

TRANSPAC
Transportation Partnership and Cooperation
Meeting Notice and Agenda

THURSDAY, JANUARY 5, 2023

SPECIAL MEETING
8:15 A.M. to 8:25 A.M.

COVID-19 SPECIAL NOTICE – PUBLIC MEETING GUIDELINES
FOR PARTICIPATING VIA PHONE/VIDEO CONFERENCE

To protect the health and safety of staff, officials and the general public and pursuant to the Ralph M. Brown Act provisions under Assembly Bill 361, meetings of the TRANSPAC Board and TAC will be held utilizing video and teleconference as the State and County continue to recommend measures to promote social distancing. Options for observing the meeting and participating in public comment are provided below:

Video Conference Access: Please click the link at the noticed meeting time
<https://us02web.zoom.us/j/87640811617?pwd=ZFJFL0ZXSithNXhFZElvQTB3Y0tidz09>
Meeting ID: 876 4081 1617 and Password: 605178.

Phone Access: To observe the meeting by phone, please call at the noticed meeting time 1 (669) 900 6883, then enter the Meeting ID: 876 4081 1617 and Password: 605178.

Public Comment: Public Comment may be provided by submitting written comments to tiffany@graybowenscott.com by 3 p.m. on the day before the meeting, which will be read during Public Comment or on the related item when Public Comment is called and entered into the record. To comment by video conference, click the “Raise Your Hand” button to request to speak when the Public Comment period is opened on an Agenda item and then wait to be called on by the Chair. After the allotted time, you will then be requested to mute your microphone. To comment by phone, indicate the “Raise Your Hand” icon by pressing “*9” to request to speak when the public comment is opened on an Agenda item and then wait to be called on by the Chair. Press “*6” to unmute/mute. After the allotted time, you will then be requested to mute your microphone. Please begin by stating your name and indicate whether you are speaking for yourself or an organization.

Americans with Disabilities Act (ADA): This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact TRANSPAC via email or phone at

tiffany@graybowenscott.com or (925) 937-0980 during regular business hours at least 48 hours prior to the time of the meeting.

1. CONVENE REGULAR MEETING / PLEDGE OF ALLEGIANCE /SELF-INTRODUCTIONS

2. PUBLIC COMMENT. At this time, the public is welcome to address TRANSPAC on any item not on this agenda. Please refer to the “Public Comment” section above for participation guidance.

ACTION ITEMS

3. CONTINUE USE OF TELECONFERENCING FOR PUBLIC MEETINGS BY THE TRANSPAC BOARD AND SUBCOMMITTEES PURSUANT TO THE PROVISIONS OF AB 361. The Governor issued an Executive Order that rescinded previously granted Brown Act exemptions for public meetings, effective September 30, 2021. On September 15, 2021, the Governor signed into law AB 361 which essentially continued the Executive Orders that eased certain Brown Act provisions. On October 14, 2021 the TRANSPAC Board adopted Resolution 21-01 proclaiming a local emergency, ratifying the proclamation of a State of Emergency, and authorizing remote teleconference meetings of the legislative bodies of TRANSPAC pursuant to the Brown Act provisions under AB 361. This resolution also authorized the 30-day renewal to be approved at subsequent meetings by minute order. At the December 8, 2022, special meeting, the TRANSPAC Board authorized the 30-day renewal through January 7, 2023. This action would re-authorize the AB 361 exceptions through February 4, 2023.

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ACTION RECOMMENDATION: Approve the proclamation of a local emergency, ratify the proclamation of a State of Emergency, and authorize the continuation of conducting remote teleconference meetings of the legislative bodies of TRANSPAC for the period through February 4, 2023 pursuant to the Brown Act provisions under AB 361.

4. BOARDMEMBER COMMENTS

5. ADJOURN/NEXT MEETING

The next regular meeting is scheduled for February 9, 2023 at 9:00 A.M.

