

**AGENDA
REGULAR MEETING
SAN BENITO COUNTY MEASURE A AUTHORITY**

DATE: Thursday, January 20, 2022
4:00 P.M.

LOCATION: Via- Zoom

Attendance at the MEA meeting is closed to the public per Executive Order N-29-30 and Assembly Bill 361 (AB 361). The public may join meeting by Zoom: <https://zoom.us/join> per the instructions provided at the end of the agenda:

Meeting ID: 834-0589-4856

DIRECTORS: Chair Ignacio Velazquez, Vice Chair Kollin Kosmicki
Mary Vazquez Edge, Rolan Resendiz, Kollin Kosmicki, and Peter Hernandez
Alternates: San Benito County: Betsy Dirks;
City of San Juan Bautista: Scott Freels; City of Hollister: Rick Perez

*Persons who wish to address the Board of Directors must complete a Speaker Card and give it to the Clerk prior to addressing the Board. Those who wish to address the Board on an agenda item will be heard when the Chairperson calls for comments from the audience. Following recognition, persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the Public Comment portion of the agenda item will be closed. **The opportunity to address the Board of Directors on items of interest not appearing on the agenda will be provided during Section C. Public Comment.***

4:00 P.M. CALL TO ORDER:

A. ACKNOWLEDGE Certificate of Posting

B. NOTICE OF TEMPORARY PROCEDURES FOR MEASURE A AUTHORITY MEETINGS
(Please see Zoom instructions at the end of the agenda)

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, and Assembly Bill 361 (AB 361), relating to the convening of public meetings in response to the COVID-19 pandemic, attendance at the MEA meeting is closed to the public. The public may join the meeting by Zoom: [https://](https://zoom.us/join) per the instructions provided at the end of the agenda. Additionally, members of the MEA Board are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

C. PUBLIC COMMENT: (Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Sec. 54954.2. **Speakers are limited to 3 minutes.**)

CONSENT AGENDA:

(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.)

1. **ADOPT** Resolution 22-02 Authorizing Teleconferencing Options for the Measure A Authority Meetings for the Period of January 23, 2022 through February 21, 2022 – Rivera

ADJOURN TO MEETING OF THURSDAY JANUARY 20, 2022. AGENDA DEADLINE IS JANUARY 4, 2022 AT 12:00 P.M.

In compliance with the Americans with Disabilities Act (ADA), if requested, the Agenda can be made available in appropriate alternative formats to persons with a disability. If an individual wishes to request an alternative agenda format, please contact the Clerk of the Council four (4) days prior to the meeting at (831) 637-7665. The Council of Governments Board of Directors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 637-7665 at least 48 hours before the meeting to enable the Council of Governments to make reasonable arrangements to ensure accessibility.

ZOOM INSTRUCTIONS:

Members of the public are encouraged to participate in Board meetings in the following ways:

1. Remote Viewing

Members of the public who wish to watch the meeting can view the meeting online through Zoom. Instructions for participating via Zoom are included below.

2. Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM. on the Wednesday prior to the Board meeting to the Clerk of the Board at monica@sanbenitocog.org. Regardless of whether the matter is on the agenda. Every effort will be made to provide Board Members with your comments before the agenda item is heard.

3. Measure A Authority meeting - Zoom Instructions for remote Participants:

Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting. Three ways to attend zoom meetings:

1. Over the phone (Audio only):

- (669) 900-6833 or (408) 638-0968.

2. Open the Web-browser:

- <https://zoom.us/join>

3. Smart device Application:

- Apple App store: <https://apps.apple.com/us/app/id546505307>

- Android App store: <https://play.google.com/store/apps/details?id=u.s.zoom.videomeetings>

Zoom Audio Only (phone)

If you are calling in as audio-only, please dial (669) 900-6833 or (408) 638-0968.

1. It will ask you to enter the **Meeting ID, 834-0589-4856**, followed by the **"#" key**, which can be found at the top page of the agenda. The meeting agenda can be found at: http://www.sanbenitocog.org/wp-content/uploads/2022/01/MEA_Packet_012022.pdf

2. It will then ask for a **Participant ID**, press the **"#" key** to continue.

3. Once you enter the zoom meeting, you will automatically be placed on mute.

4. **Public Comment:** If you are using a phone, please press the **"*9"** to raise your hand, zoom facilitator will unmute you when your turn arrives.

Zoom on Web-browser or Zoom app on Tablet or Smartphone

If joining through web-browser launch: <https://zoom.us/join> or launch the Zoom app on your Tablet or Smartphone

1. Select **"JOIN A MEETING"**

2. The participant will be prompted to enter **Meeting ID, 834-0589-4856** and name to join the meeting. Which can be found at the top page of the agenda. The meeting agenda can be found at: http://www.sanbenitocog.org/wp-content/uploads/2022/01/MEA_Packet_012022.pdf

3. You can launch audio through your computer or set it up through the phone. Follow instructions provided by Zoom.

4. **Public Comment:** Click **"Raise hand"** icon, the zoom facilitator will unmute you when your turn arrives.

