



EXECUTIVE COMMITTEE MEETING AGENDA

October 15, 2020 at 5:00 p.m.

- | | | |
|---|-------|-------------|
| 1. CALL TO ORDER | Hayes | |
| 2. ROLL CALL | | |
| 3. APPROVAL OF AGENDA | | Approve |
| 4. APPROVAL OF AUGUST 26, 2020 MINUTES | | |
| A. August 26, 2020 Executive Committee Meeting Minutes - Page 2 | | Approve |
| 5. TRANSPARENCY POLICY | | |
| A. Transparency Policy - Page 3 | | Approve |
| 6. SOUL - Form a Non-Profit | | Discussion |
| 7. BOARD RETREAT LOCATION | | Discussion |
| 8. CEO EVALUATION | | Discussion |
| 9. RACE FOR EQUITY | | Information |
| 10. ADJOURNMENT | | |

EXECUTIVE COMMITTEE MEETING
Fresno EOC Board Room
Wednesday, August 26, 2020
5:00 p.m.

MINUTES

1. CALL TO ORDER

Linda Hayes, Chair, called the meeting to order at 5:07 PM.

2. ROLL CALL

Roll was called. There was a quorum.

Committee Members present:

Linda Hayes (Chair)
Daniel Martinez
Maiyer Vang
Richard Keyes
Charles Garabedian
Catherine Robles
Daniel Parra
Lisa Nichols
Barigye McCoy

Other Committee Members Present:

Amy Arambula

Staff Present:

Emilia Reyes
Michelle Tutunjian
Karina Perez
Ken Price (Legal Counsel)

3. APPROVAL OF AGENDA

M/S/C – Nichols/Vang to approve the agenda. All in favor.

4. APPROVAL OF MINUTES

May 18, 2020 Executive Committee Meeting Minutes

M/S/C – Vang/Nichols to approve the April 24, 2020 meeting minutes. All in favor.

5. CLOSED SESSION

There was no action to report out of closed session.

6. ADJOURNMENT

M/S/C – Parra/Nichols to adjourned the meeting at 5:45 PM.

Respectfully submitted,

Linda Hayes,
Chair

EXECUTIVE COMMITTEE MEETING

Date: October 15, 2020	Program: N/A
Agenda Item #: 5	Director: N/A
Subject: Transparency Policy	Board Chair: Linda Hayes

Recommended Action

Staff recommends the approval of the Transparency Policy for full Board consideration.

Background

The attached Transparency Policy addresses the following areas:

- Brown Act Compliance
- California Public Records Act Compliance
- Freedom of Information Act Compliance
- Political Reform Act Compliance
- Section 1090 Compliance
- Senate Bill 126 Compliance

The agency’s Legal Counsel, Kenneth Price, will be providing a brief overview during the Executive Committee Meeting.

Fiscal Impact

None.

Conclusion

If approved, staff will take this item for full Board consideration at the October 28, 2020 Commission Meeting.

TRANSPARENCY POLICY

PURPOSE:

The Fresno County Economic Opportunities Commission (“Fresno EOC”) Board of Commissioners (“Board”) is committed to holding open meetings, providing access to public records, and avoiding conflicts-of-interest in order to assure public confidence in the integrity of Fresno EOC’s decision-making processes.

POLICY:

I. Open Meetings: Brown Act Compliance

All meetings of the Board shall be open and public, and all persons shall be permitted to attend any such Board meetings, unless an exception applies under the law. Agendas for each regular meeting shall be publicly posted 72 hours in advance of each regular Board meeting and 24 hours in advance of a special or emergency meeting in a place that is freely accessible to the public. Agendas shall contain a brief general description of each item of business to be transacted or discussed at the meeting.

The Board may remove persons from a meeting who willfully interrupt proceedings. If after removing such persons, if order still cannot be restored, the Board may require that the meeting room may be cleared of members of the public; however, members of the news media who have not participated in the disturbance will be allowed to continue to attend the meeting.