TRANSPAC Board Meeting *STAFF REPORT*

Meeting Date: January 5, 2023

Subject:	CONTINUE USE OF TELECONFERENCING FOR PUBLIC MEETINGS BY THE TRANSPAC BOARD AND SUBCOMMITTEES PURSUANT TO THE PROVISIONS OF AB 361
Summary of Issues	<p>Beginning in March of 2020, the Governor issued a series of Executive Orders relaxing certain provisions of the Brown Act in response to the COVID-19 pandemic. Those orders allowed local agencies such as TRANSPAC to conduct their public meetings remotely. On June 11, 2021, the Governor issued an Executive Order that rescinded the aforementioned relaxations of the Brown Act, effective September 30, 2021. On September 15, 2021, the Governor signed into law AB 361 which essentially continued the Executive Orders that eased certain Brown Act provisions, allowing for remote meetings without observing the normal Brown Act rules. AB 361 has a requirement to reconsider the circumstances of the State of Emergency every 30 days and determine whether the State of Emergency continues to directly impact the ability of the members to meet safely in person, or State or local officials continue to impose or recommend measures to promote social distancing. On October 14, 2021 the TRANSPAC Board adopted Resolution 21-01 proclaiming a local emergency, ratifying the proclamation of a State of Emergency, and authorizing remote teleconference meetings of the legislative bodies of TRANSPAC pursuant to the Brown Act provisions under AB 361. This resolution also authorized the 30-day renewal to be approved at subsequent meetings by minute order. At the December 8, 2022 meeting, the TRANSPAC Board authorized the 30-day renewal through January 7, 2023. This action would re-authorize the AB 361 exceptions through February 4, 2023.</p>
Recommendations	<p>Approve the proclamation of a local emergency, ratify the proclamation of a State of Emergency, and authorize the continuation of conducting remote teleconference meetings of the legislative bodies of TRANSPAC for the period through February 4, 2023 pursuant to the Brown Act provisions under AB 361.</p>
Financial Implications	<p>There is no immediate fiscal impact</p>

<p>Option(s)</p>	<ol style="list-style-type: none"> 1. Resume in-person meetings for the TRANSPAC Board and subcommittees. 2. Move to hybrid meetings for the TRANSPAC Board and subcommittees with the option for telecommuting. This could occur following the AB361 requirements or the standard (pre-pandemic) Brown Act requirements for teleconferencing. This option would incur additional expenses to secure resources required to conduct meetings in this manner. 3. Conduct remote TRANSPAC meetings using the “traditional” Brown Act standards.
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Background

AB 361 contains several requirements in order to continue the use of remote meetings as TRANSPAC has been conducting since Spring 2020. These include:

- There must be a state of emergency declared under the California Emergency Services Act. This effectively means the Governor must have declared the emergency, which has been done, and which proclamation remains in effect at the present time.
- During that state of emergency, either state or local officials have imposed or recommended measures to promote social distancing, or that meeting in person would present an imminent risk to the health or safety of attendees.
- In order to continue to utilize remote meetings, the TRANSPAC Board must reconsider the factors above every 30 days and adopt specified findings that the facts relied upon still exist.

The State of California is still under an emergency declaration regarding COVID-19. Both state and local health officials continue to recommend social distancing, among other guidelines, to help stop the spread of the virus and its variants. The Contra Costa County Health Officer published “Recommendations for Safely Holding Public Meetings”, revised on October 4, 2022, and continues to encourage online meetings, where practical, and that local agencies should provide options for the public to participate without having to attend meetings in person, and that social distancing should be used, including six feet of spacing between all in attendance.

TRANSPAC adopted Resolution 21-01 that made the findings justifying the TRANSPAC Board meeting remotely on October 14, 2021. This resolution also authorized and directed that the TRANSPAC Subcommittees will also continue to meet remotely. TRANSPAC will need to renew

its resolution within 30 days, consistent with the requirements of AB 361, if TRANSPAC desires to continue meeting under the modified Brown Act.

If a local agency does not meet again before the 30-day period during which the resolution remains active, the resolution will lapse for lack of action by the agency. The requirement for agencies to affirm the resolution every 30 days presents a logistical challenge for agencies like TRANSPAC that meet monthly and have meetings throughout the year that may be separated by more than 30 days.

Where an agency is not able to rely on regular meetings to adopt extension resolutions within that time frame, the agency has two potential options:

- Hold a special “AB 361” remote meeting within the 30-day window simply to re-authorize the AB 361 exceptions.
- Allow the extension resolution to lapse and approve a new initial resolution at the next agency meeting, subject to the same substantive and procedural requirements as the first.

It should be noted it is not clearly stated in the text of the statute that an agency may simply adopt a new initial resolution after failing to adopt an extension resolution within 30 days, and still take advantage of the retroactive application of the modified teleconference rules for that meeting. Under this interpretation, once AB 361 authorization lapses, the normal Brown Act rules will apply and an agency seeking to hold a teleconference meeting will once again be required to meet the typical Brown Act rules such as posting agendas and providing public access at each remote location and identifying those locations in the agenda for the meeting to pass a new initial resolution effecting the transition back to the modified Brown Act requirements.

A conservative approach would be to avoid lapses by holding a special meeting every 30 days to reauthorize the modified teleconference rules.