Public Comment Guidelines

- If participating on Zoom: Once you are selected, you will hear that you have been unmuted: State your first name, last name, and county you reside in for the record.

- The Measure A Authority Board welcomes your comments.

- Each individual speaker will be limited to a presentation total of three (3) minutes.

- Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have questions, contact the Council of Governments and leave a message at (831) 637-7665 x. 201, or email monica@sanbenitocog.org.

CERTIFICATE OF POSTING

Pursuant to Government Code Section #54954.2(a) the Meeting Agenda for the Measure A Authority on **January 20, 2022 at 4:00 P.M.** was posted at the following locations freely accessible to the public:

The front entrance of the Old San Benito County Courthouse, Monterey Street, Hollister, CA 95023, and the Council of Governments Office, 330 Tres Pinos Rd., Ste. C7, Hollister, CA 95023 at the following date and time:

On the **14th day of January 2022**, on or before **5:00 P.M.**

The meeting agenda was also posted on the Council of San Benito County Governments website, www.sanbenitocog.org, under Meetings, MEA Board, Meeting Schedule

I, Monica Gomez, swear under penalty of perjury that the foregoing is true and correct.

BY: 

Monica Gomez, Secretary II
Council of San Benito County Governments



Staff Report

To: Measure A Authority
From: Norma Rivera, Administrative Services Specialist **Telephone:** (831) 637-7665
Date: January 20, 2022
Subject: Assembly Bill 361 Teleconferencing Options For MEA

Staff Recommendation:

ADOPT Resolution 22-02 Authorizing Teleconferencing Options for the Measure A Authority meetings for the Period of January 23, 2022, through February 21, 2022.

Summary:

On September 16, 2021, the Governor signed Assembly Bill (AB) 361, a bill that codifies certain teleconference procedures that local agencies have adopted in response to the Governor's Brown Act-related Executive Orders. Specifically, AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders under certain prescribed circumstances or when certain findings have been made and adopted by the local agency legislative body.

Financial Considerations:

None.

Discussion:

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, amending his prior Executive Order N-29-20 and waiving certain provisions of the Brown Act relating to teleconferences/remote meetings by local agency legislative bodies. The Executive Order waived, among other things, the provisions of the Brown Act that otherwise required the physical presence of members of local agency legislative bodies or other personnel in a particular location as a condition of participation or as a quorum for a public meeting. These modifications remained in effect through September 30, 2021.

Under Assembly Bill (AB) 361, when the state of emergency lasts longer than 30 days, as is the case presently, the legislative body must make findings every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. AB 361 mandates that the legislative body must find that there is a continuing need for teleconferencing due to dangers posed by the ongoing state of emergency. This means that local agencies will have to put an item on the public meeting agenda at least every thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying upon the law's teleconference provisions.

To continue to meet under those modified rules after February 21, 2022, the Board will again need to reconsider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

Reducing the circumstances under which people come into close contact remains a vital component of the San Benito County and MEA's COVID-19 response strategy. Local agency public meetings are an essential government function and the last 18 months have proven that the teleconferencing format protects public access while minimizing exposure to COVID-19.

The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Omicron variant of COVID-19 is spreading quickly throughout 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 (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>).

According to the numbers posted on the San Benito County website, as of January 3, 2022, there have been almost 800 new cases since the December 16, 2021, meeting.

Staff Analysis:

Staff recommends that the Board adopt findings that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. A resolution to that effect and directing staff to return each 30 days to afford the Board the opportunity to reconsider such findings, is included herewith. If the Board adopts the proposed resolution, then it may continue to meet under the modified Brown Act teleconference rules of AB 361 through February 21, 2022.

Counsel Review: Yes

Supporting Attachment: 1. Resolution 22- 02
2. Letter from San Benito County Health Officer

BEFORE THE SAN BENITO COUNTY MEASURE A AUTHORITY

A RESOLUTION OF THE SAN BENITO COUNTY)
MEASURE A AUTHORITY, AUTHORIZING) Resolution No. MEA 22-02
CONTINUED REMOTE TELECONFERENCE)
MEETINGS OF THE SAN BENITO COUNTY)
MEASURE A AUTHORITY PURSUANT TO AB 361)

WHEREAS, the San Benito County Measure A Authority is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, the Brown Act, Government Code section 54953(e), 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, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, pursuant to his authority under the California Emergency Services Act, California Government Code section 8625; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting Law, Government Code section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and

WHEREAS, on June 4, 2021, Governor Newsom clarified that the "reopening" of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, clarifying the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act, provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and

WHEREAS, California Department of Public Health ("CDPH") and the federal Centers for Disease Control and Prevention ("CDC") caution that the Omicron variant of COVID-19 is spreading quickly throughout 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 (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>); and

WHEREAS, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing at public meetings of legislative bodies within San Benito County; and

