1,600.00	\$1,361.33
24	<b>Total Admin Expenses</b>	<b>\$3,551.00</b>	<b>\$1,990.00</b>	<b>\$21,704.00</b>	<b>\$7,490.55</b>
25					
26	Electric Utility	\$3,900.00	\$4,003.78	\$15,600.00	\$17,152.37
27	Water	\$500.00	\$511.74	\$2,000.00	\$2,008.78
28	Telecom	\$1,000.00	\$1,197.13	\$4,000.00	\$4,198.16
29	Garbage	\$250.00	\$229.01	\$1,000.00	\$687.03
30	Maintenance & Repair	\$2,000.00	\$6.17	\$8,000.00	\$1,036.84
31	Outside Services	\$5,584.00	\$11,865.55	\$22,336.00	\$22,421.35
32	Special Projects	\$2,000.00	\$0.00	\$8,000.00	\$0.00
33	Fire & Liability Insurance	\$0.00	\$0.00	\$22,058.00	\$22,057.92
34	<b>Total Facility Expense</b>	<b>\$15,234.00</b>	<b>\$17,813.38</b>	<b>\$82,994.00</b>	<b>\$69,562.45</b>
35					
36	<b>Total Expense</b>	<b>\$37,242.50</b>	<b>\$37,715.29</b>	<b>\$192,015.00</b>	<b>\$161,352.40</b>
37					
38	<b>Operating Profit</b>	<b>-\$18,226.17</b>	<b>-\$19,280.99</b>	<b>-\$115,950.68</b>	<b>-\$86,672.46</b>
39					
40	USDA Interest	\$0.00	\$0.00	\$27,673.88	\$27,673.87
41					
42	<b>Net Profit</b>	<b>-\$18,226.17</b>	<b>-\$19,280.99</b>	<b>-\$143,624.56</b>	<b>-\$114,346.33</b>
43					

1:35 PM

11/09/21

Accrual Basis

# CORNING HEALTHCARE DISTRICT

## Profit & Loss

October 2021

	<u>Oct 21</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
CD Interest Income	37.81
Checking-Interest	4.60
Rental Income	18,391.89
<b>Total Income</b>	<u>18,434.30</u>
<b>Gross Profit</b>	18,434.30
<b>Expense</b>	
<b>AA-PAYROLL EXPENSE</b>	
Employee Benefit-Hlth Ins-T	4,292.72
AA-PAYROLL EXPENSE - Other	13,619.19
<b>Total AA-PAYROLL EXPENSE</b>	17,911.91
<b>ADMIN EXPENSE</b>	
Admin Other-T	119.00
Bank Analysis Charge-T	40.61
General Office-T	369.96
Legal-T	1,057.50
Senior Program-T	202.93
Stipend-T	200.00
<b>Total ADMIN EXPENSE</b>	1,990.00
<b>FACILITY EXPENSE</b>	
Maintenance-T	6.17
Outside Services-T	11,865.55
Utilities	
Electricity-T	4,003.78
Garbage-T	229.01
Telephone-T	1,197.13
Water-T	511.74
<b>Total Utilities</b>	<u>5,941.66</u>
<b>Total FACILITY EXPENSE</b>	<u>17,813.38</u>
<b>Total Expense</b>	<u>37,715.29</u>
<b>Net Ordinary Income</b>	<u>-19,280.99</u>
<b>Net Income</b>	<u><u>-19,280.99</u></u>



# Phased Cash Budget 2021-2022

Budget	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22
Beg Cash Bal	\$ 864,909.00	\$ 770,064.00	\$ 579,545.00	\$ 471,072.00	\$ 246,434.00	\$ 164,882.00	\$ 148,755.00	\$ 355,227.00	\$ 291,884.00	\$ 274,357.00	\$ 274,357.00	\$ 409,830.00
Operations	\$ (52,271.00)	\$ (19,326.00)	\$ (26,127.00)	\$ (18,226.00)	\$ (18,126.00)	\$ (19,127.00)	\$ 226,472.00	\$ (18,127.00)	\$ (18,052.00)	\$ (17,527.00)	\$ 135,473.00	\$ (17,608.00)
Interest Payment		\$ (27,674.00)						\$ (27,164.00)				
Invest. Transfer						\$ 30,000.00						
Project 21-01	\$ (42,574.00)	\$ (104,519.00)	\$ (67,346.00)	\$ (191,412.00)	\$ (48,426.00)	\$ (20,000.00)	\$ (20,000.00)					
Shop		\$ (15,000.00)	\$ (15,000.00)	\$ (15,000.00)	\$ (15,000.00)	\$ (7,000.00)						
Special Projects	\$ -											
Debt Retirement		\$ (24,000.00)										
Other												
End Cash Bal	\$ 770,064.00	\$ 579,545.00	\$ 471,072.00	\$ 246,434.00	\$ 164,882.00	\$ 148,755.00	\$ 355,227.00	\$ 309,936.00	\$ 291,884.00	\$ 274,357.00	\$ 409,830.00	\$ 392,222.00
Short Term Inv.	\$ 234,646.00	\$ 234,646.00	\$ 235,365.00	\$ 235,365.00	\$ 235,365.00	\$ 206,084.00	\$ 206,084.00	\$ 206,084.00	\$ 206,803.00	\$ 206,803.00	\$ 206,803.00	\$ 207,522.00
Total Liquidity	\$ 1,004,710.00	\$ 814,191.00	\$ 706,437.00	\$ 481,799.00	\$ 400,247.00	\$ 354,839.00	\$ 561,311.00	\$ 516,020.00	\$ 498,687.00	\$ 481,160.00	\$ 616,633.00	\$ 599,744.00
Actual	July	August	September	October	November	December	January	February	March	April	May	June
Beg Cash Bal	\$ 864,909.00	\$ 768,430.00	\$ 711,235.00	\$ 610,135.23	\$ 545,070.54							
Operations	\$ (46,426.00)	\$ (8,331.00)	\$ (12,676.41)	\$ (19,280.99)								
Interest Payment		\$ (27,674.00)										
Invest Transfer												
Project 21-01	\$ (41,485.00)	\$ -	\$ (75,638.53)	\$ (54,366.41)								
Shop			\$ (8,324.71)	\$ (800.62)								
Special Projects												
Debt Retirement		\$ (24,000.00)										
Other	\$ (8,568.00)	\$ 2,810.00	\$ (4,460.12)	\$ 9,383.33								
End Cash Bal.	\$ 768,430.00	\$ 711,235.00	\$ 610,135.23	\$ 545,070.54								
Short Term Inv.	\$ 241,010.27	\$ 241,630.00	\$ 240,533.46	\$ 240,934.05								
Total Liquidity	\$ 1,009,440.27	\$ 952,865.00	\$ 850,668.69	\$ 786,004.59								

