

Jeff Cambra BMOE Email Re Brown Act

From: Jeff Cambra <jeffcambraalameda@gmail.com>

Sent: Monday, July 17, 2023 10:53 AM

To: mcprose@att.net

Subject: Re: BOC-AB2449

Good morning Marcus:

I have dropped everyone off of this email to avoid any possible Brown Act complications and limit this discussion to just the two of us and not involve District staff.

I am one of those people that believe there are certain rules and regulations that need to be followed as to both the letter and the intent of the law.

Open government and transparency are very big on my short list. I want to share some thoughts I have around this subject and express specific concerns that I only realized after the meeting was over, and I had some time to recall and evaluate the actions taken.

I also want to be very clear that while I am an attorney, I am not the attorney for our CBOC. Any opinion expressed is one that I make as an individual based on my personal understanding and interpretation of the law. To be sure, this is NOT my specialty area of the law, and I would welcome having a written interpretation of AB 2449 from one who is up to speed on this law. Here are some thoughts based on my understanding of the law:

I think it is important to have a clearly written legal opinion regarding the regulations around attendance of CBOC members. Additionally, and perhaps more to the point, I would like to see a number of activities publicly documented on the agenda and in the minutes for each meeting, including:

- 1 Type of committee member attendance: in person or remote
- 2 Location of any remote appearance
- 3 If remote, the reason for the need for the remote meeting and that it complies with the acceptable excuses
- 4 Enforcement of the video and audio function of the remote feed
- 5 Ongoing attendance record chart contained in each agenda so that CBOC members, District staff, and the general public can tell by looking at the agenda as

to the "participation" status of any single member. This would be important at the beginning of the meeting and continuously throughout the meeting in order to maintain a quorum on any action items.

Here are my concerns:

I think we agreed that "attendance" records would be kept starting in July since it is the beginning of the academic year. This means that since both Ben and Yusef appeared remotely, the reason for the remote appearance should be reflected in the July meeting minutes and the address of their remote appearance should have been noted in a publicly accessible document prior to the meeting. Not sure if this was done as part of an updated agenda or not, and I did not specifically go looking for it. However, this remote participation means that each has used up one of their two "excused in person participation" opportunities if their attendance can even be considered.

Additionally, it should be noted that neither of them had both audio and video functions on. If you want to be a stickler for details and follow the law, neither one of them "attended" the meeting which technically brought us down to an attendance of 4 and was enough for a quorum. However, any of the votes that were taken should not have included these two individuals, because technically, they were not connected by both audio and visual modes continuously during the public meeting.

Marcus, as the chair of the CBOC, I am requesting that you talk to our legal council regarding the actions taken by the CBOC at the July meeting, report back to the committee regarding the concerns raised, and decide what, if any action needs to be taken to be sure the July meeting comported with the interpretation of AB 2449.

I must apologize for only bringing this up now. It's difficult on all of us to know and follow the rule changes that have taken place in this post COVID epidemic environment. Additionally, these new rules are complicated and subject to interpretation. It can be extremely challenging to follow all these requirements in the real time environment of a live CBOC meeting.

Hopefully, I will be more aware of these types of issues so they can be discussed in real time.

Respectfully,

Jeff Cambra – Vice Chairperson  
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