

ACA GENERAL SESSION MEETING AGENDA

Monday, April 14, 2025

9:30am – 12:00pm

In-Person Meeting

Alameda County Social Services Agency (Eastmont)

Maxwell Park Room

[\(Directions to Conference Room\)](#)

6955 Foothill Blvd, Suite 143 (First Floor)
 Oakland, CA 94605

TELECONFERENCING GUIDELINES: MEMBERS OF THE PUBLIC MAY OBSERVE AND PARTICIPATE IN MEETINGS BY FOLLOWING THIS LINK: [ZOOM LINK](#) OR DIALING IN +1 669-900 6833 US (San Jose). Meeting ID: 899 2454 4024 | Passcode: 839169

Public participation at Commission meetings is encouraged. We request that individuals limit their comments on any single item on the agenda to two minutes. The chosen spokesperson for a group may speak for four minutes.

Agenda Item	Material Provided	Presenter	Time
Call to Order/Roll Call		Chair	9:30 – 9:32
Approval of 3/10/25 ACA Meeting Minutes	Minutes attached, Pages 3-6	Chair/Commission	9:32 – 9:35
Comments from the Public for Items not on the agenda		General Public	9:35 – 9:40
Commissioner Boykins Farewell		Commission/ Staff	9:40 – 9:50
Presentation: Organization: Alameda County Counsel Topic: Brown Act & Robert Rules of Order Training	Presentation Slides attached, Pages 10-53	Samantha Stonework-Hand, Assistant County Counsel	9:50– 10:50
Comments from the ACA Chair: <ul style="list-style-type: none"> Nominating Committee 25-26 ACA Budget USAgings Conference (Chicago) 	Proposed budget attached Page 7	Chair	10:50 – 11:05

AAA Director's Report: <ul style="list-style-type: none"> ▪ Program/Administration ▪ CAP Monitoring Update ▪ CDA Audit ▪ RFP 		Jennifer Stephens-Pierre	11:05 – 11:25
Service Delivery Committee Report	Subcommittee Checklist <u>Pages 8-9</u>	Committee members	11:25 – 11:35
Commission Committee Reports: <ul style="list-style-type: none"> ▪ Service Delivery ▪ Public Relations ▪ Legislative ▪ Executive 		Subcommittee Chairs/Representatives	11:35 – 11:50
Oral Communications/Public Comment: <ul style="list-style-type: none"> ▪ Commissioners ▪ Staff ▪ Public 		Commissioners, Staff, Public	11:50 – 12:00
Adjournment		Chair	12:00pm

ACA UPDATES:

- Next ACA General Meeting is May 12, 2025
- May is Older Americans Month “Flip the Script on Aging”

Notes

GENERAL SESSION MEETING MINUTES

10, March, Monday, 2025 | 9:30AM – 11:45AM

Alameda County Social Services Agency (Eastmont)**Maxwell Park Room**6955 Foothill Blvd, Suite 143 (First Floor)
Oakland, CA 94605**ACA Commissioners Present**Barbara Price
Denyse McCowan
Linda Boykins
Laura McMichael-Cady (Chair)
Lisa Malul
Michael Goetz
Pricilla Banks
John Schinkel**Commissioners Absent**

Bobby Arte Grant (Vice Chair)

County of Alameda Staff PresentRhoda Turner
Diarra Piggue
Kim Fogel
Jennifer Stephens-Pierre
Janet Weisman
Connie Soriano
Janine Carlson**Guests**Sheryl Morasco
Andrea Mok
Pricilla J. Banks
Mey Funabiki

Item	Discussion / Action Item
A. CALL TO ORDER	Meeting called to order at 9:38am Roll Call of Commissioners Quorum achieved.
B. APPROVAL OF MINUTES	Motion to accept meeting minutes from 2/10/2025: (M) Michael Goetz (S) Denyse McCowan Approved.
C. COMMENTS FROM THE PUBLIC	None.
D. COMMENTS FROM THE ACA CHAIR	<ul style="list-style-type: none"> ○ New commissioner John Schinkel from Fremont introduced himself. ○ The commission discussed attendance issues and approved sending reminder letters to absent commissioners. <p>Motion: Send an attendance letter/ email to all current Commissioners reminding them of the ACA's virtual and in-person attendance policies (M) Laura McMichael-Cady</p>