## CORNING HEALTHCARE DISTRICT

## Balance Sheet

11/10/21

As of October 31, 2021

Accrual Basis

	<u>Oct 31, 21</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
1 Mechanics Checking-0360	524,892.72
2Mechanics Checking-GenPro-5250	9,359.58
Capital Improvement USDA-4903	504.97
Edward Jones CD 580-14264-1-1	241,746.39
<b>Petty Cash</b>	<u>100.00</u>
<b>Total Checking/Savings</b>	776,603.66
<b>Accounts Receivable</b>	-1,511.06
<b>Other Current Assets</b>	
Generator Project 21-01	<u>186,673.69</u>
<b>Total Other Current Assets</b>	<u>186,673.69</u>
<b>Total Current Assets</b>	961,766.29
<b>Fixed Assets</b>	
Bldg Imp	134,008.63
Bldg Imp Accum Dep	-96,523.00
Land	20,313.00
Land-Demolition	518,035.56
Land Imp	105,081.20
Land Imp Accum Dep	-105,081.20
Maintenance Building	6,625.20
Med Bldg	3,744,628.76
Med Bldg Accum Dep	<u>-1,325,957.00</u>
<b>Total Fixed Assets</b>	<u>3,001,131.15</u>
<b>TOTAL ASSETS</b>	<u><u>3,962,897.44</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	4,299.28
<b>Other Current Liabilities</b>	
Accrued Payroll	5,445.93
Deferred Income	157,112.00
Interest Payable	23,061.57
Payroll Liabilities	<u>7,825.85</u>
<b>Total Other Current Liabilities</b>	<u>193,445.35</u>
<b>Total Current Liabilities</b>	197,744.63
<b>Long Term Liabilities</b>	
Loan Payable - USDA	<u>1,278,300.00</u>
<b>Total Long Term Liabilities</b>	<u>1,278,300.00</u>
<b>Total Liabilities</b>	1,476,044.63
<b>Equity</b>	
2310.00-Fund Bal-Ret Earn	2,557,413.28
Net Assets	27,959.86
Net Income	<u>-98,520.33</u>
<b>Total Equity</b>	<u>2,486,852.81</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>3,962,897.44</u></u>

**CORNING HEALTHCARE DISTRICT**  
**Statement of Cash Flows**  
July through October 2021

---

	<u>Jul - Oct 21</u>
<b>OPERATING ACTIVITIES</b>	
Net Income	-98,520.33
Adjustments to reconcile Net Income to net cash provided by operations:	
Accounts Receivable	1,511.06
Generator Project 21-01	-152,990.19
Accounts Payable	-25,148.99
Payroll Liabilities: EDD/FED Rapprochement	5,390.84
Net cash provided by Operating Activities	<u>-269,757.61</u>
<b>INVESTING ACTIVITIES</b>	
Maintenance Building	<u>-6,625.20</u>
Net cash provided by Investing Activities	-6,625.20
<b>FINANCING ACTIVITIES</b>	
Loan Payable - USDA	<u>-24,000.00</u>
Net cash provided by Financing Activities	<u>-24,000.00</u>
Net cash increase for period	-300,382.81
Cash at beginning of period	<u>1,076,986.47</u>
Cash at end of period	<u><u>776,603.66</u></u>

**CORNING HEALTHCARE DISTRICT**  
**Income by Customer Summary**  
October 2021

---

	<u>Oct 21</u>
Family Counseling Center	256.50
Adventist Health	6,172.00
Northern Valley Catholic Social Service - Tehama County	1,130.00
Children First Foster Family Agency	9,578.83
QUEST DIAGNOSTICS, INC.	345.54
	<u>909.02</u>
<b>TOTAL</b>	<b><u><u>18,391.89</u></u></b>

**CORNING HEALTHCARE DISTRICT  
Expenses by Vendor Summary  
October 2021**

---

	Oct 21
Alhambra	17.00
AT & T 530-4559-465 2	147.71
At & T U-Verse 127454452	42.80
AT & T Mobil 287277929386	41.78
AT&T 251727868	42.80
AT&T 960-733-5563 555	597.29
ATT 294290689	324.75
Battle Creek Pest Control	80.00
Business Connections	119.00
City of Corning-175 Solano coro 145	81.88
City of Corning-275 Solano coro168	334.70
City of Corning 218 - coro218	95.16
Edward Jones A	271.60
Edward Jones B	463.54
Electronic Federal Tax payment System	2,821.41
Employment Development Department	446.49
Law Offices of Thomas N. Andrews	1,057.50
Mechanics Bank Credit Card	186.67
Northern Services-155 Solano	2,630.00
Pacific Gas & Electric	4,003.78
Peerless Bldg Maintenanc Corp	200.00
Red Bluff Daily News	340.54
Servicemaster Clean	8,863.55
Special District Risk Management	4,292.72
Streamline	75.00
Waste Management	229.01
<b>TOTAL</b>	<b>27,806.68</b>

