



Butte County Administration

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Members of the Board

Bill Connelly | Debra Lucero | Tami Ritter | Tod Kimmelshue | Doug Teeter

Audit Committee Meeting Agenda

Time: December 7, 2021 at 2:30 pm

Place: Virtual via Zoom – By phone or online (see below)

Committee: Debra Lucero – Chair

Andy Pickett – Vice Chair/Secretary

Graciela Gutierrez - Auditor Controller

Troy Kidd –Treasurer - Tax Collector

Meegan Jessee - Deputy Chief Administrative Officer

- I. Review and approve minutes from the March 15, 2021 Audit Committee meeting
- II. Consider resolution regarding holding meetings via teleconference per AB 361
- III. Report on FY 20/21 Audit – Rich Gonzalez. CliftonLarsonAllen
- IV. Internal Audit Report – Graciela Gutierrez, Auditor Controller
- V. Update on Payroll Clearing Fund 1420 – Graciela Gutierrez, Auditor Controller
- VI. Public comment

Coronavirus (COVID-19) Advisory Notice:

The health and safety of Butte County residents, community members, public officials and employees is important to the Audit Committee.

Pursuant to current State Public Health directives to shelter-in-place and practice social distancing, and as authorized by Governor Gavin Newsom’s Executive Orders N-25-20 and N-29-20, the Audit Committee Meeting will be held via Zoom.

Members of the public are encouraged to participate remotely from a safe location by attending the Audit Committee meeting online via Zoom or by phone.

To join online via Zoom:

Join Zoom Meeting

<https://buttecounty-net.zoom.us/j/99769858285?pwd=UU9vRHhIMzRUYzUxajRhMOVYMVBBUT09>

Meeting ID: 997 6985 8285

Passcode: 815933

One tap mobile

+16699009128,,99769858285#,,,,*815933# US (San Jose)

+13462487799,,99769858285#,,,,*815933# US (Houston)

Dial by your location

+1 669 900 9128 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 997 6985 8285

Passcode: 815933

Find your local number: <https://buttecounty-net.zoom.us/j/99769858285?pwd=UU9vRHhIMzRUYzUxajRhMOVYMVBBUT09>

MEMORANDUM

DATE: December 7, 2021
TO: Butte County Audit Committee
FROM: Meegan Jessee, Deputy Administrative Officer
RE: AB 361 – Authorization to Utilize Alternative Standards for Teleconferencing Public Meetings pursuant to the Ralph M. Brown Act

On September 16, 2021, Governor Newsom signed AB 361 to amend the Brown Act to allow legislative bodies to meet via teleconference during a proclaimed state of emergency in accordance with procedures established by AB 361 rather than under the Brown Act's more narrow standard rules. If the Butte County Audit Committee desires to continue to have the ability to meet remotely via teleconference without meeting the more narrow standard Brown Act rules, the Butte County Audit Committee is required to adopt a resolution making the findings required by AB 361.

The Butte County Audit Committee may meet using the alternative rules of AB 361 if there is a current state of emergency declared by the Governor pursuant to California Government Code section 8625 and either (1) state or local officials have imposed or recommended measures to promote social distancing or (2) Butte County Audit Committee has met or is meeting to decide by a majority vote that meeting in person presents imminent risks to the health or safety of attendees. On March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency, which remains in effect today. Additionally, the State Public Health Officer has issued guidance regarding COVID-19 prevention measures, which includes a statement of support for social distancing recommendations. The California Department of Industrial Relations has issued COVID-19 prevention regulations found at 8 C.C.R. §3205 et seq., which recommends social distancing as a measure to decrease the spread of COVID-19.

Based on the existing state of emergency and state officials' recommendations to socially distance, Butte County Audit Committee has the ability to continue to meet remotely should it so choose. The new law also requires the Butte County Audit Committee to reconsider the determination no later than 30 days after the first teleconference meeting held pursuant to AB 361 and every 30 days thereafter. Adoption of the proposed resolution, attached hereto will enable the Butte County Audit Committee and Brown Act legislative bodies to meet via teleconference pursuant to AB 361 and to reconsider the determination for subsequent meetings. Subsidiary legislative bodies will also approve their own resolution to meet via teleconference and to reconsider the determination for subsequent meetings. The resolution does not require the Butte County Audit Committee to hold meetings via teleconference.

RESOLUTION OF THE BUTTE COUNTY AUDIT COMMITTEE AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE BUTTE COUNTY AUDIT COMMITTEE FOR THE PERIOD OF DECEMBER 7, 2021 – JANUARY 6, 2022 PURSUANT TO THE RALPH M. BROWN ACT

WHEREAS, all meetings of the Butte County Audit Committee and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov’t Code section 54950 et seq.), so that any member of the public may attend, participate and view the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, Government Code section 54953(e) requirements include but are not limited to (1) the existence of a state of emergency declared by the Governor pursuant to Government Code section 8625 and (2) State or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and as of the date of this Resolution, the proclaimed state of emergency remains in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 *et seq.*) to allow local legislative bodies to hold public meetings via teleconference; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provisions of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as “AB 361”); and

WHEREAS, to preserve public health and safety, the State Public Health Officer has issued various orders and guidance regarding COVID-19 prevention measures, which include references and a statement of support for social distancing recommendations (see Guidance for Use of Face Coverings (updated July 28, 2021) and COVID-19 Public Health Recommendations for Fully Vaccinated People (dated August 24, 2021)); and

WHEREAS, the California Department of Industrial Relations has issued COVID-19 Prevention regulations in Title 8 of the California Code of Regulations (Section 3205 et seq.) which requires employers to (1) have a written COVID-19 prevention program including employee training that promotes physical distancing as an infection prevention measure and (2) consider implementing physical distancing where feasible as a response to COVID-19 outbreaks; and

WHEREAS, based on the foregoing, the Butte County Audit Committee finds that (1) the Governor’s Proclaimed State of Emergency as a result of the COVID-19 pandemic is currently in effect and has not been terminated and (2) State officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Butte County Audit Committee has considered the circumstances of the state of emergency, including all information related to this matter, the associated staff report; and

WHEREAS, in light of the foregoing, the Butte County Audit Committee desires to continue to have the flexibility to meet via tele/video conference and the Butte County Audit Committee finds that it and its legislative bodies shall be permitted to conduct their meetings by teleconferencing without compliance with Government Code section 54953(b)(3) pursuant to section 54953(e), and such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by section 54953(e)(2).

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the Butte County Audit Committee as follows:

1. The facts set forth in the above recitals are true and correct and incorporated into this resolution by reference;

2. As a result of the continuing COVID-19 state of emergency declared by Governor Newsom, State officials continue to impose or recommend measures to promote social distancing based on the State Public Health Officer's guidance and recommendations supporting social distancing and the Department of Industrial Relations' issuance of COVID-19 Prevention regulations through Title 8 of the California Code of Regulations, section 3205 et seq. promoting social distancing in the workplace.

3. Under the present circumstances, the Butte County Audit Committee and any of its legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 6, 2022 or (ii) such time the Butte County Audit Committee adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).

PASSED AND ADOPTED by the Butte County Audit Committee this 7th day of December, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Debra Lucero, Chair
Butte County Audit Committee

ATTEST:

By: _____
Andy Pickett, Vice Chair/Secretary
Butte County Audit Committee