



**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**  
**Sacramento Regional Office: Regional Advisory Committee (RAC) Notice/  
Agenda for Special Planning Meeting**

**POSTED AT: <https://scdd.ca.gov/sacramento/>**

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**Meeting Location**

**In Person:**

California State Council on Developmental Disabilities Headquarters  
3831 North Freeway Blvd., Suite 125 Sacramento, CA 95834 (916) 263-8134

**Via Zoom:**

The following new link is valid for 2024:

Join Zoom Meeting: [SCDD Sacramento RAC Meeting](#)

Meeting ID: 847 7982 8941

One tap mobile

+16699009128,,84779828941# US (San Jose)

+16694449171,,84779828941# US

**DATE: Tuesday October 8th, 2024**

**TIME: 10:00 AM – 12:00 PM** (All are welcome to join the call at 9:45 AM for 15 minutes of informal chatting, sharing, & catching up. We will begin the formal meeting at 10:00 AM)

In accordance with the Bagley Keene Act, members of the public will have the opportunity to comment on issues and concerns not included elsewhere on the agenda. Public comment relating to a specific agenda item will be taken at the end of the applicable agenda item or prior to a vote.

- 1. CALL TO ORDER, Chair or Vice Chair**

**2. ESTABLISH QUORUM,**

**3. WELCOME AND INTRODUCTIONS**

Lisa Hooks and Peter Mendoza-SCDD Staff

- a. RAC Members: Roll Call, state name and county affiliation.

**4. APPROVAL OF AGENDA**

**5. Regional Advisory Committee Membership**

- a. Bagley Keene Act
- b. Nominations and Elections
  - Chair and Vice Chair
  - Secretary - In lieu of nominations a vote may be held to eliminate this non-mandated position.
- c. Roles and Responsibilities of members

**6. SACRAMENTO REGION STRATEGIC PLAN FOR FISCAL YEAR 2024-25**

- a. Taking a look at each county
  - Alpine
  - Colusa
  - El Dorado
  - Nevada
  - Placer
  - Sacramento
  - Sierra
  - Sutter
  - Yolo
  - Yuba
- b. Goals
  - Self-Advocacy
  - Employment
  - Housing
  - Health

- Safety
- Early Intervention and Education
  - Early Start
  - 3-21 school age
  - After High School

c. Priorities

- Information, handouts, tipsheets
- Outreach and community events
- Trainings

d. Partners

- RAC members
- Parent Groups
- Others

**7. PUBLIC COMMENT**

- a. This item is for members of the public only to provide comments and/or present information on matters not on the agenda. Each person will be provided up to 3 minutes to speak.
- b. Public comments can be submitted via email prior to the meeting at [sacramento@scdd.ca.gov](mailto:sacramento@scdd.ca.gov) and will be read by the Chair.

**8. Future Meetings –December 10th, 2024**

**9. Meeting Adjournment**



## **Accessibility**

Pursuant to Government Code Sections 11123.1 and 11125(f) and Executive Order N- 29- 20 (this Executive Order can be found by clicking the link on page one of the agenda or typing <https://www.gov.ca.gov/wpcontent/uploads/2020/03/3.17.20-N-29-20-EO.pdf> into your web browser), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Peter Mendoza at [peter.mendoza@scdd.ca.gov](mailto:peter.mendoza@scdd.ca.gov) or (916) 670-0407. Please provide at least 5 business days prior to the meeting to allow adequate time to respond to all requests. Automatic Closed Captioning will be available.

Please visit [www.scdd.ca.gov](http://www.scdd.ca.gov) for Plain Language Documents related to COVID-19 and Vaccinations that SCDD has developed. You will see other documents, along with translations into Spanish, Chinese, Vietnamese, and other languages. Please feel free to share.

Please visit [www.scdd.ca.gov/sacramento](http://www.scdd.ca.gov/sacramento) for Upcoming Trainings and links to Recorded Trainings.

If you are **not** currently on SCDD Sacramento Regional Office's email list and would like to be added, please contact [peter.mendoza@scdd.ca.gov](mailto:peter.mendoza@scdd.ca.gov).