CORNING HEALTHCARE DISTRICT  
LAST MONTH'S CHECK BOOK REGISTER  
As of October 31, 2021

Accrual Basis

Type	Date	Num	Name	Memo	Split	Amount	Balance
<b>1 Mechanics Checking-0360</b>							
Bill Pmt -Ch...	10/01/21	9265	ATT 294290689	phone 824-5451, Tech 36...	Accounts ...	-162.73	539,634.96
Bill Pmt -Ch...	10/01/21	9266	Northern Services-155 Solano	75-3120754	Accounts ...	-1,315.00	539,472.23
Bill Pmt -Ch...	10/01/21	9267	Pacific Gas & Electric	4586584129-5	Accounts ...	-12.15	538,157.23
Bill Pmt -Ch...	10/01/21	9268	Red Bluff Daily News	Yearly Subscription #10654	Accounts ...	-340.54	538,145.08
Bill Pmt -Ch...	10/01/21	9269	Servicemaster Clean		Accounts ...	-2,562.40	537,804.54
Deposit	10/01/21			Deposit	-SPLIT-	16,008.33	535,242.14
Check	10/01/21	9060	Benwell, Elaine	Paycheck	AA-PAYR...	-803.98	551,250.47
Check	10/01/21	9061	Smith, Mike A	Paycheck	AA-PAYR...	-1,734.92	550,446.49
Check	10/01/21	9062	Engelbreitsen, Shirley I	Paycheck	AA-PAYR...	-66.11	548,711.57
Check	10/01/21	9063	Bonham, Tina E	Paycheck	AA-PAYR...	-2,167.85	548,645.46
Deposit	10/06/21			Deposit	UNDEPOS...	1,130.00	546,477.61
Bill Pmt -Ch...	10/06/21	9270	At & T U-Verse 127454452	127454452 / 127393133	Accounts ...	-42.80	547,564.81
Bill Pmt -Ch...	10/06/21	9271	AT & T Mobil 287277929386	Aug/Sept	Accounts ...	-41.78	547,523.03
Bill Pmt -Ch...	10/06/21	9272	Business Connections	1331	Accounts ...	-119.00	547,404.03
Bill Pmt -Ch...	10/06/21	9273	Law Offices of Thomas N. Andrews		Accounts ...	-1,057.50	546,346.53
Bill Pmt -Ch...	10/06/21	9274	Peerless Bldg Maintenance Corp	window cleaning 275 Solano	Accounts ...	-100.00	546,246.53
Bill Pmt -Ch...	10/06/21	9275	Waste Management	533-0000136-0533-2	Accounts ...	-229.01	546,017.52
Check	10/08/21	9276	Yvonne Boles	9/21/21	Stipend-T	-50.00	545,967.52
Check	10/08/21	9277	Lilia Rodriguez	9/21/21	Stipend-T	-50.00	545,917.52
Check	10/08/21	9278	Valanne Cardenas	9/21/21	Stipend-T	-50.00	545,867.52
Check	10/08/21	9279	Patricia Hunn	9/21/21	Stipend-T	-50.00	545,817.52
Check	10/10/21			Service Charge	Bank Anal...	-20.57	545,796.95
Bill Pmt -Ch...	10/14/21	9280	AT&T 251727868	530-824-5451-362 and 53...	Accounts ...	-42.80	545,754.15
Bill Pmt -Ch...	10/14/21	9281	AT&T 960-733-5563 555		Accounts ...	-597.29	545,156.86
Bill Pmt -Ch...	10/14/21	9282	Battle Creek Pest Control	34-2046874	Accounts ...	-80.00	545,076.86
Bill Pmt -Ch...	10/14/21	9283	City of Corning-175 Solano coro 145	CORO145	Accounts ...	-81.88	544,994.98
Bill Pmt -Ch...	10/14/21	9284	City of Corning-275 Solano coro 168	CORO168	Accounts ...	-334.70	544,660.28
Bill Pmt -Ch...	10/14/21	9285	City of Corning 218 - coro218	9/7/21-10/6/21	Accounts ...	-95.16	544,565.12
Bill Pmt -Ch...	10/14/21	9286	Pacific Gas & Electric		Accounts ...	-3,979.48	540,585.64
Bill Pmt -Ch...	10/14/21	9287	Special District Risk Management		Accounts ...	-4,292.72	536,292.92
Bill Pmt -Ch...	10/14/21	9288	Streamline		Accounts ...	-75.00	536,217.92
Check	10/14/21	9289	E. Benwell	mileage 9/1/21-9/31/21	Senior Pro...	-51.85	536,166.07
Check	10/15/21	9066	Benwell, Elaine	Paycheck	AA-PAYR...	-676.05	535,490.02
Check	10/15/21	9067	Smith, Mike A	Paycheck	AA-PAYR...	-1,734.93	533,755.09
Check	10/15/21	9068	Engelbreitsen, Shirley I	Paycheck	AA-PAYR...	-264.45	533,490.64
Check	10/15/21	9069	Bonham, Tina E	Paycheck	AA-PAYR...	-2,167.86	531,322.78
Check	10/15/21	211015	Employment Development Depart...	EFTPMT 580529440	AA-PAYR...	-401.73	530,921.05
Check	10/15/21	211016	Electronic Federal Tax payment S...	IRS USA TAXPYMT 22516...	AA-PAYR...	-2,811.46	528,109.59
Bill Pmt -Ch...	10/19/21	9290	Alhambra	494111610314529	Accounts ...	-17.00	528,092.59
Bill Pmt -Ch...	10/19/21	9291	Mechanics Bank Credit Card	9/10/21-10/8/21	Accounts ...	-186.67	527,905.92
Bill Pmt -Ch...	10/19/21	9292	Servicemaster Clean		Accounts ...	-3,738.75	524,167.17
Deposit	10/27/21			Deposit	UNDEPOS...	909.02	525,076.19
Deposit	10/27/21			Deposit	-SPLIT-	602.04	525,678.23
Check	10/27/21	260995634	Electronic Federal Tax payment S...	IRS USA TAXPYMT FED9...	AA-PAYR...	-9.95	525,668.28
Check	10/27/21	261395634	Employment Development Depart...	EFTPMT CA UI Q3 2021	AA-PAYR...	-44.76	525,623.52
Deposit	10/28/21			Interest	Checking-I...	4.34	525,627.86

