

RGS EXECUTIVE COMMITTEE AGENDA

Agenda materials may be viewed on the Agency's web site or by contacting the Executive Director prior to the meeting. For a teleconference meeting, the public may participate in the meeting at any of the teleconference locations listed.

SPECIAL MEETING

October 13, 2021

3:00 p.m.

via Videoconference

The Executive Committee may continue to meet by teleconference, consistent with the Brown Act as amended by Assembly Bill 361 (2021). Under the amended rules, RGS will not provide a physical location for members of the public to participate in the teleconference meeting. The public may participate in the meeting by joining a RingCentral Meeting using the following link: <https://meetings.ringcentral.com/j/1464275439>; or by calling 1 (623) 404-9000 and entering the meeting ID#: 146 427 5439. When joining the meeting, you will be in a virtual waiting room. In order for the moderator to allow you entry from the waiting room into the meeting, you will need to email the moderator at tburaglio@rgs.ca.gov at least 15 minutes prior to the meeting start time and identify yourself by name (if joining via the web link) or by the phone number utilized if calling in via phone.

1. CALL TO ORDER / ROLL CALL

2. PUBLIC COMMENT

- A. Each speaker is limited to two minutes. If you are addressing the Executive Committee (EC) on a non-agenda item, the EC may briefly respond to statements made or questions posed as allowed by the Brown Act (Government Code Section 54954.2). However, the EC's general policy is to refer items to staff for attention, or have a matter placed on a future EC agenda for a more comprehensive action or report.

3. APPROVAL OF CONSENT AGENDA

Consent agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Executive Committee, staff, or public request specific items to be removed for separate action.

- A. Adopt Resolution **RGSEC2021-01** Authorizing Remote Teleconference Meetings Under the Brown Act as Amended by Assembly Bill 361 (2021)

Action

4. TREASURER'S REPORT - None

5. OLD BUSINESS

Recess to Closed Session

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(d)(1))

Names of Cases: In the Matter of the Appeal of Membership Determination and post Retirement Employment of Linda D. Abid-Cummings, OAH Case No. 2020090772

In the Matter of the Appeal of Membership Determination and post Retirement Employment of Douglas A. Breeze, OAH Case No. 2020100848

In the Matter of the Appeal of Membership Determination and post Retirement Employment of David W. Dowswell, OAH Case No. 2020090934

In the Matter of the Appeal of Membership Determination and post Retirement
Employment of Tarlochan Sandhu, OAH Case No. 2020100708

In the Matter of the Appeal of Membership Determination and post Retirement
Employment of Margaret M. Souza, OAH Case No. 2020090931

Recess to Open Session

Possible Report Out of Closed Session

Information

6. NEW BUSINESS - None

7. EXECUTIVE DIRECTOR, COMMITTEE AND MEMBER REPORTS

A. Executive Director:

B. Members:

Information

8. ADJOURN OPEN MEETING

The next Regular Meeting will take place on **November 18, 2021**

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Richard
Averett at (650) 587-7300. Notification in advance of the meeting will enable Agency to make reasonable arrangements to ensure
accessibility.

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TO: EXECUTIVE COMMITTEE **EC Meeting: 10-13-2021**
FROM: TIFFANY BURAGLIO, Authority Clerk/Executive Assistant **Item: 3A**
**SUBJECT: ADOPT RESOLUTION RGSEC2021-01 AUTHORIZING REMOTE
TELECONFERENCE MEETINGS UNDER THE BROWN ACT AS AMENDED
BY ASSEMBLY BILL 361 (2021)**

RECOMMENDATION

Adopt Resolution RGSEC2021-01 authorizing remote teleconference meetings under the Brown Act as amendment by Assembly Bill 361 (2021).

BACKGROUND

On September 16, 2021, Governor Newsom signed AB 361, amending the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act's narrower standard rules for participation in meetings by teleconference. For the last 18 months social distancing and other pandemic suppression measures have made remote meetings a necessity. Executive Orders have allowed remote meetings without disclosing physical location of the participants. If the Executive Committee desires to continue to meet remotely via teleconference without disclosing the location of Members, the Board is required to make certain findings under AB 361 no later than 30 days after the first teleconference meeting held pursuant to AB 361, and every 30 days thereafter or within 30 days of each quarterly meeting.

DISCUSSION

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That proclamation remains in effect.

