



East Bay Regional Communications System Authority



Participating agencies include Alameda and Contra Costa Counties and the following cities and special districts: Alameda, Albany, Antioch, Berkeley, Brentwood, Clayton, Concord, Danville, Dublin, El Cerrito, Emeryville, Fremont, Hayward, Hercules, Lafayette, Livermore, Martinez, Moraga, Newark, Oakland, Oakley, Pinole, Pittsburg, Pleasant Hill, Pleasanton, Richmond, San Leandro, San Pablo, San Ramon, Union City, Walnut Creek, East Bay Regional Park District, Kensington Police Community Services District, Livermore Amador Valley Transit Authority, Moraga-Orinda Fire District, Rodeo-Hercules Fire District, San Ramon Valley Fire District, California Department of Transportation, Ohlone Community College District, Contra Costa Community College District, Dublin-San Ramon Services District and University of California, Berkeley

BOARD OF DIRECTORS MEETING

NOTICE OF REGULAR MEETING

DATE: March 4, 2022

TIME: 10:00 a.m.

PLACE: Alameda County Office of Homeland Security and Emergency Services,
Room 1013
4985 Broder Blvd., Dublin, CA 94568

Notice is hereby given that a Regular Meeting of the East Bay Regional Communications System Authority will be held on Friday, March 4, 2022, at 10:00 a.m.

Meeting Procedure During Coronavirus (COVID-19) Outbreak:

Pursuant to the provisions of California Governor's March 4, 2020 State of Emergency Declaration and enactment of Assembly Bill 361 on September 16, 2021 which adopted exemptions to the Ralph Brown M. Act and the proposed findings to be adopted by the Board at this meeting, this meeting will be conducted by teleconference only in accordance with Government Code section 54953(e). No physical location will be available for this meeting. Members of the public may participate in this meeting, on Zoom at Meeting ID: 86238961854 and using passcode 605850 or by calling 1-646-558-8656. This meeting agenda is available online at <http://www.ebrcsa.org/meetings/board-of-directors.page>,

- The Public will be asked if there is any comment or question concerning the meeting during the Public Comment Period and as each item is discussed.
- The Speaker may provide their name for the record, if they so choose.

AGENDA

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|----|------------------------------------------------------------|-------------------------|
| 1. | <u>Closed Session:</u> None. | Time: N/A |
| 2. | <u>Call to Order/Roll Call:</u> | Time: 10:00 a.m. |
| 3. | <u>Report on Closed Session:</u> None. | |
| 4. | <u>Public Comments</u> (Meeting Open to the Public) | |

5. **Presentations:** None.

6. **Approval of Minutes:**

6.1 Approval of Minutes from the Regular Board Meeting of December 3, 2021, Special Board Meetings of December 31, 2021 and January 28, 2022

7. **Written Communications:** None.

8. **Public Hearings:** None.

9. **Action Items:**

9.1 Continuation of AB 361 to Allow Teleconferenced Meetings

10. **Adjournment**

This AGENDA is posted in accordance with Government Code Section 54954.2(a) If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation, please contact the EBRCSA at (925) 803-7802 at least 24 hours in advance of the meeting.

I hereby certify that the attached agenda was posted 72 hours before the noted meeting.



Tom McCarthy
Executive Director
Dated: 02/25/2022



**East Bay Regional
Communications
System Authority**



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AGENDA ITEM NO. 6.1.

**AGENDA STATEMENT
BOARD OF DIRECTORS MEETING
MEETING DATE: March 4, 2022**

TO: Board of Directors
East Bay Regional Communications System Authority (EBRCSA)

FROM: Sheriff G. Ahern, Board Chair
East Bay Regional Communications System Authority

SUBJECT: Approval of Minutes from the Regular Board Meeting of December 3, 2021, and Special Board Meetings of December 31, 2021 and January 28, 2022

RECOMMENDATIONS:

Approve the Minutes from the Regular Board Meeting of December 3, 2021, and Special Board Meetings of December 31, 2021 and January 28, 2022.

