

Lamorinda Fee and Financing Authority

IMPORTANT NOTICE REGARDING THIS MEETING: To protect our residents, officials, and staff, and in alignment with the Governor's recent Executive Order N 25-20 and provisions of AB 361 in which certain teleconference requirements of the Brown Act have been suspended, including the requirement to provide a physical location for members of the public to participate in the meeting, this meeting will be held by Teleconference.

<p>BY TELECONFERENCE VIA ZOOM WEBINAR</p>	<p>Attending by PC: MEETING URL: https://us02web.zoom.us/j/89466035550 MEETING ID: 894 6603 5550 Attending by Telephone: +1 (669) 900-6833 MEETING ID: 894 6603 5550</p>
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LAMORINDA FEE AND FINANCE AUTHORITY (LFFA) MEETING AGENDA

Monday, October 4, 2021, 2:30 PM

Town of Moraga

How to follow or participate in the meeting:

1. Members of the public may observe and participate in the meeting at the teleconference location highlighted above. *(Please note that due to the remote nature of the meeting, the Town of Moraga cannot guarantee that the network or its site will not experience technical interruptions. To ensure that the LFFA receives your comments, we **strongly encourage you to submit your comments in writing in advance** of the meeting by following instructions in below.)*
2. Send your e-mail to BSwain@moraga.Ca.US by 8 am on the day of the meeting. Those e-mails will be forwarded to the LFFA. They will also be made a part of the public record and be available to view by 9:30 pm the day of the meeting by following this link: <https://ccta-swat.net/lmpc/lffa/upcoming-meeting-lffa/>
3. Comments may also be submitted by e-mail during the meeting up until the closure of public comment period on the relevant agenda item. These will be read into the record by staff at their normal cadence and will be limited to a maximum of 3 minutes. To be read into the record, e-mail must contain in the subject line "Public Comment – Not on the Agenda" or "Public Comment – Agenda Item #" with the relevant agenda item indicated.

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4. During the meeting, the Chair will call for public comment. If you wish to address the LFFA, please so indicate by using the “raise your hand” function at that time and the Chair will add you to the speaker list and call your name when it is your turn.
 - a) App/Browser Attendees: Those who are joining us using the Zoom app or via internet browser, can click on the “raise your hand” icon found in the control panel. Generally, the control panel is located at the bottom of your screen; however, this may vary depending on the type of device and/or the method by which you’re joining the meeting.
 - b) Telephone Attendees: Those who are joining us by telephone—only, please press “*9” This lets the moderator know that you wish to make a comment.
1. **Call to Order the Lamorinda Fee and Finance Authority**
2. **Roll Call**
3. **Adoption of the LFFA Agenda**
4. **Public Comment**
5. **Consent Calendar:**
 - a. **Consideration of Adopting a Resolution to Continue Conducting Remote Teleconferencing Meetings of the Legislative Bodies of the Authority Pursuant to Assembly Bill (AB) 361.**
Recommendation: Adopt Resolution proclaiming a local emergency, ratifying the proclamation of a State of Emergency by Executive Order (EO) N-25-20 pursuant to Government Code, Section 8625 and further ratified by EO N-15-21, and authorizing remote teleconference meetings of the legislative bodies of the Authority for the period of October 4, 2021 through November 4, 2021 pursuant to the Ralph M. Brown Act provisions under AB 361.
6. **New Business:**
 - a. **Update by vice-chair Gerringer on the status of Regional Interconnection Funding**
7. **Adjourn LFFA Meeting to Monday, November 1, 2021, 2:30 p.m.**

I, Bret Swain, declare under penalty of perjury under the laws of the State of California that this regular meeting agenda has been posted at least 72 hours in advance at the Moraga Town Hall, 329 Rheem Boulevard and at the LFFA website at <https://ccta-swat.net/lmpc/lffa/upcoming-meeting-lffa/>



Bret Swain, Senior Engineer

Location of Agendas and Agenda Packets: Agendas and packets are available for review by the public by following this link: <https://ccta-swat.net/lmpc/lffa/upcoming-meeting-lffa/> and during regular business hours at the Moraga Town Hall, 329 Rheem Blvd, Moraga CA 94556. Agendas and packets shall be made available at least 72 hours in advance of regular meetings and 24 hours in advance of special meetings.

Any writings or documents pertaining to an open session item provided to a majority of the Lamorinda Fee and Finance Authority less than 72 hours prior to the meeting, shall be made available for public inspection at this link: <https://ccta-swat.net/lmpc/lffa/upcoming-meeting-lffa/> and at the Moraga Town Hall, 329 Rheem Blvd, Moraga CA 94556.

LAMORINDA FEE AND FINANCE AUTHORITY (LFFA)
Staff Report
Item 5.a

Monday, October 4, 2021, 2:30 PM

To: Honorable Chair and Boardmembers

**From: Bret Swain,
LFFA Staff, Town of Moraga**

Subject: Consideration of Adopting a Resolution to Continue Conducting Remote Video Teleconferencing Meetings of the Legislative Bodies of the Authority Pursuant to Assembly Bill (AB) 361.