We have 3 email lists:

1. SCDD Statewide List (using Constant Contact platform)
2. SCDD Sacramento Regional List (using Constant Contact platform)
3. SCDD Sacramento – “SCDD Sac Community”. Sacramento Regional Office’s Group Email List – forwarding flyers, trainings, news, events related to the ID/DD community.

Bagley-Keene  
Open Meeting Act  
Government Code §§ 11120-11132

# Today's Key Points

- What Constitutes a Meeting
- What is a Serial Meeting
- Teleconferencing
- Member Requirements

# Purpose of Bagley-Keene

- Sunshine Amendment (2004)  
Cal. Const., art. I, § 3(b)
  - Affords the public an ability to monitor and participate in the decision-making process
  - Mandates public access to meetings, documents and communications



# Public Participation- “Nothing About US Without Us”

- Members of the public must be allowed to:
  - Speak regarding any item on the agenda
  - Speak about items not on the agenda
  - Record the meeting
  - Access documents provided or discussed at the meeting

# Who Must Follow Bagley-Keene?

- State multi-member boards/commissions/ and councils
  - Bodies either created by statute and/or required by law to conduct meetings
  - Advisory or delegated authority bodies
    - Committees, subcommittees, and workgroups

# State Body Also Includes

- An advisory board, commission, committee, subcommittee or similar multi-member state body, if:
  - Created by formal action of a state body or of any member of a state body, *and*
  - Consisting of **3** or more persons
    - If you are unsure about whether a meeting is covered by Bagley-Keene review the number of appointed members and the intent of the group

(Govt. Code § 11121, subsections (a)(b) and (c))

# Open Meeting Requirement

- *A meeting is any gathering of a majority of the members of a state body at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the state body.*
- All persons must be permitted to attend any meeting of a state body
- All meetings of a state body must be: **Open & Public**
- Except as provided by the Act
  - Closed sessions (see later slides)

(Govt. Code §§ 11123, 11126)

# What Is Not A “Meeting”?

- Individual contacts between a voting member of a state body meeting with a member of the public
- Attendance of a majority of members of a state body at:
  - Conferences
  - An open and publicized meeting organized by a non-governmental entity
  - An open and noticed meeting of another state body or local legislative body
  - A purely social or ceremonial occasion
  - An open and noticed meeting of a standing committee of the state body
- Provided that the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body

(Govt. Code § 11122.5)

# Types of Meetings

## Meeting

## Definition/Requirements

### **Regular**

(Govt. Code §§  
6800, 11125)

When a quorum meets under normal or ordinary circumstances

- Must provide notice to any person who requests that notice in writing
- Made available on the Internet at least 10 days in advance
- Computed by excluding the first day and including the last (Civ. Code §§ 10, 12)

### **Special**

(Govt. Code §  
11125.4)

May be called for a purpose specified in the Act.

- Called by majority of members or presiding officer
- Compliance with 10-day notice requirement would impose a substantial hardship or frustrate the requirement for immediate action to protect the public interest
  - Must make finding at beginning of meeting by 2/3 vote (unanimous if 2/3 or less are present)
  - Require 48 hours notice minimum

### **Emergency**

(Govt. Code §  
11125.5)

A meeting involving matters on which prompt action is necessary

- Work stoppage or crippling disaster that severely impairs public health or safety
  - Requires 1 hour notice minimum

# Serial Meetings

- A series of communications which “taken as a whole” involve the majority of members
- Examples:
  - Conversations that clarify members’ understanding of issues
  - Conversations between members with the goal of making an agreement/compromise to influence the outcome of an issue covered by the governing body

# Serial Meetings Take-Away

- Legal interpretation:
  - As long as a quorum\* is not involved, conversations may be permitted between members; HOWEVER
- Practical implications:
  - Since the serial meeting cannot be contained, it is best not to discuss agenda items outside of an open meeting.