	<p>(S) Michael Goetz Approved.</p> <ul style="list-style-type: none"> Debrief of the Board of Supervisors Social Services Committee presentation from 2/24/25.
<p>E. PRESENTATION</p> <p>Organization: Center for Elders Independence (CEI)</p> <p>Topic: Program of All-Inclusive Care for the Elderly (PACE)</p>	<p><i>Presentation from the Center for Elders Independence on their PACE program.</i></p> <ul style="list-style-type: none"> Sheryl Morasco, the Director of Outreach and Enrollment shared that the Center for Elders Independence (CEI), is a non-profit organization that operates the Program of All-Inclusive Care for the Elderly (PACE) in Alameda & Contra Costa counties. They service seniors 55 and older who qualify for skilled nursing care but wish to remain living independently in their communities.
F. AAA DIRECTOR'S REPORT	<p><i>Jennifer Stephens-Pierre, AAA Director spoke on the following:</i></p> <p>Administrative Report:</p> <ul style="list-style-type: none"> The approved commission budget is \$6,250. <i>Jennifer encouraged members to consider how to use the funds before the fiscal year ends in June.</i> The commission was advised to start planning their budget for the next fiscal year, including potential attendance at the State conference in Southern California. The director mentioned her upcoming attendance at the US Aging conference in Chicago in July, where they have submitted an award proposal for their healthcare career pathways program. Jennifer discussed the contradictory about funding for programs like Meals on Wheels and the uncertainty surrounding potential impacts on their agency in the coming years. <p>Staffing Update:</p> <ul style="list-style-type: none"> A new Program Specialist has been hired and will be onboarding soon. The Senior Nutritionist position, which has been open since last year has been a struggle to fill.

	<ul style="list-style-type: none"> ○ The Area on Aging (AAA) has openings for a Social Worker III, Admin. Specialist II, and a Specialist Clerk I. ○ Senior Nutrition Month is in March and The AAA will be accepting a proclamation from the Board of Supervisors. This will be a great opportunity in aiming to increase visibility in funding nutrition programs. <p>CDA Response to ACA Monitoring:</p> <ul style="list-style-type: none"> ○ The AAA had a lot of findings in their monitoring in September which resulted in a CAP Action Plan. ○ The team is currently in their mediation phase where they meet with various CDA branches to review the findings. ○ The team have corrected 50% of the findings.. <p>CDA Audit</p> <ul style="list-style-type: none"> ○ The fiscal unit is undergoing an audit for the 2021-2022 and 2022-2023 year. <p>RFP</p> <ul style="list-style-type: none"> ○ The next major project for AAA is to launch the RFP process for the 2026-2030 year. ○ It's over an 18-month process. ○ Main factors will include service providers, reimbursement rates, and advertising the RFP's. <p>Legislative Watch</p> <ul style="list-style-type: none"> ○ SB-1249 passed. Designation and Jurisdiction of AAA's. State Association is determining what this means.
G. Area Plan Update	<p><i>Kim Fogel, Management Analyst and Senior Planner, AAA, shared:</i></p> <ul style="list-style-type: none"> ○ Area Agency on Aging is preparing for its annual Area Plan Update (APU) process. ○ Explained that they will need to conduct a public hearing and get the Commission's signed approval of the update. ○ The AAA is currently finalizing revisions to the 2024-2028 Area Plan requested by the State.

