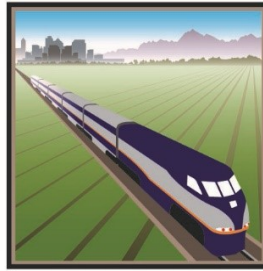


Supervisor **Vito Chiesa**, Stanislaus County
Councilmember **Patrick Hume**, Chair, City of Elk Grove
Supervisor **David Haubert**, Alameda County
Councilmember **David Hudson**, City of San Ramon
Supervisor **Rodrigo Espinoza**, Vice-Chair, Merced County
Supervisor **Kathy Miller**, San Joaquin County
Supervisor **Doug Verboon**, Kings County
Supervisor **Brett Frazier**, Vice-Chair, Madera County
Supervisor **Sal Quintero**, Fresno County
Supervisor **Amy Shuklian**, Tulare County



San Joaquin Joint Powers Authority

Alternate **Richard O'Brien**, City of Riverbank
Alternate **Don Nottoli**, Sacramento County
Alternate **Melissa Hernandez**, City of Dublin
Alternate **Diane Burgis**, Contra Costa County
Alternate **Josh Pedrozo**, Merced County
Alternate **Mikey Hothi**, City of Lodi

Alternate **Tom Wheeler**, Madera County
Alternate **Rey León**, City of Huron
Alternate **Eddie Valero**, Tulare County

TELECONFERENCE SPECIAL BOARD MEETING **December 16, 2021 – 9:00 AM**

Call-In Information: [+1 \(646\) 749-3335](tel:+16467493335) **Conference Access Code:** 924-656-381
GoToMeeting Link: <https://global.gotomeeting.com/join/924656381>

SPECIAL NOTICE **Coronavirus COVID-19**

In accordance with Assembly Bill 361 (AB361), San Joaquin Joint Powers Authority Board Members will be attending this meeting via teleconference or videoconference. Members of the public may observe the meeting by dialing [+1 \(646\) 749-3335](tel:+16467493335) with access code: 924-656-381 or log-in using a computer, tablet or smartphone at [GoToMeeting.com](https://global.gotomeeting.com/join/924656381) using link: <https://global.gotomeeting.com/join/924656381>

Please note that all members of the public will be placed on mute until such times allow for public comments to be made. If a person wishes to make a public comment during the meeting, to do so they must either 1) use GoToMeeting and will have the option to notify SJJPA staff by alerting them via the “Chat” function, or they may 2) contact SJJPA staff via email at publiccommentssjjpa@sjjpa.com, in which staff will read the comment aloud during the public comment period. Public comments will be limited to two (2) minutes per comment, and no more than 240 words.

This Agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact San Joaquin Regional Rail Commission staff, at 209-944-6220, during regular business hours, at least twenty-four hours prior to the time of the meeting.

All proceedings before the Authority are conducted in English. Any writings or documents provided to a majority of the Authority regarding any item on this agenda will be made available for public inspection at the offices of the San Joaquin Regional Rail Commission located at 949 E. Channel Street, Stockton, California, 95202 during normal business hours or by calling (209) 944-6220. The Agenda and meeting materials are also available on the San Joaquin Joint Powers Authority Website: <http://www.sjjpa.com/Home>.

MEMBER AGENCIES

Alameda County - Contra Costa County Transportation Authority - Fresno Council of Governments - Kings County Association of Governments - Madera County Transportation Commission
Merced County Association of Governments - Sacramento Regional Transit - San Joaquin Regional Rail Commission - Stanislaus Council of Governments - Tulare County Association of Governments

1. Call to Order, Pledge of Allegiance, Roll Call

Chair Hume

2. Consent Calendar

2.1 Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority (SJJPA”) Determining to Conduct Meetings Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361 for the Period December 17, 2021 to January 16, 2022

ACTION

3. Public Comments

Persons wishing to address the Authority on any item of interest to the public regarding SJJPA and the San Joaquin Rail Service shall state their names and addresses and make their presentation. The Authority cannot take action on matters not on the agenda unless the action is authorized by Section 54954.2 of the Government Code. If a person wishes to make a public comment during the meeting, to do so they must either 1) use GoToMeeting using link: <https://global.gotomeeting.com/join/924656381> and will have the option to notify SJJPA staff by alerting them via the “Chat” function or they can 2) contact SJJPA staff via email at: publiccommentssjjpa@sjjpa.com, in which staff will read the comment aloud during the public comment period. Public comments will be limited to two (2) minutes per comment and no more than 240 words.

4. Board Member Comments

5. Adjournment

The next regular meeting is scheduled for:
January 28, 2022 – 9:00 am

SAN JOAQUIN JOINT POWERS AUTHORITY
Special Meeting of December 16, 2021

STAFF REPORT

Item 2.1

ACTION

Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority (SJJPA”) Determining to Conduct Meetings Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361 for the Period December 17, 2021 to January 16, 2022

Background:

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded his prior Executive Order N-29-20, effective October 1, 2021. At that point, agencies would have transitioned back to public meetings held in full compliance with the preexisting Brown Act teleconference rules. Since the Governor issued Executive Order N-08-21, the Delta variant has emerged, causing a spike in cases throughout the state. As a result, the Governor's proclaimed State of Emergency remains in effect, and state and local officials, including San Joaquin Public Health Services, the California Department of Public Health and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing.