\*No definition of a quorum

-RR's defines it as 50% +1; appointed vs. seated



# Teleconference Meetings

- The portion of the meeting that is open must be audible to the public at the location specified in the notice
  - \*location must also be ADA compliant!*
- Agendas must be posted at each teleconference location
- **At least one member of the state body must be present at each teleconference location**
- All votes must be taken by roll call (no secret ballots, no proxies)
- The meetings must be conducted in a manner that protects the rights of the public and members, and does not produce a chilling effect
- Members of the public must be given the opportunity to address the state body at each teleconference location (Govt. Code § 11123(b))

# Meeting Notice Requirements

1. Time and place of the meeting
2. The name, address and telephone number of the person who can provide further information prior to the meeting
3. The website address where the required notice is available
4. Specific agenda for the meeting
  - Brief description (<20 words) of the items of business to be transacted or discussed in both open and closed sessions
  - If a closed session item, must include a citation to the statutory authority for the closed session (Govt. Code § 11125)

# Additional Meeting Notice Requirements

- Fees cannot be charged for posting notice
- Notice must be made available in alternate formats if requested
  - The notice must include the manner and deadline for such a request

# Late Added Agenda Items

- Only if:
  - A majority determines that an emergency situation exists, *or*
  - 2/3 of state body determine that:
    - There exists a need to take immediate action
    - The need for action came to the attention of the state body after the notice was issued
- Notice of added items must be provided at least **48 hours** before the time of the meeting

(Govt. Code § 11125.3)

# Sign-in Sheets/Recording

- Sign-in sheets cannot be required as a condition precedent to public attendance
- Any person attending an open and public meeting has the right to make an audio or video recording, or take still photos
  - Unless reasonable finding that the recording or broadcast cannot continue without noise, illumination or obstruction of view that would constitute a persistent disruption of the proceedings

(Govt. Code §§ 11124, 11124.1)

# Public Participation/Disruptions

- Must provide opportunity to directly address the state body on each open session agenda item before or during the state body's discussion or consideration of the item
- State body may order the room cleared and continue in session where there is
  - A willful interruption by a group or groups of persons rendering orderly conduct of meeting infeasible, and
  - Order cannot be restored by removal of individuals

(Govt. Code §§ 11126.5, 11125.7)

# Access to Records

- The public is entitled to have access to records unless they are not required to be divulged under the Public Records Act (PRA Request)
- Records must be available in alternative formats

# Closed Sessions

- May only be called during a regular or special meeting
- Issues to be discussed during closed session must be listed on the agenda
- Confidential minutes must be kept



# Examples of Closed Sessions

- Personnel matters
  - Appointment, evaluation, discipline (requires 24-hour notice to employee), dismissal, charges/complaints
- Pending litigation
  - *Attorney must be present to invoke this exception!*
  - Filing litigation, currently in litigation, substantial exposure to litigation
- Licensing actions
- Administrative hearings
- Real estate transactions
- Criminal or terrorist threats

# If You Violate the Bagley-Keene ACT

- Overturn decision or action
- Start the process over (notice, new votes, etc.)
- Lawsuit (must be filed within 90 days of alleged breach)
  - Courts may award costs and reasonable attorney fees where it finds a violation, to be paid by the state body
  - Court may award costs and reasonable attorney fees to a prevailing state body if the action was clearly frivolous and totally lacking in merit (Govt. Code § 11130.5)
- Misdemeanor criminal charges, if there was an intent to deceive the public (Govt. Code § 11130.7)

# 2015 Updates to Bagley-Keene

- Recording votes:
  - For all action items at board meetings and meetings of committees of +3, the law now requires boards to record the vote or abstention of each member present for that action item.
    - This means the board 's minutes must include each board member's name under the appropriate vote category (i.e. yes , no, abstention).
- Forms of Notice:
  - An agency is authorized to provide notice of board/committee meetings by regular mail, email or both . However, a person requesting notice has the option of choosing by which of the three methods above the person wishes to receive notice and the agency must comply with the option selected by the requester.
- Webcast meetings:
  - If an agency plans to web cast a meeting, then the notice of meeting must include a statement of the intent to web cast the meeting.

# Useful Bagley-Keene Links

- Office of the Attorney General (2004):  
[https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/bagleykeene2004\\_ada.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/bagleykeene2004_ada.pdf)
- Department of Consumer Affairs (2015):
  - [http://www.dca.ca.gov/publications/bagleykeene\\_meetingact.pdf](http://www.dca.ca.gov/publications/bagleykeene_meetingact.pdf)

# Questions?

**Lisa Hooks**, Manager

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Email: [lisa.hooks@scdd.ca.gov](mailto:lisa.hooks@scdd.ca.gov)

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# California State Council on Developmental Disabilities Regional Advisory Committee (RAC)

## Member Roles and Responsibilities

Peter Mendoza, CPS II

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Manager, Sacramento  
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# What is the role of the RAC?