SUMMARY/DISCUSSION:

The Board of Directors will consider approval of the minutes of the Regular Board Meeting of December 3, 2021, and Special Board Meetings of December 31, 2021 and January 28, 2022.

RECOMMENDED ACTION:

It is recommended that the Board of Directors approve the minutes of the Regular Board Meeting of December 3, 2021, and Special Board Meetings of December 31, 2021 and January 28, 2022.



East Bay Regional Communications System Authority



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BOARD OF DIRECTORS MEETING

REGULAR MEETING

DATE: December 3, 2021

TIME: 10:00 a.m.

PLACE: Alameda County Office of Homeland Security and Emergency Services,
Room 1013
4985 Broder Blvd., Dublin, CA 94568

MINUTES

A Regular meeting of the East Bay Regional Communications System Authority was held on December 3, 2021, remotely via Zoom Video Communications.

1. **Closed Session:** None.
2. **Call to Order/Roll Call:** 10:00 a.m.

Boardmembers Present: G. Ahern, C. Andersen, J. Calabrigo, M. Casten, A. Ciaburro, J. Diaz, T. Dupuis*, R. Freeman, D. Haubert, J. King, S. Muranishi, C. Nice*, M. Nino, S. Perkins, E. Reiskin, M. Roberts, M. Rodriguez, M. Salinas, M. Shorr*, L. Smith, K. Stepper, D. Swing, and B. Woerner (Note: *Alternate)

Staff Present: T. McCarthy, C. Boyer, L. McKinney, C. Soto

3. **Report on Closed Session:** None.
4. **Public Comments:** None.
5. **Presentations:** None.
6. **Approval of Minutes**

6.1 Approval of Minutes from the Board Meeting of May 7, 2021

On motion of Bm. Stepper, seconded by Bm. Nice and by majority vote (Bm. Haubert abstaining), the Board of Directors approved the minutes of the May 7, 2021 Board meeting.

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7. **Written Communications:** None.

8. **Public Hearings:** None.

9. **Action Items:**

9.1 Adoption of AB 361 to Allow Teleconferenced Meetings

Attorney McKinney joined the meeting at 10:09 a.m.

Director McCarthy presented the Staff Report and explained due to the new State Assembly Bill (AB) 361, the Board of Directors would need to adopt a resolution to continue holding EBRCSA Operations Committee, Finance Committee and Board meetings, remotely. The Operations Committee met and agreed to hold its meetings in person. The Finance Committee agreed to continue to meet remotely. The Board could now make a blanket decision as to how to move forward with all meetings. If the Board wanted to continue to meet remotely, it would need to adopt a resolution every thirty days, necessitating some special meetings, to continue that decision.

On motion of Bm. Woerner, seconded by Bm. Salinas and by unanimous vote, the Board of Directors adopted **Resolution No. 21-06 Authorizing Teleconference Meetings Pursuant to Assembly Bill 361 Effective December 3, 2021 through January 3, 2022.**

9.2 Adoption of Budget Adjustment for FY 20/21

Auditor Craig Boyer stated this was the final adjustment for FY 20/21 necessitated by maintenance costs – HVAC and generator maintenance. The adjustments were for \$90,000 and are covered by the budgeted revenues that were already budgeted in FY 20/21. This was recommended by both the Operations and Finance Committees to move forward to a full vote of the Board.

On motion of Bm. Haubert, seconded by Bm. Stepper and by unanimous vote, the Board of Directors adopted **Resolution No. 21-07 Adopting and Implementing an Adjustment to Administrative Budget for Fiscal Year 2020/2021.**

9.3 Adopt a Resolution Authorizing Agreement between EBRCSA and Aviat Care Services for Support and Advance Part Replacement

Director McCarthy stated Aviat provides all the work and parts that are used in the Authority's microwave system. The previous contract the Authority had with Aviat included repair call-outs and preventative maintenance to keep on top of the System due to its age. The Authority is currently replacing Aviat equipment throughout all the System, so it is not necessary to maintain a \$268,000/yr. contract when equipment is being replaced. There is no need to do preventative maintenance because this is new equipment. This contract would be reduced from \$268,000/yr. to \$95,000 as it would be for advance part replacement or being able to access a technician via phone. At the end of this one-year contract, it will be reassessed to see what is needed. Both the

Operations and Finance Committees approved moving this forward to a full vote of the Board.

