



SAN JOAQUIN COUNCIL OF GOVERNMENTS
Executive Committee

Wednesday, January 5, 2022
1:00 p.m.

<https://sjcog.zoom.us/j/88215016153?pwd=bENhNTRSSDJSV3kyWXZRRDhpYONRUT09>

Teleconference Number: 1 669 900 6833

Meeting ID: 882 1501 6153

Passcode:419362

Note: If you do not have access to a smart device or a computer with a webcam & a mic, you can dial in using the teleconference number and meeting ID above.

Attention Callers: Please mute the call unless speaking

NOTICE
Coronavirus COVID-19

*In accordance with the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.), as amended by Assembly Bill 361 (2021), The San Joaquin Council of Governments and staff will be participating in this meeting via teleconference. Members of the public may participate in the meeting electronically using the Zoom link. **If participating using Zoom, please use the “raise hand” or chat feature to be recognized to speak.***

We have also provided a call-in number, as identified on this Agenda, and encourage you to attend by telephone. To be recognized to speak, press ***9** which will signal the moderator.

The San Joaquin Council of Governments is in compliance with the Americans with Disabilities Act and will make all reasonable accommodations for the disabled to participate in employment, programs, and facilities. Persons requiring assistance or auxiliary aid in order to participate should contact Rebecca Calija at (209) 235-0600 at least 24 hours prior to the meeting.

A G E N D A

1. Call to order and Roll Call:
2. Public Comments:
3. Teleconference Meetings During a Proclaimed State of Emergency (Rod Attebery)
Additional Material: Staff Report, Resolution
Recommended Action: Action
4. Adjournment
Adjourn the meeting to Friday, January 21, 2022

“SJCOG fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to file a Title VI related complaint see <http://www.sjcog.org> or call (209) 235-0600.”

AGENDA ITEM **3**



Assuming the State of Emergency remains in effect, if the SJCOG Board of Directors (the “Board”) or SJCOG committees wish to continue meeting under the modified rules, then the Board, and each committee that wants to continue to meet using teleconference must each individually adopt an initial resolution within 30 days of the first teleconference meeting, and then must adopt an extension resolution at least every 30 days thereafter. (*Id.* at subd. (e)(3).) The resolutions must contain findings stating that the Board or committee 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. (*Id.*)

Where consecutive regular meetings fall outside the 30-day time frame, the Board or committee should hold a special “AB 361” remote meeting within the 30-day window simply to re-authorize the AB 361 exceptions. Without the AB 361 exceptions, the Board or committee will be required to return to normal in-person meetings or provide public access at each remote location under the traditional teleconference rules, as of October 1, 2021. Therefore, if the AB 361 authorization lapses and the Board or a committee wishes to hold a teleconference meeting, it will be required to post agendas and provide public access at each remote location, identify those locations in the agenda, and maintain a quorum of the board within agency boundaries. If a meeting is not held in conformity with AB 361, board members may not teleconference from their residences or other locations which are not open and accessible to the public.

FISCAL IMPACT:

None.

ATTACHMENT:

Resolution R-22-45

Prepared by: Rod A. Attebery, General Counsel



RESOLUTION
SAN JOAQUIN COUNCIL OF GOVERNMENTS
EXECUTIVE COMMITTEE

R-22-45

**A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE SAN JOAQUIN
 COUNCIL OF GOVERNMENTS (SJCOG) DETERMINING TO CONDUCT
 MEETINGS OF THE SJCOG EXECUTIVE COMMITTEE USING
 TELECONFERENCING PURSUANT TO GOVERNMENT CODE 54953 AS AMENDED
 BY AB 361 FOR THE PERIOD JANUARY 9, 2022 THROUGH FEBRUARY 7, 2022**

WHEREAS, the San Joaquin Council of Governments is committed to preserving and nurturing public access and participation in meetings of the Executive Committee; and

WHEREAS, all meetings San Joaquin Council of Governments' 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 District's 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

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WHEREAS, an Order of the San Joaquin County Public Health Officer acknowledges that close contact to other persons increases the risk of transmission of COVID-19; 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.

NOW, THEREFORE, BE IT RESOLVED, that the SJCOG Executive Committee approves:

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. SJCOG Executive Committee 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 SJCOG's employees and attendees of SJCOG's legislative bodies' public meetings; and

Section 3. Teleconference Meetings. The SJCOG Executive Committee does 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 SJCOG Executive Committee 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 SJCOG 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 immediately upon its adoption.

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PASSED AND APPROVED this 5th day of January 2022, by the following votes of the San Joaquin Council of Governments, to wit;

AYES:

NOES:

ABSENT:

LEO M. ZUBER, Chairman