

RGS BOARD 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.

REGULAR MEETING

February 16, 2023

1:00 p.m.

via Videoconference

In keeping with Governor Newsom's Executive Orders N-29-20 and N-35-20, the Executive Committee meeting will be conducted by videoconference and will not be held at any public offices. The public may participate in the meeting by joining a RingCentral Meeting using the following link: <https://meetings.ringcentral.com/j/1455630614>, or by calling 1 (650) 242-4929 and entering the meeting ID#: 145 563 0614. 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

Each speaker is limited to two minutes. If you are addressing the Board on a non-agenda item, the Board may briefly respond to statements made or questions posed as allowed by the Brown Act (Government Code Section 54954.2). However, the Board's general policy is to refer items to staff for attention, or have a matter placed on a future Board 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 Board, staff or public request specific items to be removed for separate action.

A. Approval of **February 17, 2022** Minutes *Action*

B. Adopt Resolution **RGSBOD2023-01** Authorizing Remote Teleconference Meetings Under the Brown Act as Amended by Assembly Bill 361 (2021)

4. TREASURER'S REPORT - None

5. OLD BUSINESS - None

6. NEW BUSINESS

A. Appointment of Edward Tewes to serve on Executive Committee for the duration of his service on the Board of Directors *Action*

B. Appointment of Julie Baldia to serve on Executive Committee as Alternate Member *Action*

C. Approval of Resolution RGSBOD2023-02 to Oppose Initiative 1935 *Action*

7. EXECUTIVE DIRECTOR AND MEMBER REPORTS

A. Executive Director: Officer Elections *Information*

B. Members: Recognition of Service for Member Rogers *Information*

8. ADJOURN

Next Regular Meeting May 19, 2023

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.

**REGIONAL GOVERNMENT SERVICES AUTHORITY
BOARD OF DIRECTORS MINUTES
FEBRUARY 17, 2022**

The Regional Government Services Authority held a regular meeting of the Board of Directors on February 17, 2022 via teleconference. The meeting was called to order at 1:00 p.m.

1. CALL TO ORDER / ROLL CALL

Members Present: Hilary Straus, Vice Chair
Dan Buckshi, Member
Liz Habkirk, Member
Steve Rogers, Member
Brent Slama, Member
Linda Smith, Member

Members Absent: Dan Schwarz, Chair

Other Attendees: Richard Averett, Executive Director
Sophia Selivanoff, Deputy Executive Director for Client Services
Jefferson Kise, Finance and Operations Manager
Rich Oppenheim, Administrative Services Manager
Xavier Thomas, Human Resources Manager
Tiffany Buraglio, Executive Assistant

A. Election of Officers

Action: Moved and seconded (Rogers/Buckshi) to nominate Hilary Straus as Board Chair
AYES: Straus, Buckshi, Habkirk, Rogers, Smith
NOES: None
ABSTAIN: None

Action: Moved and seconded (Straus/Smith) to nominate Liz Habkirk as Board Vice Chair
AYES: Straus, Buckshi, Habkirk, Rogers, Smith
NOES: None
ABSTAIN: None

2. PUBLIC COMMENT – None

3. APPROVAL OF CONSENT AGENDA

A. Approval of **February 18, 2021** Minutes

B. Adopt Resolution **RGSBOD2022-01** Authorizing Remote Teleconference Meetings Under the Brown Act as Amended by Assembly Bill 361 (2021)

No discussion.

Action: Moved and seconded (Smith/Rogers) to approve consent agenda.
AYES: Straus, Buckshi, Habkirk, Rogers, Smith
NOES: None
ABSTAIN: None

1:08 p.m. Member Slama joined the meeting

4. TREASURER’S REPORT - None

5. OLD BUSINESS - None

6. NEW BUSINESS

A. Appointment of Executive Committee Members

Executive Director Averett reminded the Board of the need to appoint members to the Executive Committee every year. The last time the entire Board was appointed to the Executive Committee.

At the last meeting there was a question as to whether or not anyone from outside the Board showed interest in joining the Executive Committee and the Executive Director confirmed there were no outside requests. There was a question if the Executive Committee handled election of officers during their own meeting and the Executive Director confirmed that was the process.

Action: Moved and seconded (Habkirk/Buckshi) to re-appoint all seven Board of Directors representatives to serve on the RGS Executive Committee.

AYES: Straus, Buckshi, Habkirk, Rogers, Slama, Smith

NOES: None

ABSTAIN: None

7. EXECUTIVE DIRECTOR AND MEMBER REPORTS

A. Executive Director: none

B. Members: All members expressed looking forward to the potential of meeting in-person in the future. Several members shared their municipalities had recently celebrated or would soon be celebrating milestone anniversaries of incorporation. A common concern among members centered around labor shortages and the challenge of transitioning a workforce back to in-person work models, including how to change the work culture back to working together as a team and problem solving. Chair Straus mentioned their agency has had much success in utilizing the recruitment services of RGS in filling vacant positions.

