CAPITOL CORRIDOR JOINT POWERS AUTHORITY
SPECIAL MEETING OF THE BOARD OF DIRECTORS
Wednesday, March 23, 2022 | 11:00 a.m. | Virtual

Due to social distancing regulations in place, public participation will be via teleconference only.

You may join the CCJPA Board Meeting via Zoom as follows:
- Call 1-669-900-6833.
- Enter access code 858 0791 9261.

You may watch the Board Meeting live at www.capitolcorridor.org/ccjpa-board.

The full agenda packet will be available for download at www.capitolcorridor.org/ccjpa-board.

You may submit a public comment via the following methods:
1) Submit written comments:
   - Send email to ccjpaboard@capitolcorridor.org.
   - Indicate “Public Comment” as the subject line.
   - Please submit your comments as far in advance as possible. Emailed comments received by 2:00 pm on Tuesday, March 22nd will be provided to the Board in advance of the meeting and will be included as part of the permanent Meeting record. Comments received after that time will be provided to the Board following the Meeting; or
2) Submit verbal comments:
   - Call 1-669-900-6833.
   - Enter access code 858 0791 9261.
   - Dial *9 to raise your hand when you wish to speak.
   - Public comment is limited to two minutes per person, per item.

AGENDA

I. Call to Order
II. Roll Call and Pledge of Allegiance
III. Report of the Chair
IV. Consent Calendar
   1. Approve Continuation of Virtual Meetings During the COVID-19 Pandemic Action
V. Public Comment
VI. Closed Session
   1. Initiation of litigation (Govt. Code Section 54956.9(c)), No of cases: 1
VII. Open Session
   1. Announcement from Closed Session, if any
VIII. Adjournment. Next Meeting Date: 10:00 a.m., April 20, 2022 at City Council Chambers, Suisun

The CCJPA Board reserves the right to take action on any agenda item. Consent calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.
CAPITOL CORRIDOR JOINT POWERS AUTHORITY

MEMORANDUM

TO: Capitol Corridor Joint Powers Authority Board

FROM: Robert Padgette
Managing Director, CCJPA

DATE: March 18, 2022

SUBJECT: Authorize Continuation of Virtual Meetings During the COVID-19 Pandemic

PURPOSE
For the CCJPA Board to take necessary actions under Assembly Bill (AB) 361 to continue to hold virtual Board of Directors meetings during the pandemic as authorized by law in accordance with Government Code Section 54953(e) and other applicable provisions of the Ralph M. Brown Act.

BACKGROUND
At the February 16, 2022 CCJPA Board of Directors meeting, the CCJPA Board authorized under the continuation of virtual Board meetings pursuant to AB 361 (Resolution 22-1). At the March 23, 2022 meeting, the CCJPA staff is requesting authorization from the CCJPA Board to utilize the provisions enacted by AB 361 to continue to meet remotely with teleconferenced meetings during a proclaimed emergency as authorized by law in accordance with Government Code Section 54953(e) and other applicable provisions of the Ralph M. Brown Act.

AB 361 was signed into law on September 17, 2021 and allows for fully virtual board meetings during a state of emergency. AB 361 amends Section 54953 of the Brown Act to allow virtual board meetings through January 1, 2024 in any of the following circumstances:

1. 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.
2. 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.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
These circumstances allow agencies to hold entirely virtual board meetings during the current pandemic, while California is in a proclaimed state of emergency. The previous teleconference rules under the Brown Act also remain in place but are not as flexible.

Most importantly, in order to continue to hold virtual meetings when a state of emergency remains active, the board must make findings every 30 days that 1) the board has reconsidered the circumstances of the state of emergency and 2) 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.

RECOMMENDATION
The SCG recommends that the CCJPA Board authorizes the legislative and subordinate legislative bodies to utilize the provisions enacted by AB 361 to meet remotely with teleconferenced meetings during a proclaimed emergency as authorized by law in accordance with Government Code Section 54953(e) and other applicable provisions of the Ralph M. Brown Act.