CORNING HEALTHCARE DISTRICT  
LAST MONTH'S CHECK BOOK REGISTER  
As of October 31, 2021

Type	Date	Num	Name	Memo	Split	Amount	Balance	
Check	10/29/21	9074	Edward Jones B	Simple IRA -B	-SPLIT-	-463.54	525,164.32	
Check	10/29/21	9075	Edward Jones A	Simple IRA -A	-SPLIT-	-271.60	524,892.72	
Total 1 Mechanics Checking-0360							-14,742.24	524,892.72
<b>TOTAL</b>							<b>-14,742.24</b>	<b>524,892.72</b>

**CORNING HEALTHCARE DISTRICT  
BOARD MEETING  
Tuesday November 16, 2021  
District conference room  
275 Solano Street  
Corning Healthcare District Campus  
Meeting Inquiries (530) 824-5451**

**REGULAR AGENDA:**

**-ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS CORNING HEALTHCARE DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR'S ORDER DATED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY OF CORNING HEALTHCARE DISTRICT**

**-2020-2021 YEAR END AUDIT**



**RESOLUTION NO. 11-16-21**

**A RESOLUTION OF THE BOARD OF DIRECTORS**

**CORNING HEALTHCARE DISTRICT**

**PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR'S ORDER DATED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY OF CORNING HEALTHCARE DISTRICT FOR THE PERIOD OF NOVEMBER 16, 2021 TO DECEMBER 15, 2021 PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, the CORNING HEALTHCARE DISTRICT is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the CORNING HEALTHCARE DISTRICT's legislative body is 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 District's legislative bodies 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 District's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, the State of Emergency declared by Governor Newsom on March 4, 2020, due to COVID-19. Pursuant to the Governor's subsequent Executive Order N-29-20, issued on March 17, 2020, a local legislative body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body. Masks are now optional for fully vaccinated employees and members of the public. Based on Occupational Safety & Hazard Agency (OSHA) standards, those entering without a mask are self-attesting to being fully vaccinated; and

WHEREAS, the Board of Directors does hereby find that the rise in SARS-CoV-2 Delta Variant has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency exists and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the District shall continue to conduct meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and.

WHEREAS, the CORNING HEALTHCARE DISTRICT commenced virtual meeting protocols on April 21, 2020, which include options for public participation.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the CORNING HEALTHCARE DISTRICT as follows:

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

2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District.

3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

4. Remote Teleconference Meetings. The District Manager and Staff of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, but not limited to, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

5. Effective Date of Resolution. This Resolution shall take effect on November 16, 2021, and shall be effective until the earlier of December 15, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**ADOPTED** by the Board of Directors of the CORNING HEALTHCARE DISTRICT on November 16, 2021, by the following roll call votes:

AYES:

NOES:

ABSENT:

ABSTAINED:



**California Special  
Districts Association**  
*Districts Stronger Together*

## AB 361 Implementation Guide

---



## California Special Districts Association

*Districts Stronger Together*

### AB 361 – Brown Act: Remote Meetings During a State of Emergency

#### Background – the Governor’s Executive Orders:

Starting in March 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. These Executive Orders ([N-25-20](#), [N-29-20](#), [N-35-20](#)) collectively modified certain requirements created by the Ralph M. Brown Act (“the Brown Act”), the state’s local agency public meetings law.

The orders waived several requirements, including requirements in the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting.<sup>12</sup> Furthermore, the orders:

- waived the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting,
- waived the requirement that each teleconference location be accessible to the public,
- waived the requirement that members of the public be able to address the legislative body at each teleconference conference location,
- waived the requirement that local agencies post agendas at all teleconference locations, and,
- waived the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Under the orders, local agencies were still required to provide advance notice of each public meeting according to the timeframe otherwise prescribed by the Brown Act, and using the means otherwise prescribed by the Brown Act. Agencies were – for a time – required to allow members of the public to observe and address the meeting telephonically or otherwise electronically. Local agencies were eventually explicitly freed from the obligation of providing a physical location from which members of the public could observe the meeting and offer public comment.<sup>3</sup>

In each instance in which notice of the time of the meeting was given or the agenda for the meeting was posted, the local agency was required to give notice of the manner members of the public could observe the meeting and offer public comment. In any instance in which there was a change in the manner of public observation and comment, or any instance prior to the issuance of the executive orders in which the time of the meeting had been noticed or the agenda for the meeting had been posted without also including notice of the manner of public observation and comment, a local agency would be able to satisfy this requirement by

<sup>1</sup> **Executive Order N-25-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>

<sup>2</sup> **Executive Order N-29-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf>

<sup>3</sup> *ibid*



## California Special Districts Association

*Districts Stronger Together*

advertising the means of public observation and comment using "the most rapid means of communication available at the time" within the meaning of California Government Code, section 54954(e); this includes, but is not limited to, posting the manner in which the public could participate on the agency's website.

The orders also provided flexibility for a legislative body to receive a "serial" or simultaneous communication outside of an open meeting, allowing all members of the legislative body to receive updates (including, but not limited to, simultaneous updates) relevant to the emergency (including, but not limited to, updates concerning the impacts of COVID-19, the government response to COVID-19, and other aspects relevant to the declared emergency) from federal, state, and local officials, and would be allowed to ask questions of those federal, state, and local officials, in order for members of the legislative body to stay apprised of emergency operations and the impact of the emergency on their constituents. Members of a local legislative body were explicitly not permitted to take action on, or to discuss amongst themselves, any item of business that was within the subject matter jurisdiction of the legislative body without complying with requirements of the Brown Act.<sup>4</sup>

### *The Brown Act Executive Orders Sunset – September 30, 2021*

On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the aforementioned modifications made to the Brown Act, effective September 30, 2021.<sup>5</sup> After that date, local agencies are required to observe all the usual Brown Act requirements *status quo ante* (as they existed prior to the issuance of the orders). Local agencies must once again ensure that the public is provided with access to a physical location from which they may observe a public meeting and offer public comment. Local agencies must also resume publication of the location of teleconferencing board members, post meeting notices and agendas in those locations, and make those locations available to the public in order to observe a meeting and provide public comment.