Each agenda for a meeting shall provide an opportunity for members of the public to directly address the Board on any matter that is within the subject matter jurisdiction of the Board. Additionally, members of the public shall be permitted to comment on any item on the agenda either before or during the Board’s consideration of that item. The Board may not act on or discuss any item that does not appear on the agenda posted for a regular meeting. The Board may, however, add items to the agenda if there is a need to take immediate action on an item that came to the attention of Fresno EOC’s Board or staff after the posting of the agenda. Such items must be added to the agenda with at-least two-thirds vote in the affirmative by the Board. Staff shall mail a copy of the agenda or, if requested, the entire agenda packet, to any person who has filed a written request for such materials. These copies shall be mailed at the time the agenda is posted.

Barring an executive order by the Governor stating otherwise, if a Board member participates in a meeting via teleconferencing, the following requirements apply: (1) the remote location(s) must be connected to the main meeting location by telephone, video, or both; (2) the notice and agenda of the meeting must identify the remote location(s); (3) the remote location(s) must be posted and accessible to the public; (4) all votes must be by roll call; and (5) the meeting must in all respects comply with the Brown Act, including participation by members of the public present in remote location(s). A quorum of the Board must participate from locations within Fresno County, but other members may participate from outside Fresno County.

Unless a closed session exemption under the Brown Act applies, all matters on an agenda must be discussed in public. The Board shall discuss in closed session only those

TRANSPARENCY POLICY

subjects specifically authorized under the Brown Act. Proper closed session subjects include anticipated or existing litigation by or against Fresno EOC, personnel matters, labor negotiations, real estate negotiations, and public security. Upon the Board's reconvening into open session from closed session, the Board shall provide a report on actions taken and the vote of every elected member present.

II. Public Records: California Public Records Act¹ Compliance

Fresno EOC shall comply with the California Public Records Act ("PRA"). Pursuant to the PRA, Fresno EOC shall permit access to public records that are subject to disclosure under the PRA, subject only to the express limitations contained elsewhere in the PRA. Unless an exemption applies, upon receiving a request for a copy of records that reasonably describes an identifiable record or records, Fresno EOC shall make the records available to the requestor upon payment of fees, if applicable, covering direct costs of duplication.

Upon receiving a request for a copy of records, Fresno EOC shall, within ten (10) days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of Fresno EOC and shall promptly notify the requestor of its determination. In unusual circumstances, Fresno EOC may extend the aforementioned ten (10)-day period for another four days by providing written notice to the requestor, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched.

When making disclosable public records available in response to a request, Fresno EOC may make the records available to the requestor by various methods, depending on the nature of the requested records, including the following: (1) allow the requestor to review the records at Fresno EOC's offices; (2) place the records on Fresno EOC's website and provide a link to the requestor; (3) send the records by email in an electronic format; or (4) provide a hard copy of the records, either in person or through the mail or other delivery service.

All records not otherwise subject to an exemption shall be disclosed. Board members shall be encouraged to use Fresno EOC emails accounts in order to preserve agency related records.

III. Public Records: Freedom of Information Act Compliance

As a recipient of Community Services Block Grant ("CSBG") program funds, upon receiving a request for records relating to CSBG program funds, Fresno EOC shall comply with the federal Freedom of Information Act ("FOIA") pursuant to state statute and regulation. Any person who wishes to inspect or copy CSBG program records regularly maintained by Fresno EOC may do so after making a written request. Fresno EOC shall make such CSBG program records available to the requestor in accordance with FOIA, except for information and records which are exempt from the requirements of disclosure pursuant to the Federal Privacy Act of 1974, as amended.

TRANSPARENCY POLICY

IV. Conflicts of Interest: Political Reform Act Compliance

Fresno EOC shall comply with the provisions of the Political Reform Act addressing financial conflicts of interest (i.e. conflicts of interest arising from economic interests). Accordingly, no Fresno EOC Board member or staff shall participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest.