On motion of Bm. King, seconded by Bm. Ciaburro and by unanimous vote, the Board of Directors adopted **Resolution No. 21-08 Authorizing the EBRCSA Chair to Execute, and the Executive Director to Implement, an Agreement with Aviat Networks for Maintenance, Repair and Technical Support Services for the Microwave System, *and*, Resolution No. 21-09 Adopting and Implementing an Adjustment to Administrative Budget for Fiscal Year 2021/2022.**

9.4 Adopt a Resolution Authorizing Purchase of AES Encryption for MCC 7500 Consoles

Director McCarthy presented the staff report and stated the DOJ had sent a letter regarding necessary encryption in regard to transmission of CORI information. As, such information can be heard over the radio, they were now requiring agencies to encrypt radios at 256-bit encryption. It will not impact agency communication, but it will block any apps from hearing or transmitting the info. Authority agencies sent response letters to the DOJ in 2020 informing them the encryption process would be done by June 2023. As the Authority owns all member agency consoles, it would cost \$1.6 million to encrypt 186 consoles. Each agency would need to pay to have its radios encrypted. As part of this contract with Motorola, they would also include software to work with its Next radios. These radios allow for members to access, if you are outside the Authority System, the System on their wifi carriers.

The Boardmembers discussed having Executive Director McCarthy negotiate more favorable terms with Motorola relating to payment including, but not limited to, establishing project milestones.

On motion of Bm. Ciaburro, seconded by Bm. Nino and by unanimous vote, the Board of Directors adopted **Resolution No. 21-10 Authorizing the Chair to Execute, and the Executive Director to Implement, Change Order to the Communications System Agreement with Motorola Solutions, Inc. for Purchase of AES 256 Encryption for 182 Dispatch Consoles, *and*, Resolution No. 21-11 Adopting and Implementing an Adjustment to Administrative Budget for Fiscal Year 2021/2022**, and directed Executive Director McCarthy to negotiate more favorable terms with Motorola relating to payment including, but not limited to, establishing project milestones.

9.5 Adopt a Resolution Approving Change Order Number [34] Authorizing Increase in Scope of Work and Cost for the Upgrade of the East Bay Regional Communications System Authority Microwave Network, Multi-Protocol Label Switching, and Network Transition from T1 Circuits to Ethernet

Director McCarthy presented the staff report and stated technology required the upgrade of the System Microwave Network, Multi-Protocol Label Switching, and Network Transition from T1 circuits to Ethernet. The microwave also needed to be sped up. The original work Change Order #33 was approved in December of 2020. Aviat and Motorola partnered together on this project. There was not a detailed design at that time, but one has since been completed by Aviat. This design detailed

additional microwaves that had been added since new agencies were added to the System or not previously accounted for. To fully complete this project, Change Order #34 would cost an additional \$961,877.33. The inventory included going through all equipment and meeting with radio shops regularly. This Change Order involves adding other equipment and upgrading sites under this change order. The Finance Committee has recommended the Authority pay the amount outright and not finance it.

Bm. Reiskin asked if records that were provided to Motorola were incomplete, should the Authority do a better job of cataloguing equipment? He also asked if all the detailed System information and schematics provided in the staff report needed to be made public?

Director McCarthy discussed the asset management system that was being worked on through a contract with CSI. He would go into more detail in item 11.5.

Attorney McKinney stated because the schematics and maps were in the packet they are public record. However, the point is well taken for what should appear in future packets.