H. SUBCOMMITTEE REPORTS	<p>Executive Committee:</p> <ul style="list-style-type: none"> ○ The Executive Committee meets on the 4th Monday of every month at 9 a.m. This is the time to propose speakers for the general meeting and share information from your committees. <p>Public Relations:</p> <ul style="list-style-type: none"> ○ The newsletter should be done in the next few days. Will address “What’s going on” nationwide, “If you have issues with immigration. <p>Legislative:</p> <ul style="list-style-type: none"> ○ Commissioner Price mentioned that she will be participating in the annual on-line training. <p>Service Delivery:</p> <ul style="list-style-type: none"> ○ Commissioner Banks mentioned that she will be meeting with Commissioner Marquez to discuss how the sub-committee wants to interact with health services committee monthly to go over the key items of concern. ○ Commissioner Goetz created a form/Check list that will be used at site visits. ○ Commissioner Banks asked, “What have we discussed at this meeting that we want to pass on to Social Services”. ○ Structure is what the Service Delivery committee is looking for during the site visits. ○ Commissioner Banks reiterated that she she would like to have a column in the newsletter. One of the items that she would like to see is resources for individuals who don’t have Medi-Cal.
I. ORAL COMMUNICATIONS/PUBLIC COMMENT	<ul style="list-style-type: none"> ○ Commissioner Linda Boykins mentioned that next month would be her last month on the Commission, and that she will return to work on the RFP’s. ○ Janet Weisman mentioned that Legal Assistance for Seniors is hosting a Scam Jam at the San Leandro Senior Center on June 12th.
J. ADJOURNMENT	Meeting adjourned at 11:54 am.

ACA Proposed Budget 2025/2026

Conferences/Travel	C4A Conference	\$2500
Conferences/Travel	USAgings Conference	\$2500
Service Delivery Committee/Outreach (Postage, Ink, Cards, Tote Bags)		\$750
Strategic Planning Retreat (food)		\$350
Strategic Planning Retreat (consultant)		\$1000
Community Events and Activities (Pamphlets, Give-aways)		\$1000
Food for Meetings		\$3500
		<hr/>
		\$11600

ALAMEDA COUNTY ADVISORY COMMISSION ON AGING

Services Site Visitation

	Category	Requirement	List/Comments
<input type="checkbox"/>	ADMINISTRATION	Center Dir/Mgr	
<input type="checkbox"/>		Participation Rate	___ Daily/ ___ Monthly
<input type="checkbox"/>		AAA Funding Support	
<input type="checkbox"/>		Staffing	___ FT/ ___ PT/ ___ Volunteers
<input type="checkbox"/>		Programs	
<input type="checkbox"/>		Services	
<input type="checkbox"/>		Vehicles/Equipment	
<input type="checkbox"/>		Special Needs	
<input type="checkbox"/>		Volunteers	
<input type="checkbox"/>		Resident Observation	
<input type="checkbox"/>		Staff-Client Ratio	
<input type="checkbox"/>		Activities Calendar	
<input type="checkbox"/>		Emergency Evac Plan	
<input type="checkbox"/>		Newsletter	
<input type="checkbox"/>	PROGRAMS	Community Services	
<input type="checkbox"/>		Clothes Closet	
<input type="checkbox"/>		Food Pantry	
<input type="checkbox"/>		Library	
<input type="checkbox"/>		Socialization Activities	Book Club, BINGO, Cards, Mahjong
<input type="checkbox"/>		Support Groups	
<input type="checkbox"/>		Educational Activities	
<input type="checkbox"/>		Physical Activities	
<input type="checkbox"/>		Programs	
<input type="checkbox"/>		Schedule	
<input type="checkbox"/>		Health Maintenance	Clinics, Heart Health, Cooking
<input type="checkbox"/>		Transportation	
<input type="checkbox"/>		Schedule	
<input type="checkbox"/>		Fleet	
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

	Category	Requirement	List/Comments
<input type="checkbox"/>	NUTRITION	Nutrition Program	
<input type="checkbox"/>		Meal Preparation	Internal/Contracted
<input type="checkbox"/>		Dine-In Meals	
<input type="checkbox"/>		ToGo Meals	
<input type="checkbox"/>		Avg Daily Customers	
<input type="checkbox"/>		Food Preparation	Dine-In: ____; ToGo ____
<input type="checkbox"/>		Food Safety	
<input type="checkbox"/>		Handler Training	Cards: ____/____
<input type="checkbox"/>		Mgmt Certification	
<input type="checkbox"/>			
<input type="checkbox"/>	ENVIRONMENTAL	Exterior	
<input type="checkbox"/>		Interior	
<input type="checkbox"/>		Restrooms	
<input type="checkbox"/>		Storage Areas	
<input type="checkbox"/>		Safety Issues	
<input type="checkbox"/>		Parking	
<input type="checkbox"/>			
<input type="checkbox"/>	AAA Contracts	Statement of Work	
<input type="checkbox"/>		Monthly Invoice Amount	
<input type="checkbox"/>		Receivables	
<input type="checkbox"/>			
<input type="checkbox"/>	CONCERNS	Category	Mitigation Strategy (i.e. Causes/Improvements)
<input type="checkbox"/>		Funding	
<input type="checkbox"/>		Resources	
<input type="checkbox"/>		Facility	
<input type="checkbox"/>			
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California's Sunshine Law: The Ralph M. Brown Act