Following the Governor's September 16 signing of AB 361, the Governor's office contemplated immediately rescinding the remote public meeting authority provided under prior Executive Orders. Such action would have instantly impacted thousands of local agencies – potentially requiring them to cancel meetings or conduct in-person meetings or meetings pursuant to standard Brown Act teleconferencing requirements, notwithstanding the ongoing health directives related to the pandemic. After fruitful discussions between CSDA, the Governor's office, and other stakeholders on how to best assist local agencies to conduct meetings in an open and public manner, the Governor's office modified its approach and issued a revised Order on September 20, suspending the provisions of AB 361 and providing for a clear transition.<sup>6</sup>

Until September 30, local agencies should look to the revised Executive Order, [N-15-21](#), to determine how to conduct a particular meeting. The revised Order makes clear that, **until September 30**, local agencies may conduct open and public remote meetings relying on the

<sup>4</sup> Executive Order N-35-20, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.21.20-EO-N-35-20.pdf>

<sup>5</sup> Executive Order N-08-21, <https://www.gov.ca.gov/wp-content/uploads/2021/06/6.11.21-EO-N-08-21-signed.pdf>

<sup>6</sup> Executive Order N-15-21, [gov.ca.gov/wp-content/uploads/2021/09/9.20.21-executive-order.pdf](https://www.gov.ca.gov/wp-content/uploads/2021/09/9.20.21-executive-order.pdf)



## California Special Districts Association

*Districts Stronger Together*

authority provided under prior Executive Orders (rather than AB 361). The revised Order also explicitly permits a local agency to meet pursuant to the procedures provided in AB 361 **before** October 1, so long as the meeting is conducted in accordance with the requirements of AB 361. All local agencies should be aware that they **may not** conduct remote teleconference meetings pursuant to the authority in the Governor's prior Executive Orders **beyond September 30**; after that date, all meetings subject to the Brown Act must comply with standard teleconference requirements (as they existed "pre-pandemic") **OR** must comply with the newly enacted provisions of AB 361.

Any local agency that seeks to continue conducting remote teleconference meetings after September 30, **but has not taken action to transition to the provisions of AB 361**, may hold remote teleconference meetings under the standard requirements found within the Brown Act (i.e., subdivision (b) of Government Code section 54953, with remote meeting locations identified in the meeting agenda, meeting notices and agendas posted at all teleconference locations, teleconference locations accessible to the public, et cetera). Local agencies are strongly encouraged to swiftly begin preparations to ensure all Brown Act meetings and board actions taken via remote meetings after September 30 are done in a proper manner.

### AB 361 – Flexibility for Remote Open Meetings During a Proclaimed State Emergency

Assembly Bill 361, introduced in February 2021 by Assembly Member Robert Rivas (D-30, Hollister) and sponsored by the California Special Districts Association, provides local agencies with the ability to meet remotely **during proclaimed state emergencies** under modified Brown Act requirements, similar in many ways to the rules and procedures established by the Governor's Executive Orders.

**Important Note:** AB 361's provisions can only be used in the event that a gubernatorial **state of emergency** 1) has been issued **AND** 2) remains active. It is **not sufficient** that county and/or city officials have issued a local emergency declaration – the emergency declaration must be one that is made pursuant to the California Emergency Services Act (CA GOVT § 8625).

Specifically, AB 361 suspends the requirements located in California Government Code, section 54953, subdivision (b), paragraph (3). What does this mean for local agencies? This means that, during a state of emergency, under specified circumstances, local agencies can meet pursuant to modified Brown Act requirements. Each of these modifications is broken out below.

**The provisions enacted by AB 361 providing flexibility to meet remotely during a proclaimed emergency will sunset on January 1, 2024. This is subject to change if a future Legislature and Governor elect to extend the sunset or make the provisions permanent.**



**AB 361 IMPACTS ON LOCAL AGENCY COMPLIANCE WITH THE BROWN ACT**

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.	<ul style="list-style-type: none"> <li>Agendas not required to be posted at <b>all teleconference locations</b></li> <li>Meeting must still be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency</li> </ul>

In the context of an emergency, members of the legislative body of a local agency may be teleconferencing from less-than-ideal locations – e.g., the private domicile of a friend or relative, a hotel room, an evacuation shelter, from a car, etc. The nature of the emergency may further compound this issue, as was the case during the COVID-19 outbreak and the necessity to implement social distancing measures. To address this issue, AB 361 provides relief from the obligation to post meeting agendas at all conference locations.

Although local agencies are relieved from this obligation, local agencies should endeavor to post meeting agendas at all usual locations where it remains feasible to do so.

**Important Note:** Local agencies must still provide advance notice of public meetings and must still post meeting agendas consistent with the provisions of the Brown Act. AB 361 does nothing to change the fact that meetings must still be noticed and agendized in advance.

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.	<ul style="list-style-type: none"> <li>Agendas are not required to identify each teleconference location in the meeting notice/agenda</li> <li>Local agencies are not required to make each teleconference location accessible to the public</li> </ul>

Emergencies can – and often do – happen quickly. As was the case with the 2018 Camp Fire, individuals fleeing a disaster area may end up in disparate locations throughout the state. These impromptu, ad hoc locations are not ideal for conducting meetings consistent with the usual Brown Act requirements, which may impede local agencies seeking to meet promptly in response to calamity. To that end, AB 361 removes the requirement to document each teleconference location in meeting notices and agendas. Similarly, local agencies are not required to make these teleconference locations accessible to the public.