On motion of Bm. Reiskin, seconded by Bm. Stepper and by unanimous vote, the Board of Directors adopted **Resolution No. 21-12 Authorizing the Chair to Execute and the Executive Director to Implement Change Order 34 with Motorola Solutions, Inc. to Add Additional Equipment and Cost of Installation to Change Order #33 and Pay the Associated Increased Cost Associated with Change Order Number 34, *and*, Resolution No. 21-13 Adopting and Implementing an Adjustment to Administrative Budget for Fiscal Year 2021/2022.**

9.6 Adopt 2022 EBRCSA Calendar Committee and Board Meetings

On motion of Bm. Nice, seconded by Bm. Roberts and by unanimous vote, the Board of Directors adopted the 2022 EBRCSA Calendar of Committee and Board meetings.

9.7 Annual Election of Board Chair and Vice Chair as required by the JPA Agreement and Bylaws

On motion of Bm. Haubert, seconded by Bm. Woerner and by unanimous vote, the Board of Directors appointed Sheriff G. Ahern as Board Chair for the 2022 calendar year.

On motion of Bm. Calabrigo, seconded by Bm. King and by unanimous vote, the Board of Directors appointed Chief P. Meyer as Board Vice Chair for the 2022 calendar year.

10. Committee Updates:

10.1 Receive Informational Report on Recent Finance Committee Activities

Bm. Calabrigo stated everything on today's agenda had been reviewed by the Finance Committee. The Authority was continuing to make progress on the Capital Replacement Plan.

10.2 Receive Informational Report on Recent Operations Committee Activities

Chair Ahern stated everything on today's agenda had been reviewed, including encryption, TDMA, the 10-Year Capital Replacement Plan, and updates on Vallejo, Benicia and Antioch.

11. Reports:

11.1 Receive an Update on the City of Vallejo transition to EBRCSA

Director McCarthy stated the City of Vallejo had completed infrastructure at an area called Hiddenbrooke where they did not have connectivity with its old system, at its own cost. It was added to the Authority's master core, this past week. Its police department was on the System and its fire department was still coming on.

11.2 Receive an Update on the City of Benicia and Vallejo to a JPA with Solano County

Director McCarthy stated the Solano County JPA was stalled, but the Solano County Sheriff met with Solano County CAO and answered questions and was now moving forward. He has offered informational assistance, as needed.

11.3 Receive an Update on the City of Antioch adding site at Walton Lane

Director McCarthy stated Antioch City Manager Bernal has secured the money for the new electrical for the site at Walton Lane. Progress was made yesterday on Walton Lane. Contra Costa County is going to be moving sites and Director McCarthy hopes to move some of Contra Costa County's used equipment to Antioch to save money.

11.4 Receive an Update on TDMA – Time Division Multiple Access

Director McCarthy stated they had started installing TDMA in Contra Costa County the last couple of weeks, monitoring it and it is working well. Work will start in Alameda County next week.

11.5 Receive an Update on 10-Year Plan for Capital Replacement Project

Director McCarthy stated the Ten-Year Plan is finally moving. CSI had been getting into sites and dispatch centers to inventory equipment, and new equipment was also being tagged and inventoried. Once it was completed, the Authority would be managing it and he would give a report once it was completed.

11.6 Receive an Update on the San Ramon Site at Wiedemann Ranch

Director McCarthy stated the City of San Ramon had a policy on the books that requires a developer to maintain the integrity of the public safety communications, and the developer is responsible for the infrastructure necessary to maintain the radio systems. San Ramon recently signed an agreement with developers in the Norris Canyon Area for just such a site. The Board of Directors adopted a resolution at its May 7, 2021 Board meeting encouraging all member agencies to include such language in their Conditions of Approval of developments. Letters from the Authority were sent to each agency regarding this resolution, asking for an update on their agency's response to the Authority by March 14, 2022.

11.7 Receive an Update on the Carquinez Site Replacing 651 Pine St., Martinez

Director McCarthy stated the Contra Costa County Administration building had been vacated and the only thing remaining there was Authority System equipment on the roof. It needed to be moved as the building is going to be demolished. Contra Costa County has purchased a mobile tower on a trailer, a generator on a trailer, and a shelter on a trailer that can be installed on East Bay Regional Park District land above Martinez. That equipment would be set up to maintain radio to the area of Martinez and surrounding areas. All the equipment in 651 Pine could be moved to Walton Lane in Antioch, with some minor upgrades.