Presentation by
OFFICE OF THE COUNTY COUNSEL
COUNTY OF ALAMEDA
April 14, 2025
ADVISORY COMMISSION ON AGING

Disclaimer: This presentation is provided as a public record only, and does not, and is not intended, to create an attorney-client relationship. The contents of this presentation are intended to convey general information only and not to provide legal advice or opinions, and should not be construed as, and should not be relied upon for, legal or tax advice in any particular circumstance or fact situation. An attorney should be contacted for advice on specific legal issues.



The Brown Act

The Brown Act was enacted in 1953 after a 10-part exposé in the *San Francisco Chronicle* on the lack of transparency in local government, entitled “Your Secret Government”

San Francisco Chronicle
NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

The Guiding Principle

The Public's business must be conducted in *public*, with ample opportunity for public participation





Who is Subject to the Brown Act?

- Any board, commission, committee or other body created by a charter, ordinance, resolution or other formal action of the Board of Supervisors + standing committees
- The Advisory Commission on Aging is codified in the Admin Code, Ch. 2.72
- Exception: ad hoc committees made up of less than a quorum of the body



Ad Hoc Committees:

- Purely advisory
- comprised solely of members
- < quorum (of body or standing committee)
- limited duration and purpose
- No meeting schedule fixed by formal action
- charged with accomplishing a specific task
 - *No continuing subject matter jurisdiction*
- in a short period of time
 - *dissolved when their specific task is completed*



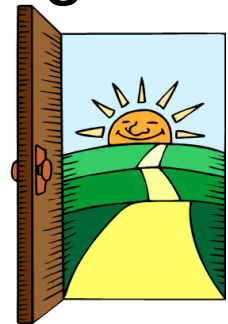
Ad Hoc Examples:

- Meetings by 2/5 city council members to review Coastal Commission's new draft land use plan regarding city
- Ad hoc advisory committee created to advise Board of Education regarding candidates' qualifications for vacant board position

The Open Meeting Rule

THE RULE is that meetings are OPEN to the public; exceptions to the rule are narrowly construed:

“all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency.”



What is a “Meeting?”

A meeting occurs whenever a majority of the members of the Board or of a committee come together at the same time or place.



Meetings May Be:

- Formal or informal
- Involve only discussion or action, or both
- In person, or through technology



Meetings Can Include:

- Retreats
- Site visits
- Social gatherings or “networking” before or after a noticed meeting



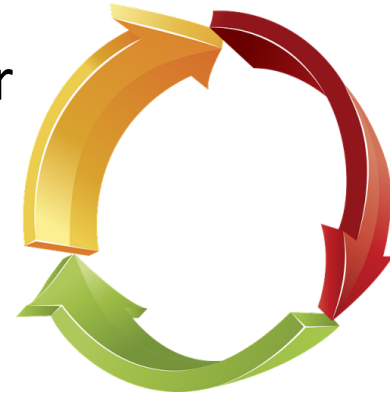
Unlawful Meetings

- “Pre-meetings” and “Post-meetings” held without notice to the public
- Serial meetings

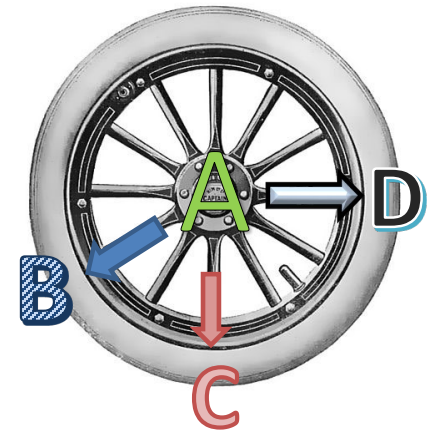


Types of Serial Meetings

- “Chain” meetings: Member A talks to member B, who talks to Member C...



