

Community Corrections Partnership (CCP)

Agenda – Meeting No. 1

Thursday, February 2, 2023 - 3:30 pm

***Monterey County Probation Department
20 East Alisal Street, Salinas, CA 93901
VIA ZOOM***

ITEM

AGENCY

I. CALL TO ORDER

Probation

- A. Roll Call
- B. Additions or Corrections to Agenda

II. PUBLIC COMMENT

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter of the jurisdiction of the agency and which is not on the agency's agenda for that meeting. Comments are limited to no more than 3 minutes per speaker.

III. SCHEDULED ITEM

- A. Receive report and adopt findings, pursuant to AB 361 and in order for the Community Corrections Partnership (CCP) to continue to meet remotely, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the CCP has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies.

Attachments:

Staff Report

MC Health Officer Recommendation

(Action Item)

- B. Approve Minutes for November 16, 2022

Attachment:

Minutes November 16, 2022

(Action Item)

ADJOURNMENT:

Brown Act information: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. A person with a disability who requires a special modification or accommodation in order to participate in the public meeting should contact the Monterey County Probation Department at (831) 755-3913 as soon as possible, and at a minimum 24 hours in advance of any meeting.

IMPORTANT NOTICE REGARDING COVID 19

Based on guidance from the California Department of Public Health and the California Governor's Office, in order to minimize the spread of the COVID 19 virus, please do the following:

1. You are strongly encouraged to observe the live stream of the Community Corrections Partnership meeting via Zoom at:
<https://montereycty.zoom.us/j/95719662470?pwd=NGRYZnFIRVE5RTJJOd05tQUhPaHBxZz09>
2. If you do not have access to a computer, you may call into the meeting and participate by calling the following number: 1-669-900-6833 and entering the following meeting ID: 957 1966 2470 and Password: 022826
3. If you choose not to attend the Community Corrections Partnership meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on Wednesday, February 1, 2023. Please submit your comment to Wendi Reed at reedwl@co.monterey.ca.us and your comment will be placed into the record at the meeting.
4. If you are watching the live stream of the Community Corrections Partnership meeting and wish to make either a general public comment or to comment on a specific agenda item as it is being heard, please select the "raise hand" option on the Zoom screen, and your microphone will be unmuted so you can speak. To select the "raise hand" option, click on the 'participants' icon at the bottom of your Zoom screen, then click the "raise hand" icon next to your name. If using your telephone press *9 on the keypad to "raise hand".

COUNTY OF MONTEREY
PROBATION DEPARTMENT

M E M O R A N D U M

ADMINISTRATION

February 2, 2023

TO: Community Corrections Partnership (CCP) Members

FROM: Probation Staff

MEETING: February 2, 2023

SUBJECT: **Item # III. A. Adopt findings, pursuant to AB 361 and in order for the Community Corrections Partnership (CCP) to continue to meet remotely, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the CCP has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies.**

Recommendation:

It is recommended that the Community Corrections Partnership (CCP) Members adopt findings pursuant to AB 361 and the requirements for continued remote meetings after October 1, 2021 for continuance of teleconference meetings under AB361 updated Brown Act rules.

Summary

On September 16, 2021, Governor Newsom signed AB 361. This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act's more narrow standard rules for participation in a meeting by teleconference. The Monterey County Health Officer has issued a recommendation for social distancing in legislative body meetings, so the first meeting after September 30, 2021, may be held without making findings. If the Community Corrections Partnership (CCP) desires to continue to meet remotely via teleconference after that first meeting, the CCP is required to make certain findings under AB 361 no later than 30 days after the first teleconference meeting held pursuant to AB 361, and every 30 days thereafter.

Discussion:

AB 361 amended Government Code section 54953 to address holding meetings subject to the Brown Act via teleconference during a declared state of emergency. The amended section 54953 takes the place of the provisions of the prior executive orders related to teleconferencing, except that Governor Newsom has subsequently clarified that requirements related to public meetings of local legislative bodies set forth in Executive Order N-08-21 would continue to govern through September 30, 2021, so long as notice of the public meeting is provided, and the public has the opportunity to observe and participate in the meeting as required by AB 361. AB 361 allows a board, commission or committee subject to the Brown Act, called "legislative bodies" under the

Brown Act, to meet via teleconference without following the normal Brown Act teleconference rules if any of the following circumstances exist:

- 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, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(Gov't Code §54953(e)(1) [AB 361, p. 9].)