12. Board Comments

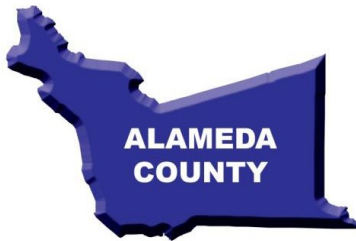
None.

13. Next Action Steps

None.

- 14. Adjournment:** With no further business coming before the Board of Directors, the meeting was adjourned at 11:24 a.m.

Caroline P. Soto
Authority Secretary



East Bay Regional Communications System Authority



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BOARD OF DIRECTORS MEETING

SPECIAL MEETING

DATE: December 31, 2021

TIME: 10:00 a.m.

PLACE: Alameda County Office of Homeland Security and Emergency Services,
Room 1013
4985 Broder Blvd., Dublin, CA 94568

MINUTES

A Special meeting of the East Bay Regional Communications System Authority was held on December 31, 2021, remotely via Zoom Video Communications.

1. **Closed Session:** None.
2. **Call to Order/Roll Call:** 10:02 a.m.

Boardmembers Present: G. Ahern, A. Ciaburro, J. Diaz, R. Freeman, J. King, C. Nice, S. Perkins, E. Reiskin, M. Salinas, C. Silva, L. Smith, D. Swing, B. Woerner

Staff Present: T. McCarthy, C. Soto

3. **Report on Closed Session:** None.
4. **Public Comments (Meeting Open to the Public):** None.
5. **Presentations:** None.
6. **Approval of Minutes:** None.
7. **Written Communications:** None.
8. **Public Hearings:** None.

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9. **Action Items:**

9.1 **Continuation of AB 361 to Allow Teleconferenced Meetings**

On motion of Bm. King, seconded by Bm. Salinas and by unanimous vote, the Board of Directors adopted **Resolution No. 21-14 Authorizing Teleconference Meetings Pursuant to Assembly Bill 361 Effective January 4, 2022 through February 4, 2022.**

10. **Adjournment:** With no further business coming before the Board, the meeting was adjourned at 10:11 a.m.

Caroline P. Soto
Authority Secretary

DRAFT



East Bay Regional Communications System Authority



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BOARD OF DIRECTORS MEETING

SPECIAL MEETING

DATE: January 28, 2022

TIME: 10:00 a.m.

PLACE: Alameda County Office of Homeland Security and Emergency Services,
Room 1013
4985 Broder Blvd., Dublin, CA 94568

DRAFT MINUTES

A Special meeting of the East Bay Regional Communications System Authority was held on Friday, January 28, 2022, remotely via Zoom Video Communications.

1. **Closed Session:** None.
2. **Call to Order/Roll Call:** 10:02 a.m.

Boardmembers Present: G. Ahern, J. Catalano, A. Ciaburro, J. Diaz, R. Freeman, N. Gallo, D. Haubert, J. King, C. Nice, M. Nino, R. Roberts, M. Rodriguez, T. Rudnick, M. Shorr, C. Silva, K. Stepper, D. Swing, B. Woerner

Staff Present: T. McCarthy, C. Soto

3. **Report on Closed Session:** None.
4. **Public Comments (Meeting Open to the Public):** None.
5. **Presentations:** None.
6. **Approval of Minutes:** None.
7. **Written Communications:** None.
8. **Public Hearings:** None.

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9. **Action Items:**

9.1 **Continuation of AB 361 to Allow Teleconferenced Meetings**

On motion of Bm. Stepper, seconded by Bm. Swing and by unanimous vote, the Board of Directors adopted **Resolution No. 22-01 Authorizing Teleconference Meetings Pursuant to Assembly Bill 361 Effective February 5, 2022 through March 6, 2022.**

10. **Adjournment:** With no further business coming before the Board, the meeting was adjourned at 10:06 a.m.

Caroline P. Soto
Authority Secretary

DRAFT



**East Bay Regional
Communications
System Authority**



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AGENDA ITEM NO. 9.1.

