



Citizens Bond Oversight Committee (CBOC)

February 15, 2022 – 5:30 p.m.

Location: Zoom Conference

<https://cccconfer.zoom.us/j/93301108785>

Dial: (669) 900-6833 or (346) 248-7799

Meeting ID: 933 0110 8785

Meeting Agenda

- I. **Welcome/Introductions** (*Betsy Starbuck, Chair*)
- II. **AB 361 Resolution to Hold Virtual Meetings** (*All votes to be taken by roll call.*)
- III. **Public Comment**

Public comments are not required to be submitted in advance of the meeting and members of the public have an opportunity to address the CBOC and offer comment in real time, via the Zoom link. This paragraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

Any member of the public who wishes to address the Committee on any matter is limited to five minutes. The total time for members of the public to speak on the same or a similar issue shall be limited to 20 minutes.

If there are any technical difficulties with the Zoom link that prevent members of the public from participating, the meeting will be paused until such time as functionality can be restored. If the technical issue cannot be resolved in a reasonable amount of time, the meeting will adjourn and be rescheduled.

- IV. **Approval of Minutes**
 - A. December 13, 2021 (*All votes to be taken by roll call.*)
 - B. January 20, 2022 (*All votes to be taken by roll call.*)
- V. **Current Business**
 - A. Review of the 2020-2021 Measure M & Measure CC Audit Report (Office of Eide Bailly, LLP)
- VI. **Future Meetings & Adjournment**
 - A. Monday, March 14th at 5:30pm or Tuesday, March 15th at 5:30pm

RESOLUTION #2022-02-15-CBOC-01 OF THE SAN BERNARDINO COMMUNITY COLLEGE DISTRICT
CITIZENS BOND OVERSIGHT COMMITTEE (CBOC)
CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO
AB 361 | OPEN MEETINGS: STATE AND LOCAL AGENCIES – TELECONFERENCES

WHEREAS, on March 4, 2020, pursuant to the California Emergency Services Act and Government Code section 8625, Governor Gavin Newsom declared a statewide emergency arising from the coronavirus (COVID-19);

WHEREAS, the aforementioned declaration of emergency has not been rescinded, and, thus, remains in effect.

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act pertaining to teleconferenced meetings; WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 which indicated that Executive Order N-29-20's authorization for holding virtual meetings would expire on September 30, 2021;

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (Rivas) as urgency legislation effective immediately, which provides that legislative bodies may continue to meet remotely during a declared State of Emergency subject to certain conditions;

WHEREAS, AB 361 amends the Brown Act (Government Code section 54953) to add the following provision:

(e)(1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

- A. The legislative body holds 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 legislative body holds 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 legislative body holds 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.;

WHEREAS, AB 361 further amends the Brown Act (Government Code section 54953) to add the following provision:

(e)(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

RESOLUTION #2022-02-15-CBOC-01 OF THE SAN BERNARDINO COMMUNITY COLLEGE DISTRICT
CITIZENS BOND OVERSIGHT COMMITTEE (CBOC)
CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO
AB 361 | OPEN MEETINGS: STATE AND LOCAL AGENCIES – TELECONFERENCES

- A. The legislative body has reconsidered the circumstances of the state of emergency, AND
- B. Any of the following circumstances exist:
- (i) The state of emergency continues to directly impact the ability of the members to meet safely in person; OR
 - (ii) state or local officials continue to impose or recommend measures to promote social distancing.

WHEREAS, according to the San Bernardino County COVID-19 dashboard, as of February 7, 2022, there were 551,435 confirmed cases reported and 785 current hospitalizations;

WHEREAS, the CDC has established a “Community Transmission” metric with 4 tiers designed to reflect a community’s COVID-19 case rate and percent positivity;

WHEREAS, San Bernardino County currently has the highest Community Transmission metric of “high;”

THEREFORE, BE IT RESOLVED that the San Bernardino Community College District Citizens Bond Oversight Committee has reconsidered the circumstances of the Governor’s March 4, 2020 declaration of a state of emergency due to the COVID-19 pandemic, and finds that the declared state of emergency remains active, and continues to directly impact the ability of CBOC members to meet safely in person.

BE IT FURTHER RESOLVED, that based on the findings herein, the CBOC shall hold meetings via teleconference as permitted by Government Code section 54953(e) for the next thirty (30) days from the date of this Resolution;

BE IT FURTHER RESOLVED, that any meetings held via teleconference pursuant to this Resolution shall comply with all requirements of Government Code section 54953(e)(2), including, but not limited to, Government Code section 54953(e)(2)(E), which provides: “The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.”

BE IT FURTHER RESOLVED, that not more than thirty (30) days from the date of this Resolution, the CBOC shall again reconsider the circumstances of the state of emergency declared by the Governor on March 4, 2020, in order to determine whether such circumstances warrant the Board continuing to hold teleconference meetings as permitted by Government Code section 54953(e).

PASSED AND ADOPTED by the following vote of the San Bernardino Community College District Citizens Bond Oversight Committee, County of San Bernardino, State of California on February 15, 2022.

RESOLUTION #2022-02-15-CBOC-01 OF THE SAN BERNARDINO COMMUNITY COLLEGE DISTRICT
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CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO
AB 361 | OPEN MEETINGS: STATE AND LOCAL AGENCIES – TELECONFERENCES

AYES:

NOES:

ABSTAIN:

ABSENT:

Betsy Starbuck, Chair
San Bernardino Community College District
Citizens Bond Oversight Committee

I hereby certify that the foregoing is a full, true, and correct transcript of a resolution duly adopted by the San Bernardino Community College District CBOC named therein at a duly constituted meeting of said CBOC held on February 15, 2022, as it appears upon the minutes of the said meeting on February 15, 2022.

Erika Menge, Recorder
San Bernardino Community College District
Citizens Bond Oversight Committee