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, during the teleconferenced meeting, at least a quorum of the members of the legislative body shall	<ul style="list-style-type: none"> <li>No requirement to have a quorum of board members participate from within the territorial bounds of the local agency’s jurisdiction</li> </ul>





**California Special Districts Association**

*Districts Stronger Together*

participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.	
---	--

The purpose of AB 361 is to assist local agencies with continuing their critical operations despite facing emergencies that pose a risk to human health and safety – emergencies which oftentimes correspond with advisory or mandatory evacuation orders (e.g., wildfires, earthquakes, gas leaks, etc.). An emergency which drives individuals from an area could make meeting within the bounds of a local agency impossible to do feasibly or safely. Accordingly, AB 361 allows for local agencies to disregard quorum requirements related to members of a legislative body teleconferencing from locations beyond the local agency’s territory.

<b>Brown Act Requirement</b>	<b>Requirement under AB 361</b>
If the legislative body of a local agency elects to use teleconferencing, the agenda shall provide an opportunity for members of the public to address the legislative body directly at each teleconference location.	<ul style="list-style-type: none"> <li>• In each instance in which notice of the time of the teleconferenced meeting is given or the agenda for the meeting is posted, the legislative body shall also give notice of the manner by which members of the public may access the meeting and offer public comment</li> <li>• The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option</li> <li>• The legislative body shall allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the legislative body directly</li> <li>• In the event of a disruption which prevents the local agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency’s control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored</li> </ul>



**California Special  
Districts Association**  
*Districts Stronger Together*

	<ul style="list-style-type: none"><li>• Written/remote public comment must be accepted until the point at which the public comment period is formally closed; registration/sign-up to provide/be recognized to provide public comment can only be closed when the public comment period is formally closed</li></ul>
--	--

The right of individuals to attend the public meetings of local agencies and be face-to-face with their elected or appointed public officials is viewed as sacrosanct, only able to be abrogated in the most extraordinary of circumstances. Under normal conditions, local agencies are required to allow members of the public to participate in a public meeting from the very same teleconference locations that other board members are using to attend that meeting.

AB 361 solves the specific problem of what to do in circumstances when local agencies are holding their meetings remotely during an emergency and it would be unsafe to permit access to members of the public to the remote teleconference locations. AB 361 permits local agencies to meet without making teleconference locations available to members of the public, **provided that** members of the public are afforded the opportunity to provide public comment remotely as well.

Importantly, local agencies must ensure that the opportunity for the public to participate in a meeting remains as accessible as possible. This means that local agencies cannot discriminate against members of the public participating either remotely or in-person. In practice, this means:

- Local agencies must clearly advertise the means by which members of the public can observe a public meeting or offer comment during a meeting remotely, via either a call-in or internet-based option

Importantly, local agencies are required to provide the relevant remote access information to members of the public looking to attend a meeting of a local agency legislative body. This information includes, but is not limited to: phone numbers, passwords, URLs, email addresses, etc. Using this information, members of the public must be able to attend the meeting remotely. Any of the information related to participation must be included in the relevant meeting notice(s) and meeting agenda(s). If an agency fails to provide one or more of these key pieces of information in a meeting notice or agenda, the agency should not proceed with the meeting as-is, as it could result in any subsequent action being rendered null or void.

- Agencies whose meetings are interrupted by technological or similar technical disruptions must first resolve those issues before taking any other action(s) on items on the meeting agenda

In a notable departure from the terms of the Governor's orders, AB 361 explicitly requires that local agencies must first resolve any remote meeting disruption before proceeding to take further action on items appearing on a meeting agenda. In the event that a public comment line unexpectedly disconnects, a meeting agenda was sent out with the incorrect web link or dial-in



## California Special Districts Association

*Districts Stronger Together*

information, the local agency's internet connection is interrupted, or other similar circumstances, a local agency is required to stop the ongoing meeting and work to resolve the issue before continuing with the meeting agenda.

Local agencies should ensure that the public remains able to connect to a meeting and offer public comment by the means previously advertised in the meeting notice or agenda. This may require directing staff to monitor the means by which the public can observe the meeting and offer comment to ensure that everything is operating as intended.

In the event that a meeting disruption within the control of the agency cannot be resolved, a local agency should not take any further action on agenda items; the local agency should end the meeting and address the disruption in the interim, or it may risk having its actions set aside in a legal action.

***Important Note:*** *Test, test, test! Local agencies should be testing their remote meeting setup in advance of (and during) every meeting to ensure that there are no apparent issues. Local agency staff should attempt to attend the meeting in the same way(s) made available to members of the public and demonstrate that everything is working as intended. The fact that staff tested the system before and during a meeting and failed to detect any problems may become a key factor in any potential legal action against the agency.*

- Local agencies cannot require that written comments be submitted in advance of a meeting

It is not permissible to require that members of the public looking to provide public comment do so by submitting their comment(s) in advance of a meeting – in fact, not only is this a violation of AB 361's terms, it is also a violation of the Brown Act generally. Both AB 361 and the Brown Act explicitly require that members of the public be given the opportunity to provide public comment **directly** – that is, live and at any point prior to public comment being officially closed during a public meeting. Until such time during a meeting that the chairperson (or other authorized person) calls for a close to the public comment period, members of the public are allowed to submit their public comments directly or indirectly, orally, written, or otherwise.

- Local agencies may only close registration for public comment at the same time the public comment period is closed, and must accept public comment until that point

Local agencies cannot require that individuals looking to provide public comment register in advance of a meeting (though agencies may extend the **possibility** of advance registration or commenting as a **non-mandatory** option). Nor may local agencies require that individuals looking to provide public comment register in advance of the agenda item being deliberated by a local agency. Local agencies may only close registration for public comment at the same time that they close the public comment period for all. Until the public comment period is completely closed for all, members of the public must be permitted to register for, and provide, public comment.



**California Special Districts Association**

*Districts Stronger Together*

Local agencies that agendize a comment period for each agenda item cannot close the public comment period for the agenda item, or the opportunity to register to provide public comment, until that agendized public comment period has elapsed.

Local agencies that do not provide an agendized public comment period but instead take public comment separately on an informal, ad hoc basis on each agenda item must allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register or otherwise be recognized for the purpose of providing public comment.

Local agencies with an agendized general public comment period that does not correspond to a specific agenda item (i.e., one occurring at the start of a meeting, covering all agenda items at once) cannot close the public comment period or the opportunity to register until the general public comment period has elapsed.