**STAFF REPORT
BOARD OF DIRECTORS MEETING
MEETING DATE: March 4, 2022**

TO: Board of Directors
East Bay Regional Communications System Authority (EBRCSA)

FROM: Thomas McCarthy, Executive Director

SUBJECT: Continuation of AB 361 to Allow Teleconferenced Meeting.

RECOMMENDATIONS:

Staff recommends that the Board of Directors of the East Bay Regional Communications System Authority (“**Authority**”) adopt the proposed Resolution to continue conducting Board of Director and all other Authority Committee meetings remotely due to health and safety concerns for the public and making related findings in compliance with Assembly Bill 361 (2021) (“**AB 361**”) effective March 7, 2022 through April 5, 2022.

SUMMARY/DISCUSSION:

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 address the 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 (“**Brown Act**”) in order to allow local legislative bodies to conduct meetings telephonically or by other means. Additionally, the State implemented a shelter-in-place order, requiring all non-essential personnel to work from home.

The Board of Directors established virtual meetings. The virtual meetings have allowed the Board to continue to conduct its business from remote locations while ensuring the public’s continued access to government meetings in a safe manner.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded certain clauses of Executive Order N-29-20 after September 30, 2021, including clauses that suspended certain provisions of the Brown Act. Thus, effective October 1, 2021, agencies would have had to transition back to in person public meetings. Since the Governor issued Executive Order N-08-21, the highly contagious Delta variant has emerged, causing a spike in cases throughout the state and within Alameda and Contra Costa Counties.

On August 2, 2021 the Alameda and Contra Costa County Health Officers issued Public Health Orders requiring all individuals in both Counties, regardless of vaccination status, to wear face coverings in all indoor public settings and businesses for the control of COVID-19. These August 2, 2021 Public Health Officer Orders will be in effect until rescinded, superseded or amended.

On September 16, 2021, Governor Newsom signed AB 361, which was an urgency measure that became effective on October 1, 2021, and it allows a local agency to use teleconferencing for public meetings during a Governor-proclaimed state of emergency as long as the legislative body adopts findings every 30 days that: 1) meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency; or 2) state or local officials have imposed or recommended measures to promote social distancing.

In such circumstances, a legislative body is not required to make available a physical location from which members of the public may observe the meeting and offer public comment or required to have a quorum of the members of the legislative body participate from locations within the boundaries of the agency's jurisdiction in the following circumstances:

- The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- The legislative body holds a meeting during a proclaimed state of emergency to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The legislative body must make certain findings by majority vote every 30 days to continue using AB 361's teleconferencing requirements.

An additional provision of AB 361 states that, in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body is prohibited from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.

These new provisions are only operative until January 1, 2024, at which point they are repealed, and the prior Brown Act teleconferencing requirements become effective again.

The California Department of Public Health (CDPH) and the Federal Centers for Disease Control and Prevention (CDC) caution that the Delta Variant of COVID-19, is more transmissible than prior variants of the virus, may cause more severe illness, and even fully

vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations.

The Authority meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public:

- The Governor has declared a State of Emergency related to the COVID-19 pandemic; and
- County Health Orders require that individuals in indoor public spaces wear masks and the CDC recommends social distancing of at least six feet due to COVID-19; and
- The Delta variant of COVID-19 has resulted in a significant increase of COVID-19 cases within the state and throughout Alameda and Contra Costa Counties.

Thus, meeting in person for Board and Authority Committee meetings would present imminent risks to the health and safety of attendees, the Board and staff. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, Authority staff recommends invoking the provisions of Assembly Bill 361 related to teleconferencing.

The Board must make its own determination and findings, no later than 30 days after the adoption of this initial Resolution, in order to continue holding teleconferenced meetings in accordance with AB 361. At this time, Staff intends to schedule special Board meetings every 30 days, if necessary, to consider adoption of similar findings in the future.

FINANCIAL IMPACT:

None.