- ▶ Per statute *Welfare and Institutions Code Section 4544(b)*, the role of the RAC is to:
  - ▶ Advise SCDD and its regional office on local issues and identify and provide input regarding local systemic needs within its communities;
  - ▶ Provide input and be a source for data for the SCDD to consider in the formulation of the state plan;
  - ▶ Provide public information programs for consumers, families, professional groups, and the general public to increase professional and public awareness of areas identified within the state plan;
  - ▶ Engage in other activities as requested by SCDD.
- ▶ The RAC may make recommendations to the Council. The RAC may not take positions independent of the Council.

# Who is eligible to serve on a RAC?

## ▶ **Who is eligible to be a RAC member?**

- ▶ RACs should reflect the geographic, ethnic, and language diversity of the state, as described in statutes.

## ▶ **What about prior Area Board members?**

- ▶ Any Area Board member on December 31, 2014 may continue to serve on the RAC for that RO area until his/her term expires.

## ▶ **Who cannot be a member of a RAC?**

- ▶ Sitting SCDD Council members cannot be also be members of the RAC. Councilmembers from a region are required to participate in his or her local RAC.
- ▶ Any member of a Regional Center Governing Board, or a committee of a Regional Center Governing Board (excluding Self-Determination Advisory Committees and Self-Advocate Advisory Committees), shall not be eligible to serve on a SCDD Regional Advisory Committee.



# How many members may serve on a RAC and County representation

## ▶ **How many members will the RAC have?**

- ▶ The goal is for each RAC to have 9-15 members, based on need, geographic area covered, or population. The Council's Membership Committee may determine the total number between 9 and 15 based on need and recommendations from the Regional Office and RAC. The RACs that inherited more than 15 members may reach the maximum number through attrition as the initial members terms expire.

## ▶ **Should every county be represented?**

- ▶ The RAC should have at least one member from each county in the RAC's region.

## ▶ **Are there other limitations on membership?**

- ▶ Providers are allowed to be members of a RAC. Providers are not to be more than 25% of total RAC membership.

# Your voice is important

- ▶ **What's the self-advocate percentage representation on each RAC?**
  - ▶ At least 35% of RAC members shall be self-advocates. At least 35% of RAC members shall be family-advocates. The remaining 30% shall be self-advocates, family advocates, or other.
- ▶ **Will there be term limits?**
  - ▶ Each RAC member serves at the pleasure of the Council. Each individual is eligible for two 3-year terms. The term limits begin anew as of January 1, 2015
- ▶ **What is the attendance policy for RAC members?**
  - ▶ If a member of a RAC has unexcused absences for more than 25% of the RAC meetings within a calendar year, the member shall be considered as having ceased to discharge the duties of RAC membership.

# Member conflicts of interest: Appointments

## ▶ **What about conflicts of interest?**

- ▶ While it is not anticipated that RAC members will be making governmental decisions, if that happens and an individual has a conflict, that individual is expected to not be a part of the conversation or decision for that item.

## ▶ **RAC Membership Appointments**

- ▶ Each RAC and RO can forward names to the SCDD Membership Committee for consideration.
- ▶ Each RAC may have its own Membership Committee for purposes of identifying and recruiting potential members and referring them to SCDD Membership Committee for consideration of referral to the SCDD.
- ▶ The SCDD Membership Committee will create a standardized application form/process.
- ▶ The SCDD Membership Committee makes appointments to the RACs.

# RAC Officers and Subcommittees

## ▶ **What are the officers of the RAC?**

- ▶ RAC members shall elect a Chair and a Vice Chair from among its membership. The role of the Chair and Vice Chair is to run the RAC meetings.

## ▶ **What subcommittees may a RAC have?**

- ▶ A RAC may convene a Membership Committee for the purpose of screening and making recommendations to the Council's Membership Committee on candidates for the RAC.



# Questions

# Sources

- ▶ Policy Questions about the Regional Advisory Committee—

<https://scdd.ca.gov/wp-content/uploads/sites/33/2019/05/2017-1-10-Final-Approved-Revised-RAC-Policy-Questions-2.pdf>