<b>Brown Act Requirement</b>	<b>Requirement under AB 361</b>
<p>A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.</p> <p>If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.</p>	<ul style="list-style-type: none"> <li>An individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body that requires registration to log in to a teleconference, may be required to register as required by the third-party internet website or online platform to participate</li> </ul>

“Zoom meetings” became ubiquitous during the COVID-19 pandemic – for good reason. The Zoom video teleconferencing software was free (with some “premium” features even made temporarily free to all users), easily deployed, and user-friendly. All one needed was a Zoom account and then they’d be able to make use of the platform’s meeting services, hosting and attending various meetings as they pleased.

Unfortunately, the Brown Act has long prohibited the use of mandatory registration or “sign-ups” to attend public meetings or to provide public comment. Privacy and good governance concerns prohibit such information gathering from members of the public seeking to remain anonymous while also engaging with their government. Accordingly, it would normally be a concern to use any teleconference platform which may require participants to register for an account even when it is not the local agency establishing that requirement.



## California Special Districts Association

*Districts Stronger Together*

AB 361 resolves this issue by explicitly allowing local agencies to use platforms which, incidental to their use and deployment, may require users to register for an account with that platform so long as the platform is not under the control of the local agency.

**Important Note:** *Just because you “can” doesn’t mean you “should.” There are products on the market that do not require individuals to sign up for/sign in to an account to participate in a remote meeting. Local agencies are heavily discouraged from contacting their remote meeting platform vendor in an attempt to uncover information about meeting attendees.*

### RESOLUTIONS: ENACTING ASSEMBLY BILL 361

A local agency wishing to rely on the provisions of AB 361 must meet one of the following criteria:

- (A) 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; or
- (B) 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
- (C) 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 risks to the health or safety of attendees.

These criteria permit a local agency to schedule a remote meeting to determine whether meeting in-person during the state of emergency would pose imminent risk to the health or safety of attendees. At that remote meeting, a local agency may determine by majority vote that sufficient risks exist to the health or safety of attendees as a result of the emergency and pass a resolution to that effect. These criteria also permit a local agency to meet remotely in the event that there is a state of emergency declaration while state or local officials have recommended or required measures to promote social distancing.

If a local agency passes a resolution by majority vote that meeting in-person during the state of emergency would present imminent risks to the health or safety of attendees, the resolution would permit meeting under the provisions of AB 361 for a maximum period of 30 days. After 30 days, the local agency would need to renew its resolution, consistent with the requirements of AB 361, if the agency desires to continue meeting under the modified Brown Act requirements, or allow the resolution to lapse.

**Important Note:** *Consider referencing [the initial sample resolution linked on this page \(click here\)](#) in crafting your agency’s initial resolution effecting the transition to these modified Brown Act requirements. While this sample resolution is provided for the benefit of local agencies, consult your legal counsel to review your agency’s resolution before its consideration at a public meeting.*



## California Special Districts Association

*Districts Stronger Together*

After 30 days, a local agency is required to renew its resolution effecting the transition to the modified Brown Act requirements if it desires to continue meeting under those modified requirements.

Importantly, the ability to renew the resolution is subject to certain requirements and conditions. In order to renew the resolution, a local agency must:

- Reconsider the circumstances of the state of emergency
- Having reconsidered the state of emergency, determine that either
  - The state of emergency continues to directly impact the ability of the members to meet safely in person, or
  - State or local officials continue to impose or recommend measures to promote social distancing

AB 361 requires that the renewal of the resolution effecting the transition to the modified Brown Act requirements must be based on findings that the state of emergency declaration remains active, the local agency has thoughtfully reconsidered the circumstances of the state of emergency, and the local agency has either identified A) ongoing, direct impacts to the ability to meet safely in-person or B) active social distancing measures as directed by relevant state or local officials.

***Important Note:*** Consider referencing the subsequent adoption sample resolution linked on [this page \(click here\)](#) in crafting your agency's renewal resolution renewing the transition to these modified Brown Act requirements. While this sample resolution is provided for the benefit of local agencies, consult your legal counsel to review your agency's resolution before its consideration at a public meeting.

***Important Note:*** If your agency does not meet again before the 30 day period during which the resolution remains active, the resolution will lapse for lack of action by the agency. After a resolution has lapsed, if the agency seeks to meet remotely again under the modified Brown Act requirements, it must pass a new initial resolution effecting the transition to the modified Brown Act requirements, subject to the same substantive and procedural requirements as before.



## California Special Districts Association

*Districts Stronger Together*

### AB 361 PROCESS: AN EXECUTIVE SUMMARY

1. An emergency situation arises. The specific nature of the emergency produces an imminent risk to public health and safety.
2. A state of emergency is declared (pursuant to CA GOVT § 8625).
3. A local agency wishes to meet remotely via teleconferencing as a result of the emergency. A meeting notice/agenda are produced and posted, with an agenda item dedicated to consideration of a resolution to transition to teleconferenced meetings consistent with the terms of CA GOVT § 54953, subdivision (e).
4. A resolution is passed consistent with the terms of CA GOVT § 54953, subdivision (e), paragraph (1), subparagraph (B) (i.e., a resolution passed by majority vote determining that meeting in person would present imminent risks to the health or safety of attendees).<sup>1</sup> This resolution is valid for 30 days.
5. 30 days later: if the state of emergency remains active, a local agency may act to renew its resolution effecting the transition to teleconferenced meetings by passing another resolution, consistent with the terms of CA GOVT § 54953, subdivision (e), paragraph (3) (i.e., a resolution which includes findings that legislative body has both 1) reconsidered the circumstances of the state of emergency, and 2) the state of emergency continues to directly impact the ability of the members to meet safely in person.<sup>2</sup>

<sup>1</sup> Alternatively, in lieu of a resolution finding that meeting in person would present imminent risks to the health or safety of attendees, a local agency may use modified Brown Act procedures when state/local officials recommend/require measures to promote social distancing.