COMMITTEE ACTION:

Because both the Finance and Operations Committees met prior to the December 3, 2021 Regular Board meeting, each Committee was required to adopt its own AB 361 findings in order to meet remotely and they have done so. However, the Board had the authority to adopt a Resolution, and any future AB 361 findings, on behalf of itself and the other legislative bodies of the Authority, and adopted Resolution No. 21-06 Authorizing Teleconference Meetings Pursuant to Assembly Bill December 3, 2021 through January 3, 2022, Resolution No. 21-14 Authorizing Teleconference Meetings Pursuant to Assembly Bill January 4, 2022 through February 4, 2022, and Resolution No. 22-01 Authorizing Teleconference Meetings Pursuant to Assembly Bill February 5, 2022 through March 6, 2022.

RECOMMENDED ACTION:

It is recommended that the Board of Directors adopt the proposed Resolution to continue conducting Board of Director and all other Authority Committee meetings remotely due to health and safety concerns for the public and making related findings in compliance with AB 361 effective March 7, 2022 through April 5, 2022.

Attachments:

Exhibit "A" – Proposed Resolution

RESOLUTION NO. 22 - XX

**A RESOLUTION OF THE
THE EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY**

**AUTHORIZING TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL 361
EFFECTIVE MARCH 7, 2022 THROUGH APRIL 5, 2022**

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Government Code section 8550 et seq. (Declaration); and

WHEREAS, on March 17, 2020, Governor Gavin Newsom issued Executive order N-29-20 (Executive Order), which suspended the teleconferencing rules set forth in California Open Meeting law, the Ralph M. Brown Act (California Government Code §§ 54950 – 54963), provided certain requirements were met and followed; and

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

WHEREAS, on September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislative body subject to the Ralph M. Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, such conditions exist in the East Bay Regional Communications System Authority (EBRCSA) jurisdiction. In addition to the Governor’s Declaration, both the Alameda and Contra Costa County Health Officers have issued numerous Health Orders regarding safety protocols during the COVID-19 pandemic. In particular, on August 2, 2021, both the Contra Costa County and Alameda County Health Officers issued an Order requiring all individuals in the County, regardless of vaccination status, to wear face coverings in all indoor public settings and businesses for the control of COVID-19. These Public Health Officer Orders will be in effect until rescinded, superseded or amended; and

WHEREAS, The California Department of Public Health (CDPH) and the Federal Centers for Disease Control and Prevention (CDC) caution that the Delta Variant of COVID-19, is more transmissible than prior variants of the virus, may cause more severe illness, and even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, EBRCSA intends to invoke the provisions of Assembly Bill 361 related to teleconferencing in the manner authorized by Government Code § 54953(e), and such legislative body shall comply with the requirements to provide the public with access to the meetings as prescribed in Government Code § 54953(e)(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of East Bay Regional Communications System Authority as follows:

1. The Recitals set forth above are true and correct and are incorporated herein by reference.

2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Ralph M. Brown Act, the Board of Directors makes the following findings:
 - a. The Board of Directors has considered the circumstances of the state of emergency; and
 - b. The state of emergency, as declared by the Governor, continues to directly impact the ability of the Board of Directors, including EBRCSA’s legislative bodies and staff, as well as staff and members of the public, from meeting safely in person; and
 - c. The CDC, Alameda and Contra Costa Counties Departments of Public Health continue to recommend physical distancing of at least six feet due to COVID-19 and as a result of the presence of COVID-19 and the Delta variant, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies and staff.
3. The Board of Directors and EBRCSA’s legislative bodies may continue to meet remotely in compliance with AB 361, in order to better ensure the health and safety of the public and staff in accordance with the provisions of Government Code section 54953(e).
4. The Board of Directors will revisit the need to conduct meetings remotely within 30 days of the adoption of this resolution.
5. Staff is authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other application provisions of the Ralph M. Brown Act; and
6. Staff is directed to return no later than 30 days after this resolution is adopted with an item for the Board of Directors of East Bay Regional Communications System Authority to consider whether to continue meeting under the provisions of Assembly Bill 361.

On motion of Bm. Stepper, seconded by Bm. Swing, the foregoing Resolution was passed and adopted this 4th day of March 2022, by the following votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST: _____
 Caroline P. Soto, Secretary