Generally, a Board member will have a conflict-of-interest with respect to a particular Board decision if it is sufficiently likely that the outcome of the decision will have a direct, and in some cases an indirect, impact on the Board member's economic interests. Fresno EOC will rely on the advice of counsel and the direction of the California Fair Political Practices Commission to assist a Board member in determining whether or not he or she has a financial conflict-of-interest.

Additionally, Fresno EOC shall comply with the following rules and requirements to assure adherence to this policy:

- (a) Each Board member and staff shall individually determine whether or not he or she has a conflict-of-interest with respect to any action before the Board. Board members and staff are encouraged to contact Fresno EOC counsel regarding such matters.
- (b) If a Board member has determined that he or she has a conflict-of-interest, and such conflict does not violate the provisions contained in Government Code Section 1090 *et seq.* (discussed below), that Board member must disclose and recuse himself or herself from the matter giving rise to the conflict.
- (c) Board members shall not make, participate in making, or use their official position to influence the making of any governmental decision which may have a direct or indirect foreseeable material financial effect (distinguishable from its effect on the public generally) on:
 - i. Any business entity in which the member has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
 - ii. Any real property in which the member has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
 - iii. Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the member within twelve months prior to the time when the decision is made; or
 - iv. Any business entity in which the member is a director, officer, partner, trustee, employee, or holds any position of management.
- (d) Board members and Fresno EOC staff are prohibited from engaging in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to, their duties as a Board member or

TRANSPARENCY POLICY

Fresno EOC staff or with their duties, functions, or responsibilities of the appointing power or the agency by which he or she is employed.

- (e) Every two (2) years, Board members and certain staff, as determined by the Executive Director, must participate in AB 1234 ethics training.
- (f) All *newly appointed* Board members shall complete the Statement within 30 days of appointment to the Board. All Board members shall complete the Statement annually no later than April 1 of each year. All *Board members leaving their seats on the Board* shall file a Statement no later than thirty (30) days after leaving office.
- (g) By October 1 of every even numbered year, the Board must review any Conflict-of-interest Code adopted pursuant to the Political Reform Act. If changes to the Conflict-of-interest Code are necessary due to changes in circumstance, an amended Code must be submitted to the Clerk of the Fresno County Board of Supervisors; if no changes are required, a written statement to that effect must be made to the Clerk of the Fresno County Board of Supervisors by October 1 of the same year.

V. Conflicts of Interest: Section 1090 Compliance

Fresno EOC shall comply with the provisions of Section 1090, pursuant to Government Code section 12763, to the extent Section 1090 is implicated in a given Board determination. Section 1090 prohibits public agency board members, commissioners, officers, and employees from being financially interested in contracts made by them in their official capacities, or by their respective boards or commissions. This prohibition extends to contracts irrespective of whether or not the interested board member abstained from voting on the matter, disclosed the interest, or avoided discussions regarding the interest unless such interest is deemed a "remote" or "non-interest" by statute.

Pursuant to Government Code section 12763 and consistent with Section 1090, no member of the Legislature, or any state, county, district, judicial district, or city officer or employee who also serves on Fresno EOC's tripartite board shall vote on a contract or other matter before Fresno EOC's tripartite board, "that would have a direct bearing on services to be provided by that member, officer, or employee, or any business or organization which that member, officer, or employee directly represents or that would financially benefit that member, officer, or employee, or the business or organization that the member, officer, or employee directly represents."

VI. Charter School Operations: Senate Bill 126 Compliance

Fresno EOC shall comply with the provisions of Senate Bill 126, codified as Education Code section 47604.1, which makes the Brown Act, Public Records Act, Political Reform Act, and Section 1090 applicable to Fresno EOC to the extent Fresno EOC engages in activities that are related to its operation of the SOUL Charter School. Additionally, the Board shall only consider matters related to operating the SOUL Charter School at meetings convened for the same and shall not include discussion of any item regarding an activity of the Board that is unrelated to the operation of the charter school.