

## WORKFORCE DEVELOPMENT BOARD EXECUTIVE BOARD MEETING

WEDNESDAY, JANUARY 12, 2022 AT 8:00 AM – 8:30 AM

### NOTICE OF TELECONFERENCE SPECIAL BOARD MEETING

Due to the COVID 19 public health emergency and pursuant to the provisions of AB 361, this special meeting of the Workforce Development Board (Board) Executive Board will be held via teleconference to determine, by majority vote, whether as a result of the public health emergency, meeting in person would present imminent risks to health or safety of the attendees. Members of the public are encouraged to watch and participate electronically. Based on guidance from the California Department of Public Health, the Governor's Executive Order and Office, and the San Bernardino County Public Health Officer:

Topic: WDB Executive Board Special Meeting  
Time: Jan 12, 2022 08:00 AM Pacific Time (US and Canada)

Join Zoom Meeting  
<https://us02web.zoom.us/j/89283600574?pwd=S0orK21XZjVBM0JkRy9hclV1cXVOQT09>

Meeting ID: 892 8360 0574  
Passcode: 629049  
One tap mobile  
+16699006833,,89283600574#,,, \*629049# US (San Jose)

Dial by your location  
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Find your local number: <https://us02web.zoom.us/j/89283600574?pwd=S0orK21XZjVBM0JkRy9hclV1cXVOQT09>

This agenda contains a brief description of each item of business to be considered at today's meeting. In accordance with the Brown Act, this meeting agenda is posted at least 72 hours prior to the special meeting on the Workforce Development Board website and on the official Workforce Development Board Bulletin Board outside of the Workforce Development Department Administration Office at 290 North D Street, 6<sup>th</sup> Floor, San Bernardino, CA 92415. The agenda, its supporting documents and all writings received by the Board related to these items are public records and available for review on the website or **by emailing the Executive Secretary to the Board at [Devra.Bell@wdd.sbcounty.gov](mailto:Devra.Bell@wdd.sbcounty.gov) prior to, or after, the meeting.**

The agenda and its supporting documents can be viewed online at [www.sbcounty.gov/workforce](http://www.sbcounty.gov/workforce) However, the online agenda may not include all available supporting documents nor the most current version of documents. Items listed on the Consent Calendar are expected to be routine and non-controversial and, unless the Board directs that an item be held for further discussion, the entire Consent Calendar will be acted upon as the first item of business on the Discussion Calendar. Members of the public may address the Board on any item on the agenda and on any matter that is within the Board's jurisdiction.

**To address the Board regarding an item that is on the agenda, please email the Executive Secretary to the Board prior to the meeting at [Devra.Bell@wdd.sbcounty.gov](mailto:Devra.Bell@wdd.sbcounty.gov). Up to three minutes of the comments will be read into the record by the Executive Secretary to the Board.**

#### Conflict of Interest Advisement

WDB members please be advised: If an item on the Agenda relates to the provision of services by you, your immediate family, the entity you represent, or any person who has made \$250 in campaign contributions to you during the last twelve months, or if approval or disapproval of an Agenda item would have a foreseeable material effect on an economic interest of you, your immediate family, or the entity you represent, **then please follow these procedures:**

*"When the Agenda item is first introduced, please immediately announce that you are recusing yourself from participating in the agenda item, and then refrain from discussing, voting on, or otherwise influencing the Board's consideration of the Agenda item."*

**WORKFORCE DEVELOPMENT BOARD  
EXECUTIVE BOARD MEETING**

**AGENDA**

WEDNESDAY, JANUARY 12, 2022 AT 8:00AM – 8:30AM

**OPENING**

- 1) Call Meeting to Order
- 2) Introductions (Roll Call)

**DISCUSSION**

- 3) Re-Adopt Resolution to Participate in Public Meetings via Teleconference

**PUBLIC COMMENT**

- 4) Comments from the General Public in Attendance

**ADJOURNMENT**

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In conformity with Government Code section 54957.5, any writing that is a public record, that relates to an item listed on the Agenda, and that will be distributed to all or a majority of the Board less than 72-hours prior to this meeting (or is distributed at this meeting), will be available for public inspection at the time the writing is distributed. This inspection may be made at the office of the Workforce Development Department, 290 North D Street, 6<sup>th</sup> Floor, San Bernardino, California 92415, or during this meeting.

The Workforce Development Board meeting is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Board Secretary at least three (3) business days prior to the Board meeting. The Board Secretary's telephone number is (909) 387-9862. California Relay Service 711.

This WIOA Title –I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

**San Bernardino County  
Workforce Development Board  
Executive Board  
Agenda Item**

**MEETING DATE:** January 12, 2022

**ITEM:** (3)

**SUBJECT:** **Re-Adopt Resolution to Make Certain Findings as Required by California Government Code Section 54953(e) to Participate in Public Meetings via Teleconference**

**PRESENTED BY:** Bradley Gates, Interim Director  
Workforce Development Department

**CONSENT** \_\_\_\_\_ **DISCUSSION**  X  **INFORMATION** \_\_\_\_\_

**RECOMMENDATION:** Re-Adopt Resolution finding that meeting in person presents an imminent risk to the health or safety of attendees as a result of the COVID-19 State of Emergency and direct staff to return with a Board Item for the San Bernardino County Workforce Development Board to ratify the Resolution and consider making the findings required by Assembly Bill 361, in order to continue meeting under its provisions.