<sup>2</sup> Should state/local officials continue to impose or recommend measures to promote social distancing, this may instead be used as a basis for renewing a resolution (as opposed to the fact that the state of emergency continues to directly impact the ability of the members to meet safely in person).

**This communication is provided for general information only and is not offered or intended as legal advice. Readers should seek the advice of an attorney when confronted with legal issues and attorneys should perform an independent evaluation of the issues raised in these communications.**

Copyright © 2021 by the California Special Districts Association (CSDA), Sacramento, California.

All rights reserved. This publication, or parts thereof, may not be reproduced in any form without CSDA's permission.



---

**POLICY TITLE:**            **Brown Act Compliance – Open Meeting Requirements**  
**POLICY NUMBER:**        **4215**

4215.1 The Brown Act. The Legislature adopted the Brown Act, commonly referred to as California's "Open Meetings Laws" in 1964. The Brown Act is contained in Government Code section 54950 et seq. The Brown Act is broadly construed and compliance is constitutionally mandated.

4215.2 Compliance with Brown Act. All meetings of the Board of Directors shall comply with the Brown Act.

4215.2.1 Meetings occur whenever the majority of the Board of Directors meets to discuss District business.

4215.2.2 Member of the Board includes newly elected and appointed officials prior to assuming office.

4215.2.3 All Board meetings shall be open and freely accessible to the public, including those with disabilities.

4215.2.4 Meetings through the use of intermediaries, serial communications, or emails are prohibited.

4215.2.5 The Board shall only take action during a properly noticed meeting.

4215.3 Committees. Committees created by formal action of the Board shall comply with the Brown Act



# Overview of the Brown Act and Public Records Act

Jill N. Willis  
Best Best & Krieger

## The Brown Act

### Purpose

To ensure that almost all aspects of the decision-making process of legislative bodies of local agencies are conducted in public and open to public scrutiny.

### Application of the Act

#### The Brown Act applies to:

- Local agencies
- Legislative bodies
- Meetings
- Persons elected to legislative bodies, even prior to assuming office

#### Legislative Body INCLUDES:

- Governing body
- Board, **commission**, committee created by formal action of the governing body
- Private board, LLC, or other entity that:
  - Is created by the governing body: or
  - Receives funds and a designated member from the legislative body

### Application of the Act

The Brown Act does NOT apply to:

- Advisory committee of less than a quorum of the governing body
  - w/o continuing subject matter  
(i.e. ad hoc committee)
- Attendance at a standing committee meeting (observation only)
- Attendance at open & noticed meetings of other local agencies
- Attendance at conference open to the public on issues of general interest to the public on issues of general interest to the public or public agencies
- Staff briefing so long as they are not used to communicate the comments or positions of other members of the Brown Act body
- Purely social or ceremonial occasions or town meetings which are open, noticed and originated by a person or organization other than the local agency

## **No Action Allowed**

### **No action or discussion allowed for any item not listed on agenda except for:**

- Adding items by majority vote for emergency situation
- Adding items by 2/3 vote because of need for immediate action that came to the attention after the agenda is posted
- Item continued to another meeting within 5 calendar days
- Brief response to statement or question from public
  - One or two sentences, be very brief
- Questions to staff for clarification of a matter based upon public comment
- Brief announcement or report on member's or staff's own activities
- To provide reference or information to staff
- Ask staff to report back at a future meeting on any matter

## **Exceptions to Public Session Requirements 54954.5**

- Real Property Transactions 54956.8:
- Litigation – Existing, Anticipated and initiation 54956.9 (requires an attorney present)
- Personnel Issues- appointment, performance evaluation, discipline/dismissal/release
- Labor Negotiations or Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations) 54957.6
- JPAs
- Threats to Public Services of Facilities 54957
- License/permit determination Section 54956.7:
- Liability Claims 54956.95
- Audit by bureau of state audits 54956.75
- Conference involving a joint powers agency (Specify by name) 54956.96
- Charge or complaint involving information protected by federal law 54956.86

## **The Brown Act Penalties and Remedies:**

- Violations may be prevented/stopped by court order
- Actions not in compliance may be invalidated (opportunity to cure)
- Court costs & attorney fees are recoverable
- Person violating the Brown Act may be guilty of a misdemeanor

## **The California Public Records Act**

Every person has a right to inspect public records of any state or local agency.

### **Purpose**

“...access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”

### **Person**

“Defined as any “natural person, corporation, partnership, limited liability company firm, or association.”

## **What is a public record?**

*Government Code Section 6252, Subdivision (3) and (f)*

- **“Public records”** includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics
- **“Writing”** includes handwriting, typewriting, printing, photographing, photocopying, transmitting by electronic mail or facsimile and every other means of recording upon any tangible thing any form of communication or representation

## **The definition of “public records” includes:**

- Paper documents and files
- Document imaging systems
- Electronic mail
- Information in a database
- Likely text messages and instant messages
- Mere possession of a document does not make the document a public record (City Council v Superior Court (1962) 204 Cal.app.2d68,73.)

## **Exemption of Particular Records**

- Preliminary drafts, notes or memoranda not prepared in ordinary course of business
- Pending litigation
- Personnel, medical, or similar files
- Taxpayer information
- Exemptions under federal or state law; privileges
- Not an exemption, but remember to redact social security numbers before releasing records (Gov. Code sec 6254.29)

## **Public Records Open to Inspection**

- 10 days for determination on the request
- Time extension for “unusual circumstances”
  - Collect records from field facilities
  - Search for, collect, and examine a voluminous amount of separate and distinct records in a single request
- Consultation with another agency
- Need to compile data, write computer program, or to construct a computer report

## **Consequences of Failing to Comply with the CPRA**

- Any person denied a disclosable record may seek judicial relief
- Agency may be responsible for the payment of court costs and reasonable attorney fees
- Potentially, a taxpayer suit under Civil Procedure Code section 526a if a person challenges the agency's CPRA policies and practices. (County of Santa Clara v Superior Court (2009) 171 Cal.App.4<sup>th</sup> 119.)