Motion: The CCJPA Board adopts the attached resolution.
BEFORE THE CAPITOL CORRIDOR JOINT POWERS AUTHORITY BOARD OF DIRECTORS

In the Matter of Authorizing the District's legislative and subordinate legislative bodies to utilize the provisions enacted by AB 361 to meet remotely with teleconferenced meetings during a proclaimed emergency as authorized by law in accordance with Government Code Section 54953(e) and other applicable provisions of the Ralph M. Brown Act.

WHEREAS, meetings of the Capitol Corridor Joint Powers Authority are subject to the provisions of the Ralph M. Brown Act ("Brown Act"), the State's local agency public meeting law (Cal. Gov. Code 54950-549630, to ensure that the public can attend, watch, be informed about, and participate in the affairs of the District as its legislative bodies conduct their proceedings; and

WHEREAS, the arrival of the COVID-19 pandemic in 2020 brought shelter-in-place orders from public health officials, which prohibited the normal congregation of public officials and members of the public to meet in the manner contemplated by the Brown Act; and

WHEREAS, this condition caused Governor Newsom to issue Executive Orders N-25-20, N-29-20, and N-35-20 that collectively modified certain requirements of the Brown Act to permit remote participation in public "virtual meetings" while still facilitating genuine "safe" public participation and governmental transparency; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which rescinds the aforementioned modifications made to the Brown Act, effective September 30, 2021, after which local agencies are required to observe all the usual Brown Act requirements as they existed prior to the issuance of the Governor's Executive Orders; and

WHEREAS, Assembly Bill 361, introduced in February 2021 and passed on September 10, 2021 provides local agencies with the ability to meet remotely during gubernatorially proclaimed "state emergencies" under modified Brown Act requirements in a manner akin to the Governor's Executive Orders; and

WHEREAS, the State has authorized the continuation and/or resumption of such remote teleconferencing upon meeting certain established criteria and 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 inperson would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist along the Capitol Corridor route, specifically a state of emergency has been proclaimed due to the continuing effects of COVID-19 and its variants, which present an imminent risk to the health and safety of public meeting attendees, which has continued since the Governor's Proclamation of a state of emergency on March 4, 2020 to the present day; and

WHEREAS, Federal, State, and local health officials recognize that social distancing measures are still one of the most effective means of addressing the imminent risk to health and safety of public meeting attendees during the current state of emergency; and

WHEREAS, the Board of Directors does hereby find that COVID-19 and its variants have caused, and will continue to cause during the Governor's proclaimed state of emergency, conditions of peril to the safety of persons within the Capitol Corridor route that are likely to be beyond the control of services, personnel, equipment, and facilities of the Capitol Corridor and its Managing Agency, and

WHEREAS, the Board of Directors desires to proclaim a local emergency and ratify the proclamation of the state of emergency by the Governor of the State of California, and

WHEREAS, AB 361 addresses "meetings of a legislative body of a local agency as those terms are defined," and Government Code Section 54952 defines "legislative body" to include subordinate legislative bodies, and

WHEREAS, as a consequence of the local emergency, the legislative and subordinate legislative bodies of the District may be directed to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (c) of Section 54953 with the further directive that such legislative and subordinate legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (c) of Section 54953; and

WHEREAS, all appropriate measures are otherwise being taken to ensure public participation and public access to the CCJPA’s Brown Act governed meetings, including the swift resolution of any remote meeting disruption (e.g., a public comment line unexpectedly disconnects, a meeting agenda was sent out with the incorrect web link or dial-in information, the agency's internet connection is interrupted, etc.) before proceeding to take further action on items appearing on a meeting agenda; and
WHEREAS, these appropriate measures include allowing the public an opportunity to provide public comment directly - that is, live and at any point prior to public comment being officially closed during a public meeting (although comments may also be made in advance of a meeting indirectly, orally, written, or otherwise); and

NOW, THEREFORE, BE IT RESOLVED that the CCJPA Board of Directors 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 hereby proclaims that a local emergency now exists throughout the Capitol Corridor route, and social distancing still appears necessary in order to avoid face-to-face in-person meetings from presenting an imminent risk to the public health of the community.


Section 4. Remote Teleconference Meetings. The Executive Director and legislative and subordinate legislative bodies of the CCJPA are hereby authorized and directed to take all actions necessary to carry out the intent and purposes 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 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 and subordinate legislative bodies of the CCJPA may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

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