**BACKGROUND:** On March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19. On March 17, 2020, the Governor issued Executive Order N-29-20, which, in part, suspended certain provisions of the Ralph M. Brown Act (Brown Act) related to participation in meetings via teleconference in order to provide legislative bodies with more flexibility to hold public meetings while maintaining social distancing due to COVID-19.

On June 11, 2021, the Governor issued Executive Order N-08-21 which, in part, provides that the teleconferencing provisions set forth in Executive Order N-29-20 expire on September 30, 2021. On September 16, 2021, the Governor signed Assembly Bill 361 into law, amending the Brown Act in order to continue some of the teleconferencing flexibility during a State of Emergency.

In order for the Workforce Development Board (WDB) to utilize the teleconferencing provisions of Assembly Bill 361, there must be a proclaimed State of Emergency and either: (1) social distancing measures recommended by State or local officials, or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees.

As a result of the March 4, 2020, State of Emergency, and the highly contagious Omicron variant of COVID-19, meeting in person at the meeting facilities of the WDB presents an imminent risk to the health or safety of attendees due to the unique characteristics of the size and capacity of its meeting facilities, the anticipated number of attendees, and the likely inability to socially distance.

Article VII of the WDB Bylaws authorizes the Executive Board to take action on urgent matters that cannot be timely acted upon by the WDB because of the timing of WDB meetings. Staff will return to the WDB no later than thirty (30) days after the adoption of this Resolution, with a Board Item for the WDB to consider ratifying this Resolution and make the findings required by Assembly Bill 361, in order to continue meeting under its provisions.

Attachment:  
*Resolution No. 2022-01*

SAN BERNARDINO COUNTY WORKFORCE DEVELOPMENT BOARD

RESOLUTION NO. 2022-01

A RESOLUTION OF THE SAN BERNARDINO COUNTY  
WORKFORCE DEVELOPMENT BOARD  
FINDING THAT MEETING IN PERSON PRESENTS AN IMMINENT RISK TO  
THE HEALTH OR SAFETY OF ATTENDEES  
AS A RESULT OF THE COVID-19 STATE OF EMERGENCY

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20, under the provisions of Government Code section 8571, finding that strict compliance with various statutes and regulations specified in that order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of COVID-19; and

WHEREAS, Executive Order N-29-20, in part, suspended certain provisions of the Ralph M. Brown Act (Brown Act) related to participation in meetings via teleconference in order to provide legislative bodies with more flexibility to hold public meetings while maintaining social distancing due to COVID-19; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21 which, in part, provides that the teleconferencing provisions set forth in Executive Order N-29-20 expire on September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 into law, amending the Brown Act in order to continue some of the teleconferencing flexibility during a State of Emergency following the expiration of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, in order to utilize the teleconferencing provisions of Assembly Bill 361, there must be a proclaimed State of Emergency and either: (1) social distancing measures recommended by State or local officials, or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, there is currently a State of Emergency in California pursuant to the Governor's March 4, 2020, proclamation; and

WHEREAS, California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Omicron variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, and that even fully vaccinated individuals can spread the virus to others resulting in rapid increases of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019Tncov/variants/OmicronTvariant.html>); and

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; and

WHEREAS, San Bernardino County currently has a Community Transmission metric of “high”; and

WHEREAS, due to the seriousness of the current pandemic situation, the CDC and CDPH recommend that all persons, regardless of vaccination status, wear facial coverings indoors; and

WHEREAS, due to the ongoing State of Emergency and the public health threat posed by COVID-19, the San Bernardino County Workforce Development Board seeks to make findings, as required by Assembly Bill 361, that as a result of the COVID-19 State of Emergency, the highly contagious Omicron variant of COVID-19, the anticipated number of attendees, the likely inability to socially distance, and due to the unique characteristics of the size and capacity of its meeting location, meeting in person would present an imminent risk to the health or safety of meeting attendees; and

WHEREAS, the circumstances of the State of Emergency continue to directly impact the ability of the members of the legislative body and members of the public to meet safely in person at the meeting facilities of the San Bernardino County Workforce Development Board; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Bernardino County Workforce Development Board thus intends to invoke the provisions of Assembly Bill 361 related to teleconferencing as provided in subdivision (e) of Government Code section 54953; and

NOW, THEREFORE, BE IT RESOLVED, by the San Bernardino County Workforce Development Board, as follows:

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

Section 2. The Governor’s State of Emergency Declaration, issued on March 4, 2020, remains active.

Section 3. As a result of the March 4, 2020, State of Emergency, and the highly contagious Omicron variant of COVID-19, meeting in person at the meeting facilities of the San Bernardino County Workforce Development Board presents an imminent risk to the health or safety of attendees due to the unique characteristics of the size and capacity of its meeting facilities, the anticipated number of attendees, and the likely inability to socially distance.

Section 4. This Resolution and the findings contained herein shall apply to all the committees of the San Bernardino County Workforce Development Board that are subject to the Brown Act.

Section 5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty (30) days after the adoption of this Resolution, or (ii) such time the San Bernardino County Workforce Development Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the San Bernardino County Workforce Development Board and its committees subject to the Brown Act may continue to teleconference in compliance with subdivision (e) of Section 54953 of the Government Code.

Section 6. Staff is directed to return to the San Bernardino County Workforce Development Board no later than thirty (30) days after the adoption of this Resolution, with an item for the San Bernardino County Workforce Development Board to consider making the findings required by Assembly Bill 361 in order to continue meeting under its provisions.

The foregoing Resolution was passed and adopted this 12th day of January, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Phillip Cothran, Chairperson

ATTEST:

\_\_\_\_\_  
Devra Bell, Board Secretary