

**EXECUTIVE COMMITTEE SPECIAL MEETING
AGENDA**

Risk Management Office
1911 San Miguel Drive, Suite 200
Walnut Creek, CA 94596

**Tuesday, January 4, 2022
3:00 p.m.**

Public Advisory:

This meeting will be conducted by video conference and teleconference in accordance with Government Code Section 54953(e). Members of the public may participate in the meeting via videoconference or teleconference. No physical location will be available from which members may observe the meeting and offer public comment.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/89539637488>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on “rename” to rename yourself to be anonymous.

To join by phone: Dial (669) 900-6833 and enter the Meeting ID: 895 3963 7488. If you wish to comment press *9 and wait to be recognized by the meeting Host. Note: Your phone number will appear on the videoconference screen.

Any member of the public may participate in this meeting. Members of the public may submit written comments on agenda and non-agenda topics in advance of the meeting via mail or e-mail to the address listed on the agenda or to vthomas@mpa-nc.com. Received written communications from the public will be read during public comment time by the Clerk of the Board. If a member of the public would like to address the Board during the meeting, the person may speak when public comment is requested. Comments will be limited to three minutes per public member.

To respect the health and safety of the employees currently working in the office written communications delivered in person will not be accepted.

In compliance with the Americans with Disabilities Act, a person requiring an accommodation, auxiliary aid, or service to participate in this meeting should contact the Clerk of the Board, as far in advance as possible before the scheduled meeting. The best effort to fulfill the request will be made.

I. CALL TO ORDER – President Reina Schwartz

II. ROLL CALL

III. URGENCY ITEM

IV. APPROVAL OF THE AGENDA AS POSTED

V. PUBLIC COMMENTS – *This time is reserved for members of the public to address the Executive Committee relative to matters of MPA on the agenda or not on the agenda. No action may be taken on non-agenda items unless authorized by law. Comments will be limited to three minutes per person.*

VI. MEMBERS COMMENTS

VII. CLOSED SESSION – *Pursuant to Government Code Section 54956.95; the Executive Committee will adjourn to a closed session to discuss the following matter.*

1. GL - Owens / Wilson / Looper-Sosa / Butler / Cox vs. City of Martinez

VIII. ADJOURNMENT

URGENCY ITEM

**SUBJECT: Allowing for Videoconference and Teleconference Meetings During the
 COVID-19 State of Emergency AB 361**

RECOMMENDED ACTION

Staff recommends the Executive Committee adopt a resolution allowing for videoconference and teleconference meetings during the COVID-19 state of emergency under AB 361.

BACKGROUND

AB 361 was recently passed by the State Legislature and signed by Governor Newsom and went into effect immediately. AB 361 continues many of the provisions related to the Brown Act that were in place under Executive Orders, which expired September 30, 2021, that allowed for meetings to be held via videoconference and teleconference during the state of emergency. Since AB 361 has been signed into law, the Board and Committees can continue to meet virtually until such time as the Governor declares the state of emergency, due to COVID-19, is over and measures to promote social distancing are no longer recommended.

On September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings and strongly recommends on-line meetings. If in-person meetings need to occur, the County Health Officer recommends social distancing of six feet of separation between all attendees. The proposed resolution provides that the Executive Committee may hold this meeting via videoconference and teleconference while the state of emergency is still in effect and physical distancing is recommended.

In order to continue to hold videoconference and teleconference meetings, the Board of Directors will need to review and make findings every thirty days that the state of emergency continues to directly impact the ability of the Members to meet safely in person and that state or local officials continue to impose or recommend measures to promote physical distancing.

EXHIBIT

1. Resolution 01-22
2. Contra Costa Health Services – Recommendations for Safely Holding Public Meetings 9-20-21

RESOLUTION OF: MUNICIPAL POOLING AUTHORITY

1911 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596 - (925) 943-1100

*Resolution 01-22
Adopted on January 4, 2022*

**IN THE MATTER OF:
RESOLUTION ALLOWING FOR VIDEOCONFERENCE AND TELECONFERENCE MEETINGS
DURING THE COVID-19 STATE OF EMERGENCY AB 361**

WHEREAS, the Ralph M. Brown Act (“the Brown Act”) requires that all meetings of a legislative body of a local agency be open and public and that any person may attend and participate in such meetings;

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by videoconference / teleconference, but imposes specific requirements for doing so;

WHEREAS, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021, effective October 1, 2021; and

WHEREAS, AB 361 amended the Brown Act so that a local agency may use videoconference / teleconference without complying with the regular requirements of the Brown Act, where the legislative body holds a meeting during a proclaimed state of emergency where certain conditions exist, and makes certain findings; and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency due to COVID-19 that remains active.

NOW, THEREFORE, BE IT RESOLVED, as follows:

The Executive Committee of MPA hereby finds that: (1) a state of emergency has been proclaimed by the Governor and remains active; (2) the Board has reconsidered the circumstances of the state of emergency; and (3) the state of emergency continues to directly impact the ability of the Board Members to meet safely in person.

PASSED AND ADOPTED by the Executive Committee of MPA at their Special Meeting on the 4th day of January by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Reina Schwartz, Board President, MPA

ATTEST:

By: _____
Linda M. Cox, Board Secretary, MPA



RECOMMENDATIONS FOR SAFELY HOLDING PUBLIC MEETINGS

Each local government agency is authorized to determine whether to hold public meetings in person, online (teleconferencing only), or via a combination of methods. The following are recommendations from Contra Costa County Health Services to minimize the risk of COVID-19 transmission during a public meeting:

1. Online meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. A written safety protocol should be developed and followed. It is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees.
4. Seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least six feet apart.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with symptoms but no fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Chris Farnitano, MD
Health Officer, Contra Costa County
Revised 9.20.2021