On September 16, 2021, Governor signed Assembly Bill (AB) 361 into law, effective October 1, 2021, to allow agencies to use teleconferencing for public meetings during proclaimed state of emergencies without requiring the teleconference locations to be accessible to the public or a quorum of the members of the legislative body of the agency to participate from locations within the boundaries of the agency's jurisdiction. AB 361 will sunset on January 31, 2024.

Under AB 361, a local agency will be allowed to meet remotely without complying with prior Brown Act teleconference requirements when:

- a. The local agency holds a meeting during a state of emergency declared by the Governor, and either
- b. State or local health officials have imposed or recommended measures to promote social distancing, or

- c. The legislative body finds that meeting in person would present imminent risks to the health or safety of attendees.

As discussed above, the state of emergency is currently in effect and state and local officials continue to recommend social distancing. Therefore, the SJJPA may continue to conduct meetings via teleconference, as long as it adheres to the following emergency requirements under Government Code Section 54953(e)(2), added by AB 361:

1. The legislative body gives notice and posts agendas as otherwise required by the Brown Act, including directions for how the public can access the meeting.
2. The legislative body does not take formal action on any item whenever there is a disruption in the meeting broadcast.
3. The public is allowed to provide comment in real time.
4. The legislative body allows time during a public comment period for members of the public to register with any internet website required to submit public comment.

On November 19, 2021, the SJJPA held its regular meeting via teleconference for the first time under AB 361. In accordance with Government Code Section 54953(e)(1), the Authority must make the AB 361 finding within 30 days of the first time it uses AB 361. The resolution accompanying this staff report makes those findings. As a result, any SJJPA meetings occurring December 17, 2021, through January 16, 2022, use the teleconferencing option under AB 361.

For upcoming teleconference meetings, the SJJPA can continue to follow the AB 361 requirements by declaring every 30 days that it has reconsidered the circumstances of the state of emergency and either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (2) state or local officials continue to impose or recommend measures to promote social distancing. Resolutions making those findings will be presented at future meetings for consideration.

These findings can be made through the consent calendar.

Fiscal Impact:

There is no fiscal impact.

Recommendation:

Approve a Resolution of the Governing Board of the San Joaquin Joint Powers Authority (SJJPA) Determining to Conduct Meetings Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361 for the Period December 17, 2021 to January 16, 2022.

SJJPA RESOLUTION 21/22-

**RESOLUTION OF THE GOVERNING BOARD OF THE SAN JOAQUIN JOINT POWERS
AUTHORITY (SJJPA”) DETERMINING TO CONDUCT MEETINGS USING
TELECONFERENCING PURSUANT TO GOVERNMENT CODE 54953 AS AMENDED BY AB
361 FOR THE PERIOD DECEMBER 17, 2021 TO JANUARY 16, 2022**

WHEREAS, SJJPA is committed to preserving and nurturing public access and participation in its meetings; and

WHEREAS, all meetings of the SJJPA 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 SJJPA legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), as amended by AB 361 (2021), 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, 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, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing; and

WHEREAS, one or more of the counties within the SJJPA’s boundaries remain under a Local Health Emergency due to the COVID-19 pandemic, acknowledging that close contact to other persons increases the risk of transmission; and

WHEREAS, currently the dominant strain of COVID-19 in the country is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and

alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, on November 19, 2021, the SJJPA held its regular meeting remotely by teleconference/video conference for the first time in accordance with Government Code Section 54953(e) and hereby desires to adopt this resolution within 30 days of that meeting as required by said section in order to continue to use remote teleconference/videoconference for the 30 days thereafter.

NOW, THEREFORE, THE SAN JOAQUIN JOINT POWERS 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. Finding of Imminent Risk to Health or Safety of Attendees. The SJJPA Board does hereby find that the current dominant strain of COVID-19 in the country is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations has caused, and will continue to cause, conditions of peril to the safety of persons, thereby presenting an imminent risk to health and/or safety to SJJPA's employees and other representatives, and attendees of SJJPA's public meetings; and

Section 3. Teleconference Meetings. The Members of the SJJPA Board of Directors do hereby determine as a result of the State of Emergency proclaimed by the Governor, and the recommended measures to promote social distancing made by State and Local officials that the SJJPA may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e)(1)(A) and (B) of section 54953, and 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

Section 4. Direction to Staff. The Executive Director and SJJPA staff 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 December 17 and cover the period through January 16, 2022.

PASSED AND ADOPTED, by the SJJPA this 16th day of December 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

SAN JOAQUIN JOINT POWERS
AUTHORITY

STACEY MORTENSEN, Secretary

PATRICK HUME, Chair