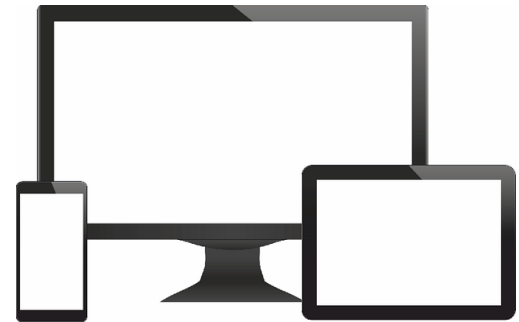
- “Hub-and-Spoke” meetings: A talks to B, then C, then D...



How Serial Meetings Occur

- Through technology:

- Text
- Email
- Phones, etc.



- Through staff



Discussions With Staff

Staff ***answer questions*** or ***provide information*** to individual Board members ***so long as*** any views or positions expressed by the member are ***not communicated*** to other members of the Board





What ISN'T a Meeting?

- Attendance of majority at
 - regional/state/national conference
 - local meeting open to the public
 - social, recreational, ceremonial event not sponsored by or for the body
- Are OK *PROVIDED* no collective discussion of Commission business



What about Social Media?

- AB 992 applies to Social Media (*e.g.*, Twitter, Facebook, Instagram, Reddit, etc.)
- *Meeting does not include* “engaging in separate conversations or communications on [Social Media] to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body...”

– Government Code sec. 54952.2 (*cur. 12/31/25*)



...still...

- **No** “discuss[ion] among [members about] business of a specific nature that is within the subject matter jurisdiction of the legislative body”
- **No** “responding directly to any communication...regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body”
 - Government Code sec. 54952.2

Meetings: Locations and Time

- Meetings must be held within Alameda County
- Meetings must occur at a time and location set by ordinance, resolution, or bylaws
- Meetings includes teleconferences





“Teleconference” =

- “a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.”
- “Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.”

Teleconference Rules

- Each teleconference location must be identified in the notice and agenda
- Agenda must be posted at each location
- Each location must have public access
- Public must have opportunity to speak at each location
- A quorum must be inside the County
- All votes must be taken by rollcall



Teleconference cont.

- The body must “conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency”





Remote Attendance

- Gov. Code sec. 54953
 - Current version expires on December 31, 2025
- Does not require a state of emergency, **but...**
 - A *quorum* must meet in-person in *1 physical place*
 - Only for a limited number of times
 - Only if either “*just cause*” (e.g., contagious; childcare; etc.) or “*emergency circumstances*” (e.g., medical emergency)
 - Notification/request process to participate via teleconference
 - Must attend using **both** video & audio
 - Must announce if there is anyone 18 years or older with the member



Just Cause Remote Attendance

- *Just Cause* – Cannot attend because:
 - Childcare or caregiving need
 - Contagious illness
 - Immunocompromised family member
 - Qualifying mental or physical disability under Gov. Code sec. 12926 and 12926.1 (which may include HIV/AIDS, epilepsy, seizure disorder, clinical depression, multiple sclerosis, etc.)
 - Travel on official County business



Just Cause Remote Attendance

- Procedure:
 - At earliest opportunity
 - must provide notice, including a general description of the circumstances relating to their need to appear remotely at the given meeting
 - *NO more than twice per calendar year*



Emergency Circumstances

Remote Attendance

- Emergency Circumstances
 - a physical or family medical emergency that prevents a member from attending in person



Emergency Circumstances

Remote Attendance

- a limited number of attendance:
 - Two meetings per year,
 - *if the legislative body regularly meets once per month or less.*
 - Five meetings per year,
 - *if the legislative body regularly meets twice per month.*
 - Seven meetings per year,
 - *if the legislative body regularly meets three or more times per month.*



Emergency Circumstances

Remote Attendance

- Procedures:
 - As soon as possible
 - must make a request with a general description of the circumstances relating to their need to appear remotely at the given meeting.
 - Request is added to posted agenda (if enough time), otherwise can be added to the agenda at the beginning of the meeting
 - Body to take vote on the request

A decorative graphic on the right side of the page. It features a bright yellow sun with rays rising over a green, rolling hill. The sun is partially obscured by the horizon line of the hill. The overall color palette is warm, with yellows, oranges, and greens.