Request

Staff is requesting the Board consider adopting a Resolution authorizing remote teleconference meetings of the legislative bodies of the Authority for the period of October 2021 pursuant to the Ralph M. Brown Act provisions under AB 361.

Background

Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction.

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Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances, which he did on March 4, 2020 regarding COVID-19.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

On September 20, 2021, the Governor issued Executive Order (EO) N-15-21. The EO ordered that the provisions governing teleconference meetings in Education Code section 89305.6, Government Code section 11133, and subdivision (e) of Government Code section 54953 are suspended through September 30, 2021, except that any local legislative body that meets to take a majority vote pursuant to subparagraph (B) of paragraph (1) of subdivision (e) of Government Code section 54953 shall conduct the meeting at which such vote is taken as required by paragraph (2) of subdivision (e) of Government Code section 54953. Except as otherwise specified in this paragraph, the requirements related to public meetings of local legislative and state bodies specified in Paragraph 42 of Executive Order N-08-21 shall continue to govern such meetings through September 30, 2021. EO N-15-21 expired at 11 :59 p.m. on October 1, 2021.

On September 16, 2021, AB 361, the Open meetings: state and local agencies: teleconferences bill was signed into law by the Governor of California. This law authorizes, until January 1, 2024, a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

On September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings and strongly recommends on-line meetings and if in person meetings occur than recommends social distancing of six feet of separation between attendees.

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AB 361 requires legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. This law requires the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. This law specifies that actions taken during the disruption are subject to challenge proceedings, as specified.

AB 361 prohibits the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. This law prohibits the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified.

When there is a continuing state of emergency, or when state and local officials have imposed or recommended measures to promote social distancing, AB 361 requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing laws prohibited a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance. AB 361 excludes from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

Discussion

AB 361 requires this Board to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures included in AB 361. The Board must make the findings by majority vote that: The legislative body has reconsidered the circumstances of the state of emergency, and Any of the following circumstances exist:

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- (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
- (ii) State or local officials continue to impose or recommend measures to promote social distancing.

Fiscal Impact

There is no fiscal impact by adopting this resolution.

Alternatives

1. Adopt Resolution; or
2. Adopt attached Resolution, with modifications; or
3. Not adopt attached Resolution and provide direction to staff.

Recommendations

1. Adopt a Resolution authorizing remote teleconference meetings of the legislative bodies of the Authority for the period of October 4, 2021 through November 4, 2021 pursuant to the Ralph M. Brown Act provisions under AB 361.

Attachments:

- A. Resolution authorizing remote teleconference meetings of the legislative bodies of the Authority for the period of October 4, 2021 through November 4, 2021 pursuant to the Ralph M. Brown Act provisions under AB 361.

BEFORE THE BOARD OF THE LAMORINDA FEE AND FINANCING AUTHORITY

In the Matter of:

Authorizing remote teleconference)
meetings of the legislative bodies of the)
Authority for the period of October 4, 2021)
through November 4, 2021 pursuant to)
the Ralph M. Brown Act provisions under)
AB 361.)
_____)

Resolution No. ____ - 2021

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency for COVID-19; and

WHEREAS, state and local agencies: teleconferences bill (AB 361) went into effect governing the use of teleconferencing of public meetings of State and local governmental agencies; and

WHEREAS, AB 361 requires local government agencies to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures included in AB 361; and

WHEREAS, the local government agencies must make the findings by majority vote; and

WHEREAS, the legislative body has reconsidered the circumstances of the state of emergency; and

WHEREAS, the legislative body shall find that the state of emergency continues to directly impact the ability of the members to meet safely in person, or State or local officials continue to impose or recommend measures to promote social distancing.

WHEREAS, on September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings and strongly recommend on-line meetings and if in person meetings occur than recommends social distancing of six feet of separation between attendees;

NOW, THEREFORE, BE IT RESOLVED that the Board of the Lamorinda Fee and Finance Authority hereby incorporates the foregoing recitals as a factual basis for the passage of this Resolution.

BE IT FURTHER RESOLVED, that the Lamorinda Fee and Finance Authority hereby finds on behalf of itself and all other of its legislative bodies: (1) a state of emergency has been proclaimed by the Governor; (2) t the state of emergency continues to directly impact the ability of the Lamorinda Fee and Financing Authority's legislative bodies to meet safely in person; (3) and State or local officials continue to impose or recommend measures to promote social distancing; and

BE IT FURTHER RESOLVED, that the Lamorinda Fee and Finance Authority hereby authorizes remote video/teleconference meetings of the legislative bodies of the Authority for the period of October 4, 2021 through November 4, 2021 pursuant to the Ralph M. Brown Act provisions under AB 361.

PASSED AND ADOPTED by the Lamorinda Fee and Financing Authority at a regular meeting held on October 4, 2021 by the following vote:

:

AYES:
NOES:
ABSTAIN:
ABSENT:

Renata Sos, Chair

Attest:

Clerk of the Board