



**MIRACOSTA COLLEGE FOUNDATION BOARD
GOVERNANCE AND NOMINATIONS COMMITTEE MEETING**

Tuesday, April 26, 2022, 8:30 - 9:00 a.m.

Zoom Video Conference

[Zoom Meeting Link](#)

Meeting ID: 912 5999 6109

Mobile connect Number +16699006833,, 91259996109#

Dial by your location +1 669 900 6833 US (San Jose)

NOTE: *If joining by phone only - please identify yourself during roll call.*

Audit Committee Members:

Matthew Adams, Julie Ames, Sudershan Shaunak, Tim Snodgrass

Staff Support:

Tim Flood, Charity Singleton

AGENDA

- I. CALL TO ORDER**
- II. ROLL CALL, WELCOME, INTRODUCTIONS**
Request consent to record meeting
- III. PUBLIC COMMENT ON ITEMS ON AND NOT ON THE AGENDA**
- IV. TELECONFERENCING MEETINGS – Action Required**
 - A. Approve Continued Observance of Resolution Authorizing Teleconferencing for Meetings Pursuant to AB 361**
- V. CHANGES IN AGENDA ORDER**
- VI. REVIEW AND APPROVE FY20-21 AUDIT REPORT**
- VII. ANNOUNCEMENTS, MEETING AND EVENT CALENDAR REVIEW**
 - Next Governance and Nominations Committee Meeting:**
To be determined
 - Next Finance Committee Meeting**
Tuesday, May 9, 2022 at 12:30 – 2:00 p.m.
 - Next Executive Committee Meeting**
Tuesday, May 9, 2022 at 4:00 – 5:00 p.m.
 - Next Quarterly Board Meeting**
Tuesday, May 17 at 3:00 – 5:00 p.m.
- VIII. FUTURE AGENDA ITEMS**

IX. ADJOURNMENT

*** ITEMS ON THE AGENDA:** Members of the audience may address the Foundation Board Committee on any item listed on the agenda when that agenda item comes up for discussion and/or action. Comments will be limited to three (3) minutes per agenda item and a total of fifteen (15) minutes of public comment on an item, unless waived by the committee. Non-English speakers utilizing a translator will have six (6) minutes to directly address the Committee.

ITEMS NOT ON THE AGENDA: Members of the audience may address the Foundation Board Committee on any topic not on the agenda so long as the topic is within the jurisdiction of the Foundation. Under the Brown Act, the committee is not permitted to engage in public discussion or take any action on an agenda item not on the agenda, except that members of the committee may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code §54954.3. In addition, on their own initiative, or in response to questions posed by the public, a member of the committee may ask a question for clarification. A member of the committee or the committee itself may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. Comments from visitors shall not exceed three (3) minutes unless the committee waives the time limit. Non-English speakers utilizing a translator will have six (6) minutes to directly address the committee. The committee may also limit the total amount of time for public comment on a particular topic to fifteen (15) minutes.

DECORUM: Decorum requires members of the public to observe order at committee meetings. Speakers shall speak to the issues, and refrain from using defamatory or abusive personal remarks that disturb or impede the meeting or exceed the bounds of civility necessary to the conduct of the business of the Foundation Board Committee. The presiding officer has the authority to run the meeting, which includes the authority to issue warnings, call for recesses, or clearing the boardroom in the event of disruptive behavior. Government Code section 54954.3(c) establishes that the legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body, and California Penal Code section 403 makes it a misdemeanor for any person to willfully disturb or break up any lawfully authorized assembly or meeting.

Foundation Committee meetings are held in meeting rooms that are accessible to those with mobility disabilities. If you wish to attend the meeting and you have another disability requiring special accommodation, please notify the board assistant, 760.795.6645, 760.757.2121, extension 6645, or 619.755.5155, extension 6645. The California Relay Service is available by dialing 711 or 800-735-2929 or 800-735-2922.

In compliance with Government Code §54957.5, nonexempt writings that are distributed to a majority or all of the MiraCosta Community College District Foundation Board in advance of their meetings may be viewed at the Office of Institutional Advancement, 1 Barnard Drive, Oceanside, California, 92056 or by clicking on the Foundation website at <http://foundation.miracosta.edu/agendas>. Such writings will also be available at the board meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the board assistant, at 760.795.6645 or by e-mail at foundation@miracosta.edu

INTRODUCTION TO RESOLUTION

BACKGROUND

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency to enable state and local agencies to more effectively respond to the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act pertaining to teleconferenced meetings. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which extended the provisions of Executive Order N-29-20's authorization for holding virtual meetings, with an expiration date of September 30, 2021. 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.

STATUS

In an effort to safeguard the health of our students, employees, and community members, and in an effort to provide greater access to meetings of the Foundation Audit Committee, the Committee is presented with MiraCosta Community College District Resolution No. 4-21/22, declaring emergency conditions exist throughout the district campuses and facilities as a result of the continued State of Emergency under Government Code section 54943.

RECOMMENDATION

Adopt Resolution authorizing teleconferencing for meetings pursuant to AB 361 as stated above.

**RESOLUTION TO IMPLEMENT TELECONFERENCING REQUIREMENTS
DURING A PROCLAIMED STATE OF EMERGENCY**

WHEREAS, the Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that any person may attend and participate in such meetings;

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so;

WHEREAS, on March 17, 2020, in order to address the need for public meetings during the present public health emergency, Governor Newsom issued Executive Order No. N-29-20, suspending the Act's teleconferencing requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021; and

WHEREAS, these Executive Orders allowed legislative bodies to meet virtually as long as certain notice and accessibility requirements were met; and

WHEREAS, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

WHEREAS, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

WHEREAS, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing.

NOW THEREFORE, the MiraCosta College Foundation Audit Committee hereby finds, determines, declares, orders, and resolves as follows:

I. That the foregoing recitals are true and correct and incorporates them by this reference.

II. The MiraCosta College Foundation Audit Committee finds, by a majority vote, the following:

a. That there exists a proclaimed state of emergency;

AND either:

b. More than 30 days have passed since the Committee met and determined the following, and the Committee now re-determines the following:

- i. As a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. OR
- ii. State or local officials have imposed or recommended measures to promote social distancing;

OR

c. This Committee has made the determination set forth in subdivision (b), above within the last 30 days and now makes the following determination:

- i. The Committee has reconsidered the circumstances of the state of emergency; AND
- ii. Any of the following circumstances exist:

1. The state of emergency continues to directly impact the ability of the members to meet safely in person.

OR

2. State or local officials continue to impose or recommend measures to promote social distancing.

III. The Committee or its designee is authorized to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code section 54953.

IV. That this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the MiraCosta College Foundation Audit Committee, this 26th day of April, 2022, by the following vote:

AYES:

NOES:

ABSTAIN: ABSENT:

CERTIFICATION

I hereby certify, on this 26th day of April, 2022, that the foregoing document is a true and correct copy of the Resolution To Implement Teleconferencing Requirements During a Proclaimed State of Emergency by the MiraCosta College Foundation Audit Committee at its meeting on April 26, 2022.

By: _____

Chair of the MiraCosta College Foundation
Audit Committee