- [illegible]

Why Does It Matter?

A body subject to the Brown Act *may not discuss* and *may not act* on items not on the agenda or that are beyond the reasonable scope of the agenda description





Very Limited Exceptions

- Public health/safety emergency
 - Immediate need to avoid serious injury to public interest



- An item continued from previous agenda *and* that last meeting was within the last 5 days

These Don't Need to be On the Agenda

- Commendations
- Announcements
- Request to agendize future items
- Limited follow-up to general public comment, to provide information or direction to staff



Rights of the Public

ACCESS TO MEETINGS

- To have meetings open and public with limited exceptions
- To have access to all agendas of public meetings and documents distributed to the Legislative Body members
- To audio/video record the meetings and to inspect any recordings of the meetings made by the agency.
- To attend without any condition precedent (e.g., cannot mandate that attendees register)



Rights of the Public

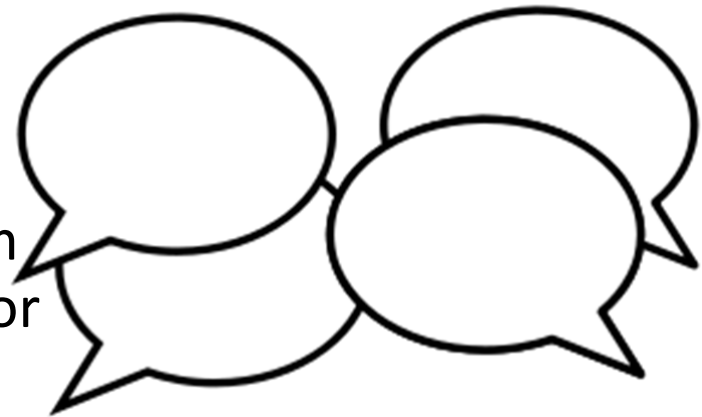
PARTICIPATION IN MEETINGS

The public has the right to address the Board at any regular or special meeting on any item on the agenda, ***before conclusion of the discussion or the Board takes action***



Types of Public Comment

- Specific: Concerning an item on the agenda, at the time of consideration
- General: Any item within the Board or Commission's subject-matter jurisdiction





Specific Public Comment

- Any agenda item – discussion or action
- Must occur before
 - conclusion of consideration of item (discussion item); or
 - action taken (action item)

1. =

2. =



General Public Comment

- May occur at any time in the meeting, at the discretion of the Chair/Board majority
- Is limited to matters within scope of Board's jurisdiction, even if not on the agenda
- Members may not discuss or respond substantively
- Not required at special meetings

Rights of the Speaker

- Right to equal time
- Right to criticize policy body, its members, and its staff



Limits on Public Comment

- “Up to” three minutes on an item
- Reasonable limit on total public comment time on an item
- No right to a response from policy body or its members



Controlling Unruly Speakers

- Board Chair can impose reasonable time, place, and manner restrictions on public participation
- Unruly speakers may be excluded from the forum if necessary to allow business to continue



Closed Session

Meetings must be open to the public *unless* the Brown Act specifically authorizes the Board to meet in “closed session”

It may not be likely that the Commission will have any closed session matters; any plans to hold a closed session can be discussed with County Counsel prior to being placed on an agenda.

Example Topics:

- Personnel
- Litigation
- Labor Negotiations
- Real Estate Negotiations



Closed Sessions



- Closed sessions are limited to a few specified circumstances and fact specific
- Standard is NOT whether the subject matter is sensitive, embarrassing, controversial or 'private'
- Only Board members and necessary support staff can be present in closed session

Criminal Penalties

- Willful violation of Brown Act
 - Action taken in violation of Brown Act
 - Member intends to deprive the public of information to which the public is entitled
- Misdemeanor
 - punishable by imprisonment in the county jail not exceeding six months, or
 - by fine not exceeding one thousand dollars (\$1,000), or
 - by both



Other Potential Penalties

- Invalidation of action taken in violation of Brown Act
- Injunction or declaratory relief to stop or prevent violations
- Disciplinary action
- Prevailing plaintiff may get attorneys' fees and/or costs
- Referral to grand jury for disclosing closed session discussion



QUESTIONS?

