

1. Approve Remote Board Meeting (Est. Time:)



CVR-SAFE Board of Directors

Meeting Date: Dec 11, 2023

Agenda Item No. 1

Remote Board Meeting

Consent

Prepared by: Lanette Espinoza

Attachments: Yes

Approved by: James Corless

Referring Committee: Not Applicable

1. Issue:

Approval of virtual meeting

2. Recommendation:

Staff recommends approval of the resolution that would allow for this board meeting be held remotely and in person.

2. Background/Analysis:

The Brown Act is a state law that establishes the procedural framework for members of local government decision-making bodies to meet, debate, and act. The Act is designed to ensure that the public is informed about the views, discussions, and actions of governing officials. CVR-SAFE is subject to the Brown Act.

4. Discussion/Analysis:

In September, the Governor signed Assembly Bill (AB) 361, which amends the Brown Act to allow continued flexibility for public meetings following the expiration of the Governor's Executive Order. The provisions of AB 361 regarding remote meetings provide that public bodies may continue to meet remotely so long as state or local officials have imposed or recommended measures to promote social distancing. Staff recommends that the committee adopt a resolution (attached) determining that state or local officials have imposed or recommended such measures to promote social distancing.

An additional stipulation of the legislation is that, every 30 days, legislative bodies must make findings that state and local officials continue to recommend measures to promote social distancing. As such, staff will bring this item to CVR-SAFE at each meeting so that the board may make the necessary findings. Attached is the authorizing resolution.

Assembly Bill 361 permits remote meetings but requires that:

- agencies may not close public comment periods for written comments in advance of a meeting, but instead only close the comment period at the same time it is closed during a meeting;
- that agencies must clearly advertise the means by which the public can observe the meeting and offer comment during the meeting via either a call or internet based option, the public must be given an opportunity to comment directly; and
- that in the event of a disruption in the broadcasting of the meeting the legislative body (board or committee) would take no further action until meeting access would be restored to the public.

AB 361 continues to remain in place but will sunset on January 1, 2024.

5. Fiscal Impact/Grant Information:

CVR-SAFE will continue to have minor cost savings from holding meetings remotely.

**CAPITOL VALLEY REGIONAL SERVICE AUTHORITY FOR FREEWAYS AND
EXPRESSWAYS
CVR-SAFE BOARD OF DIRECTORS**

RESOLUTION NO. 106 – 2023

**DECLARING ITS INTENT TO CONTINUE REMOTE TELECONFERENCE ONLY
MEETINGS DUE TO STATE REGULATIONS RELATED TO PHYSICAL DISTANCING
DUE TO THE THREAT OF COVID-19**

WHEREAS, the Capitol Valley Regional Service Authority for Freeways and Expressways (“CVR-SAFE”) is committed to preserving public access and participation in meetings of CVR-SAFE; and

WHEREAS, all meetings of CVR-SAFE are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963, the “Brown Act”), so that any member of the public may attend, participate, and observe CVR-SAFE conduct its business; and

WHEREAS, the Brown Act, Government Code section 54953(e), provides 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, to continue meeting by remote teleconferencing means without complying with section 54953(b)(3), a required condition is that state or local officials have imposed or recommended measures to promote social distancing, and that the legislative body continues to make certain findings by majority vote at least every 30 days; and

WHEREAS, among other measures to promote physical distancing, the California Division of Occupational Safety and Health (“Cal/OSHA”) regulations at Title 8 Section 3205 recommend physical distancing in the workplace as precautions against the spread of COVID-19 and imposes certain restrictions and requirements due to a “close contact” which occurs when individuals are within six feet of another in certain circumstances; and

WHEREAS, the Centers for Disease Control and Prevention continue to recommend avoiding contact and keeping a safe distance from a person who has a suspected or confirmed case of COVID-19; and

WHEREAS, to allow for physical distancing and remote meeting attendance in accordance with these recommended measures, CVR-SAFE does hereby find that CVR-SAFE, and each of its committees, shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that SACOG shall comply with the requirements to provide the public with access to the meetings electronically as prescribed in paragraph (2) of subdivision (e) of section 54953.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED by the Capitol Valley Regional Service Authority for Freeways and Expressways:

1. The foregoing recitals are true and correct.
2. CVR-SAFE hereby recognizes that state and local officials continue to recommend social distancing measures, which can impact the ability of CVR-SAFE and the public to meet safely in person.
3. This board shall conduct public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for remote only teleconference meetings.

PASSED AND ADOPTED this 11th day of December, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT

Patrick Kennedy

Chair

James Corless

Executive Director