WHEREAS, on January 5, 2022, Dr. Gellert, San Benito County Public Health Officer, issued an updated recommendation on continued Social Distancing at public meetings of legislative bodies within San Benito County, attached hereto as Exhibit "A", and incorporated herein by this reference; and

WHEREAS, the San Benito County Measure A Authority is a joint powers authority formed under the joint exercise of powers provisions of California Government Code Sections 6500-6522 and the California Code of Civil Procedure section 1240.140, among the County of San Benito, a political subdivision of the State of California, and the Cities of Hollister and San Juan Bautista, municipal corporations located in San Benito County; and

WHEREAS, the San Benito County Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare, and safety within the County of San Benito; and

WHEREAS, at its regular meetings on October 12, 2021, November 9, 2021, November 23, 2021, and December 14, 2021, the San Benito County Board of Supervisors considered all information related to this matter, as presented at the public meetings of the Board of Supervisors identified herein, including any supporting reports by County Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, and adopted Resolution Nos. 2021-128, 2021-140, 2021-148, and 2021-160, making the findings and determinations required by AB 361; and

WHEREAS, the San Benito County Measure A Authority has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of the Local Transportation Authority; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Benito County Measure A Authority deems it necessary to find that a requirement to meet in person for meetings of the Measure A Authority would present imminent risks to the health or safety of attendees, and thus, intends to invoke the provisions of AB 361 related to teleconferencing; and

WHEREAS, at its regular meeting on December 16, 2021, and its special meeting on January 11, 2022, the San Benito Measure A Authority considered all information

related to this matter, as presented at the public meetings of the Board of Directors identified herein, including any supporting reports by Measure A Authority Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, and adopted Resolution Nos. 2021-03 and 2022-01, making the findings and determinations required by AB 361; and

WHEREAS, the San Benito County Measure A Authority has further considered all information related to this matter, as presented at the public meetings of the Board of Directors identified herein, including any supporting reports by Measure A Authority Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, which continues to remain in effect; and

WHEREAS, as of the date of this Resolution, neither the Governor nor the California Legislature have exercised their respective powers, pursuant to California Government Code section 8629, to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature, and the proclaimed state of emergency remains in effect; and

WHEREAS, the continued local rates of transmission of the virus and variants causing COVID-19 are such that meeting in person would present imminent risks to the health or safety of attendees of public meetings; and

WHEREAS, the Board of Directors of the San Benito County Measure A Authority further finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Benito County Measure A Authority as follows:

1. Recitals. The Board of Directors hereby finds that the facts set forth in the Recitals to this Resolution are true and correct and are incorporated into this Resolution by this reference.
2. Proclamation of Local Emergency. The Board of Directors hereby proclaims that a local emergency continues to exist throughout the County, and social distancing orders are currently in place and needed to protect the health and safety of the citizens.
3. Consideration of Future Extensions of Resolution. As long as the State Emergency remains in effect or until directed otherwise by the Board of Directors, staff shall present to the Board at every meeting an item necessary to continue the findings required by AB 361.

4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution 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 Measure A Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.
5. Remote Teleconference Meetings. The staff and Counsel for the Measure A Authority 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.

PASSED AND ADOPTED BY THE SAN BENITO COUNTY MEASURE A AUTHORITY THIS 20TH DAY OF JANUARY, 2022 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAINING:

ABSENT:

Ignacio Velazquez, Chair

APPROVED AS TO LEGAL FORM:
SAN BENITO COUNTY COUNSEL'S OFFICE

Dated: _____

By: Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel

ATTEST:

Mary Gilbert, Executive Director

Dated: _____

By: _____

**SAN BENITO COUNTY**

HEALTH & HUMAN SERVICES AGENCY

GEORGE GELLERT MD, MP, MPA
HEALTH OFFICERTRACEY BELTON
AGENCY DIRECTOR**PUBLIC HEALTH SERVICES**

Healthy People in Healthy Communities

January 5, 2022

CAO Ray Espinosa
San Benito County AdministrationRe: Recommendation on Social Distancing and Hybrid Meetings

Given the considerable impact on our community from the COVID-19 virus and the Delta and more recently the Omicron variant, I strongly urge all legislative bodies, including but not limited to the County, cities, and special districts, local commissions and committees, and subsidiary bodies, continue social distancing measures for public meetings, including offering, at the legislative body's discretion, a remote or hybrid format for public meetings. Social distancing and masking remain crucial strategies in our fight to prevent contagion. The conduct of public meetings in a remote or hybrid manner enables members of the community to participate from the comfort of their homes without having to risk contracting these viruses by attending in-person meetings.

In addition, these measures help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where these virus variants can potentially spread among attendees and participants. However, when combined with social distancing and effective masking practices, along with continued efforts to increase vaccination uptake within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of infection for the public, agency staff, meeting presenters, and legislative body members as well.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "George Gellert", with a stylized flourish at the end.

George Gellert MD, MPH, MPA
Health Officer