8. ADJOURNMENT - The meeting adjourned at 1:22 p.m. The next regular meeting date is scheduled for February 2023.

TO: BOARD OF DIRECTORS **EC Meeting: 02-16-2023**
FROM: TIFFANY BURAGLIO, Authority Clerk/Executive Assistant **Item: 3B**
**SUBJECT: ADOPT RESOLUTION RGSBOD2023-01 AUTHORIZING REMOTE
TELECONFERENCE MEETINGS UNDER THE BROWN ACT AS AMENDED
BY ASSEMBLY BILL 361 (2021)**

RECOMMENDATION

Adopt Resolution RGSBOD2023-01 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. Social distancing and other pandemic suppression measures 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 Board of Directors meetings.

RESOLUTION NO. RGSBOD2023-01

A RESOLUTION OF THE BOARD OF DIRECTORS 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 FEBRUARY 16 THROUGH MARCH 15, 2023 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 Board of Directors 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 Board of Directors 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 BOARD OF DIRECTORS 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 Board of Directors 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 Board of Directors 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) March 17, 2022, or such time the Board of Directors 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 Board of Directors of Regional Government Services Authority, this 16th day of February, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Hilary Straus
Chair, RGS Board of Directors

Tiffany Buraglio
Authority Clerk

TO: BOARD OF DIRECTORS **BOD Meeting: 02-16-23**
FROM: RICHARD H. AVERETT, Executive Director **Item: 6A**
SUBJECT: APPOINTMENT OF NEW EXECUTIVE COMMITTEE MEMBER

RECOMMENDATION

Approval of appointment of Edward Tewes to the Regional Government Services Authority Executive Committee, effective immediately.

BACKGROUND

The Amended and Restated Joint Powers Agreement authorizes the Board of Directors to appoint JPA Executive Committee members. Members of the Committee may, but need not be, members of the Board of Directors. The Board seeks Executive Committee members with different skills, perspectives and knowledge of the diverse needs of the public sector.

Ed is serving as the Interim City Manager for the City of Soledad since the retirement of Brent Slama on January 1, 2023, and his appointment to the Executive Committee would maintain the City's full participation in both Board and Executive Committee bodies.

The City of Soledad has been a member agency since April, 2019.

FISCAL IMPACT

Appointment to the Executive Committee has no additional fiscal impact as the City is already entitled to the full amount of Member Services funds.

TO: BOARD OF DIRECTORS **BOD Meeting: 02-16-23**
FROM: RICHARD H. AVERETT, Executive Director **Item: 6B**
SUBJECT: APPOINTMENT OF NEW EXECUTIVE COMMITTEE ALTERNATE MEMBER

RECOMMENDATION

Approval of appointment of Julie Baldia to the Regional Government Services Authority Executive Committee as an alternate member. With the announced retirement of Board and Executive Committee Member Steve Rogers from the Town of Yountville, Julie's appointment would maintain Yountville's continuous service during the transition.

BACKGROUND

The Amended and Restated Joint Powers Agreement authorizes the Board of Directors to appoint JPA Executive Committee members. Members of the Committee may, but need not be, members of the Board of Directors. The Board seeks Executive Committee members with different skills, perspectives and knowledge of the diverse needs of the public sector.

The Town of Yountville has been a member agency since July, 2010. Julie is the current Town of Yountville Deputy Director of Human Resources and IT.

FISCAL IMPACT

Appointment to the Executive Committee has no additional fiscal impact as the City is already entitled to the full amount of Member Services funds.



TO: BOARD OF DIRECTORS **BOD Meeting: 02-16-2023**
FROM: Ashley Metzger, Senior Advisor **Item: 6C**
**SUBJECT: APPROVE RESOLUTION RGSBOD2023-02 OPPOSING INITIATIVE 1935
FURTHER LIMITING STATE AND LOCAL GOVERNMENTS' ABILITY TO
RAISE REVENUES**

RECOMMENDATION

Adopt Resolution RGSBOD2023-02 to oppose Initiative 1935, which would limit the ability of voters and state and local governments to raise revenues for government services.

BACKGROUND

As of February 1, 2023, Initiative 1935, "Limits Ability of Voters and State and Local Governments to Raise Revenues for Government Services," is eligible for the November 2024 statewide ballot. The California Business Roundtable sponsored the initiative, which is supported by many large businesses, developers and the Howard Jarvis Taxpayers Association.