On September 16, the Governor signed AB 361, urgency legislation which took effect immediately. AB 361 amended Government Code section 54953 to address holding meetings subject to the Brown Act via teleconference during a declared state of emergency. Notice of public meetings must still be provided, and the public must have the opportunity to observe and participate in the meetings as required by AB 361. AB 361 allows a board, commission or committee subject to the Brown Act, called "legislative bodies" under the Brown Act, to meet via teleconference without following the normal Brown Act teleconference rules if any of the following circumstances exist:

- (A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing. [or]
- (B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. [or]
- (C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(Gov't Code §54953(e)(1) [AB 361, p. 9].)

If the meeting is held via teleconference under these provisions, the meeting body must meet certain requirements under AB 361, including providing public access to the meeting and opportunity for the public to address the members of the legislative body.

AB 361 also requires periodic review of the determination to continue to meet via teleconference. If the state of emergency is still active, or if “state or local officials have imposed or recommended measures to promote social distancing,” then no later than 30 days after meeting via teleconference for the first time pursuant to AB 361, the body must make a finding that the body “has reconsidered the circumstances of the state of emergency” and further find that “[a]ny of the following circumstances exist: (i) The state of emergency continues to directly impact the ability of the members to meet safely in person. (ii) State or local officials continue to impose or recommend measures to promote social distancing.” (Gov’t Code §54953(e)(3) [AB 361, p. 11].)

Members of the JPA Board and Executive Committee are located throughout the state of California and are operating under guidelines set forth by numerous different County Health Departments and in areas with differing rates of disease transmission. Due to the variety of locations under consideration, returning to in-person workplace environments which are also accessible for public attendance presents an imminent risk to the health and safety of the JPA members as well as any members of the public who would like to attend JPA meetings in person. If the governing body does not meet again within 30 days, the legislative body will again evaluate the health conditions to determine compliance with AB 361.

Finally, the teleconference rules of AB 361 are operative only so long as the Governor’s proclamation of statewide emergency is in place; once that proclamation is terminated, the governing body must either meet in person or utilize the normal Brown Act rules for teleconferencing (teleconference locations open to the public and agenda posted).

FISCAL IMPACT

There is no fiscal impact to continue teleconferencing Executive Committee meetings.

RESOLUTION NO. RGSEC2021-01

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF REGIONAL GOVERNMENT SERVICES AUTHORITY PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ISSUED ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF REGIONAL GOVERNMENT SERVICES AUTHORITY FOR THE PERIOD OCTOBER 13 THROUGH NOVEMBER 13, 2021 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Regional Government Services Authority is committed to preserving and nurturing public access and participation in meetings of the legislative bodies; and

WHEREAS, all meetings of Regional Government Services Authority's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's 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

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the State, specifically, a state of emergency has been proclaimed by Governor Newsom; and

WHEREAS, Members of the JPA legislative bodies are located throughout the state of California and are operating under guidelines set forth by numerous different County Health Departments and in areas with differing rates of disease transmission; and

WHEREAS, the Executive Committee does hereby find that Governor Newsom's March 4, 2020 State of Emergency, and widely varying health department guidelines and local disease transmission has caused, and will continue to cause, conditions of peril to the safety of persons within the jurisdiction that are likely to be beyond the control of services, personnel, equipment, and facilities of the Authority, and desires to proclaim a jurisdictional emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Executive Committee does hereby find that the legislative bodies of Regional Government Services Authority shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by

subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the legislative bodies of Regional Government Services Authority will provide internet and call-in options for the public to virtually attend and address the legislative bodies or Regional Government Services Authority in real time via the RingCentral videoconference meeting platform.

NOW, THEREFORE, THE EXECUTIVE COMMITTEE OF REGIONAL GOVERNMENT SERVICES AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Executive Committee hereby proclaims that members of the JPA legislative bodies are located throughout the state of California operating under guidelines set forth by numerous different County Health Departments in areas with differing rates of disease transmission, and finds that returning to a wide-variety of in-person work environments poses an imminent risk to the health and safety of the Authority's members and members of the public who wish to attend Authority meetings in person.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Executive Committee hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of Regional Government Services Authority 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.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 13, 2021, or such time the Executive Committee adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of Regional Government Services Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Executive Committee of Regional Government Services Authority, this 13th day of October, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Linda Smith
Chair, RGS Executive Committee

Tiffany Buraglio
Authority Clerk