If the meeting is held via teleconference under these provisions, the meeting body must meet certain requirements under AB 361, including providing public access to the meeting and opportunity for the public to address the members of the legislative body.

AB 361 also requires periodic review of the determination to continue to meet via teleconference. If the state of emergency is still active, or if “state or local officials have imposed or recommended measures to promote social distancing,” then no later than 30 days after meeting via teleconference for the first time pursuant to AB 361, the body must make a finding that the body “has reconsidered the circumstances of the state of emergency” and further find that “[a]ny of the following circumstances exist: (i) The state of emergency continues to directly impact the ability of the members to meet safely in person. (ii) State or local officials continue to impose or recommend measures to promote social distancing.” (Gov't Code §54953(e)(3) [AB 361, p. 11].)

The Monterey County Health Officer has issued a recommendation for social distancing during legislative body meetings; therefore, so long as that recommendation is in place, the first meeting of the CCP after October 1, 2021, may occur without the need to make any findings, even if the first meeting doesn't occur until November or even December. However, within 30 days of that first meeting the CCP will be required to make the requisite findings. If the CCP does not meet again within 30 days, a special meeting may be necessary for this purpose. If the finding is not timely made, the CCP will be required to meet in person to make findings to return to remote meetings.

Finally, the teleconference rules of AB 361 are operative only so long as the Governor's proclamation of statewide emergency is in place; once that proclamation is terminated, the CCP must either meet in person or utilize the normal Brown Act rules for teleconferencing (teleconference location open to the public and agenda posted).

Attachment:

- Monterey County Health Officer Recommendation



COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Mendoza Jimenez, Director of Health

Administration Animal Services Behavioral Health Clinic Services
Emergency Medical Services Environmental Health Public Administrator/Public Guardian Public Health

Recommendation Regarding Social Distancing Including Remote Meetings of Legislative Bodies

Issued: September 22, 2021

The Monterey County Health Department continues to recommend that physical and social distancing strategies be practiced in Monterey County, which includes remote meetings of legislative bodies of local agencies, to the extent possible.

Monterey County continues to experience transmission of COVID-19 locally. Physical and social distancing is still an effective measure to reduce the spread of COVID-19, especially when combined with use of face coverings, frequent hand washing, staying home when ill, testing, and vaccination with U.S. Food and Drug Administration approved or authorized COVID-19 vaccines.

Remote meetings of legislative bodies allow for the virtual participation of agency staff, presenters, and community members in safer environments, with less risk of exposure to SARS-CoV-2, the virus that causes COVID-19.

The Monterey County Health Officer will continue to monitor local metrics and the necessity of this recommendation.

Community Corrections Partnership (CCP)

Action Minutes- Meeting No. 1

Wednesday, November 16, 2022 - 3:30 p.m.

Scheduled Meeting held via Zoom

I. Call to Order

The meeting was called to order by Chief Probation Officer Todd Keating at 3:30 p.m.

A. Roll Call

CCP Executive Committee Members Present: Jim Bass, Berkley Brannon (representing Jeannine Pacioni), Susan Chapman, Roderick Franks (representing Lori Medina), Todd Keating (Chair), Chris Ruhl (representing Superior Court)

Staff: Anne Brereton, County Counsel

CCP Members Present: Ana Galvez

CCP Members Absent: Nick Chiulos, Chris Donnelly, Katy Eckert, Deneen Guss, Robin McCrae, Damon Wasson

Additions or Corrections to Agenda

There were no additions or corrections to the agenda.

II. Public Comment

No public comment.

III. Scheduled Items

Adopt findings pursuant to AB361 and in order for the Community Corrections Partnership (CCP) to continue to meet remotely, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the CCP has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies.

A motion was made by Susan Chapman, seconded by Jim Bass, to adopt the findings pursuant to AB361 and allow the Community Corrections Partnership to continue to meet remotely.

Ayes: Jim Bass, Berkley Brannon, Susan Chapman, Roderick Franks, Todd Keating, Chris Ruhl
Noes: None
Absent: Damon Wasson
Abstain: None

Adjournment

The meeting adjourned at 3:40 p.m.

This meeting was followed by the second part of the CCP to discuss the scheduled items.