If approved by the voters, Initiative 1935 would:

1. Adopt new and stricter rules for raising taxes, fees, assessments, and property-related fees.
2. Amend the State Constitution, including portions of Propositions 13, 218, and 26 among other provisions, to the advantage of the initiative's proponents; creating new grounds to challenge these funding sources and disrupting fiscal certainty for local government agencies.
3. Restrict the ability of local governments to issue fines and penalties to corporations and property owners that violate local environmental, water quality, public health, public safety, fair housing, nuisance and other laws and ordinances.
4. Retroactively void all state and local taxes or fees adopted after January 1, 2022, if they did not align with the provisions of this initiative.

DISCUSSION AND ANALYSIS

In Section 48.3.8.1 of RGS' Organizational Policies, the Board of Directors opposes, "Preemption or erosion of local authority whether by state or federal legislation or ballot propositions."

Because RGS is funded by rates paid for services provided to public agencies primarily in California, the ability of California public entities to effectively manage their taxes and fees is critical to RGS' success. If this initiative is approved by voters in November of 2024, RGS could be severely limited in its ability to offer services to California partner agencies. Local governments in California are already facing financial challenges, including rising costs for goods, services, and pensions, and are already under strict regulations for raising taxes and fees to support operations. This initiative would limit local governments from meeting those challenges without cutting the quality and quantity of services demanded and expected by the public.

A provision of the initiative language defines local government to include "any other local or regional governmental entity." Therefore, the initiative, if approved, would not only impact RGS members and partner agencies, but could directly impact RGS' ability to set its fees for services performed for California agencies. Every fee could be challenged.

Excerpt from Initiative 1935:

A reasonable charge ~~imposed~~ for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the ~~reasonable~~ actual costs to the State of providing the service or product to the payor.

If the Board approves this resolution in opposition, RGS would convey the Board's opposition to trade groups opposing the initiative such as CalCities, CSDA, and CSAC. Opposition to Initiative 1935 is broad and already includes:

- AFSCME California (union groups)
- CalCities (League of California Cities)
- California Alliance for Jobs
- California Contract Cities Association
- California Professional Firefighters
- California Special Districts Association
- California State Association of Counties
- California State Council of Laborers
- Rebuild SoCal Partnership
- SEIU California
- Over 150 local agencies, including over 50 special districts

Staff could also partner with or support other agencies in their efforts to inform the public about the potential consequences of voter approval of this initiative on the November 2024 ballot. Other efforts to educate our audience include creating written and graphic content to webinars and social media templates.

FISCAL IMPACT

There is no fiscal impact for adopting Resolution RGSBOD2023-02.

RESOLUTION NO. RGSBOD2023-02

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF REGIONAL GOVERNMENT SERVICES AUTHORITY TO OPPOSE INITIATIVE 1935 RELATED TO TAXES

WHEREAS, the Regional Government Services Authority is committed to supporting local government and participates with other local governments, public agencies' trade groups, regional agencies, and professional organizations on legislative/regulatory issues that are important to the JPA and the state.

WHEREAS, Regional Government Services Authority adopted a Legislative Platform in 2019 and Section 48.3.8.1 of the Legislative Platform notes opposition to preemption or erosion of local authority whether by state or federal legislation or ballot propositions without compelling public benefit.

WHEREAS, the California Business Roundtable sponsored an initiative to amend the California Constitution to limit the ability of state and local governments to raise revenues for government services.

WHEREAS, Initiative 1935 Related to Taxes and titled, "Limits Ability of Voters and State and Local Governments to Raise Revenues for Government Services," adopts new and stricter rules for raising taxes, fees, assessments, and property-related fees.

WHEREAS, Initiative 1935 amends the State Constitution, including portions of Propositions 13, 218, and 26 among other provisions, to the advantage of the initiative's proponents; creating new grounds to challenge these funding sources and disrupting fiscal certainty.

WHEREAS, Initiative 1935 restricts the ability of local governments to issue fines and penalties to corporations and property owners that violate local environmental, water quality, public health, public safety, fair housing, nuisance and other laws and ordinances.

WHEREAS, Initiative 1935 retroactively voids all state and local taxes or fees adopted after January 1, 2022, if they did not align with the provisions of this initiative.

WHEREAS, Initiative 1935 could significantly impair Regional Government Services Authority's ability to perform services in California; and

WHEREAS, a wide variety of local governments and associations oppose Initiative 1935.

NOW, THEREFORE, THE BOARD OF DIRECTORS 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. Oppose Initiative 1935. The Board of Directors hereby proclaims its opposition to Initiative #1935.

Section 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of Regional Government Services Authority, this 16th day of February, 2023, by the following vote:

AYES:

NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTESTED:

Hilary Straus
Chair, RGS Board of Directors

Richard Averett
Executive Director