2022_07_22-LVAC Meetings-Superseded by 7-20-23 Directive

Waiver, Law, Directives · https://completeguidetosdp.org/docs/2022_07_22-lvac-meetings/

Brief:

LVAC must follow Bagley-Keene Act, and can use Zoom. **This directive was superseded by 7/20/23 Directive**.

Directive:

July 22, 2022

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: MEETINGS OF THE LOCAL VOLUNTEER ADVISORY COMMITTEE FOR THE SELF-DETERMINATION PROGRAM

On August 6, 2015, the Department of Developmental Services (Department) notified regional centers that Local Volunteer Advisory Committees (LVAC) for the Self- Determination Program were required to follow Bagley-Keene Open Meeting Act (Bagley-Keene Act) requirements in Government Code sections 11120 through 11133. The purpose of this letter is to provide updated information and guidance on conducting LVAC meetings in compliance with the Bagley-Keene Act.

Teleconference LVAC Meetings Permitted and Physical Presence Quorum Requirements Suspended Through July 1, 2023:

In response to the COVID-19 public health emergency, the Governor issued an Executive Order (N-25-20), which permitted committees, including LVACs, to hold teleconference meetings and suspended physical presence quorum requirements under the Bagley-Keene Act. This Executive Order, along with Assembly Bill 361 (Chapter 165, Statutes of 2021), provided temporary remote flexibilities, so long as such meetings were electronically accessible to the public. On January 5, 2022, the Governor issued a follow up Executive Order (N-1-22), which extended these remote flexibilities until April 1, 2022.

Senate Bill 189 (Chapter 48, Statutes of 2022), extends these Bagley-Keene Act flexibilities through July 1, 2023. Specifically, SB 189 makes changes to Government Code section 11133, modifying requirements that will allow state entities, including regional centers' LVACs, to conduct open teleconference meetings and facilitate public participation, while also reducing potential exposure to COVID-19.

Effective July 1, 2022 through July 1, 2023, LVACs are permitted to hold public meetings through teleconferencing provided they make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the LVAC under the following conditions:

- Regional centers and LVACs must give at least 10 days advance notice of the agenda of all items to be discussed or acted upon during the meeting.
- The notice and agenda must specify: (1) the time and date of the meeting; (2) instructions on how members of the public may observe the meeting and offer public comment, such as call-in instructions with the phone number or a link to the teleconference of the meeting; (3) a brief description of items to be

discussed or acted upon; and (4) information about how an individual may request and obtain a disability-related modification or accommodation, and/or interpreter/facilitator.

- The teleconference meeting must be accessible to the public. A copy of the notice and agenda should be posted on the regional center's website in an easy to find location. Notices and agendas should also be sent to all LVAC members and to members of the public who have provided their contact information.
- The teleconference method utilized in the LVAC meetings must permit members of the public to address the meeting at the remote location.
- The agenda must include instructions on how members of the public may observe the meeting and offer public comment. If there is a change in the way the public may observe the meeting and offer public comment, regional centers and LVACs may advertise the revised instructions using the most rapid forms of communication available at the time. Such communication shall include, but is not limited to, posting the instructions on the regional center's internet website.
- Regional centers and LVACs need not make available any physical location from which members of the public may observe the meeting and offer public comment.
- Regional centers and LVACs must implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and resolving any doubt whatsoever in favor of accessibility.
- Regional centers and LVACs must advertise the procedure for resolving requests for reasonable modification or accommodation each time notice is given of the way members of the public may observe the meeting and offer

public comment.

- Regional centers and LVACs are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of the Bagley-Keene Open Meeting Act, in order to maximize transparency and provide the public access to LVAC meetings.

Effective July 1, 2022 through July 1, 2023, the following requirements for public meetings set forth in the Bagley-Keene Act are **suspended**:

- All Bagley-Keene requirements that require the physical presence of members, the clerk or other personnel of the LVAC, or the public, as a condition of participation in or quorum for a public meeting.
- Each teleconference location from which an LVAC member will be participating in a public meeting or proceeding must be identified in the notice and agenda of the public meeting or proceeding.
- Each teleconference location must be accessible to the public.
- Members of the public may address the LVAC at each teleconference location.
- Agendas must be posted at all teleconference locations.
- At least one member of the LVAC must be physically present at the location specified in the notice of the meeting.

The Department strongly encourages LVACs to resume regular meetings and conduct them in a manner that is consistent with the requirements set forth in this letter and SB 189.

For questions regarding this letter, please contact Tim Travis, at tim.travis@dds.ca.gov or (951) 394-0590.

Sincerely,

Original signed by:

MARICRIS ACON

Deputy Director

Federal Programs Division

cc: Regional Center Administrators

Regional Center Directors of Consumer Services

Regional Center Community Services Directors Association of Regional Center Agencies

State Council on Developmental Disabilities Disability Rights California

Nancy Bargmann, DDS

Brian Winfield, DDS

Carla Castañeda, DDS

Jim Knight, DDS

Ernie Cruz, DDS

Aaron Christian, DDS

Tim Travis, DDS

Link to Directive:

Self-Determination Program: Meetings of the Local Volunteer Advisory Committees – July 2022 (English)

Self-Determination Program: Meetings of the Local Volunteer Advisory Committees – July 2022 (Spanish)

Self-Determination Program: Meetings of the Local Volunteer Advisory Committees – July 2022 (Korean)