

LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY COMMUNICATIONS AND OUTREACH COMMITTEE

AGENDA Regular Meeting

October 26, 2022 – 10:00 a.m.

SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY

Pursuant to the provisions of Government Code Section 54953(e), as amended by Assembly Bill 361, any Committee Member and any member of the public who desires to participate in the open session items of this meeting may do so by accessing the Zoom link below without otherwise complying with the Brown Act's teleconference requirements.

Please click the link below to join the webinar: <u>https://lagerlof.zoom.us/j/85618955578?pwd=NzdZZDBua3JiT3h6eWgzRDVJOWx2Zz09</u> Meeting/Webinar ID: 856-1895-5578 Passcode: 274615 One tap mobile : +16694449171,,85618955578#,,,,*274615# or Telephone: 1-669-444-9171

Any member of the public wishing to make any comments to the Committee may do so by accessing the above-referenced link where they may select the option to join via webcam or teleconference. Members of the public may also submit written comments to the Interim Clerk by 4:00 p.m. on the day prior to the meeting for the Interim Clerk to read into the record (subject to three-minute limitation). The meeting Chair will acknowledge such individual(s) at the appropriate time in the meeting prior to making their comment. Members of the public will be disconnected from the meeting prior to any Closed Session, if applicable.

NOTE: To comply with the Americans with Disabilities Act, if you need special assistance to participate in this Committee meeting, please contact the Authority's Interim Clerk at <u>rperea@lagerlof.com</u> by 4:00 p.m. on October 25, 2022 to inform the Authority of your needs and to determine if accommodation is feasible. Each item on the Agenda shall be deemed to include any appropriate motion, resolution, or ordinance, to take action on any item. Materials related to items on this Agenda are available for public review at: <u>www.losvaquerosjpa.com/board-meetings</u>.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF COMMITTEE MEMBERS

Angela Ramirez Holmes – Chair, Zone 7 Water Agency Ernesto Avila – Contra Costa Water District Ricardo Ortega – Grassland Water District

PUBLIC COMMENT ON NON-AGENDA ITEMS

Any member of the public wishing to address the Communications and Outreach Committee regarding items not on the Agenda should do so at this time. The Committee welcomes your comments and requests that speakers present their remarks within established time limits and on issues that directly affect the Authority or are within the jurisdiction of the Authority.

DISCUSSION ITEMS

- 1.1 August 24, 2022 Communications and Outreach Committee Meeting Summary
- 1.2 Recap of Washington, D.C. Advocacy Trip
- **1.3** State Legislative Outreach Planning
- **1.4** Future Board Meeting Attendance Alternatives
- **1.5** Development of Communications and Outreach Plan
- **1.6** Possible Membership in Association of California Water Agencies (ACWA)

FUTURE AGENDA ITEMS

ADJOURNMENT

<u>ITEM 1.1</u>: AUGUST 24, 2022 COMMUNICATIONS AND OUTREACH COMMITTEE MEETING SUMMARY

RESPONSIBLE/LEAD STAFF MEMBER:

James Ciampa, General Counsel

DISCUSSION:

Attached for the Committee's information is the summary prepared for the August 24, 2022 Communications and Outreach Committee meeting.

ALTERNATIVES:

Any suggested revisions to the attached summary will be considered.

FISCAL ANALYSIS:

Not applicable

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Summary from August 24, 2022 Communications and Outreach Committee meeting



SUMMARY OF REGULAR MEETING OF COMMUNICATIONS AND OUTREACH COMMITTEE

August 24, 2022 – 10:00 a.m.

Present at the meeting were Chair Angela Ramirez Holmes, and Committee Members Ernesto Avila and Ricardo Ortega.

1.1 June 22, 2022 Communications and Outreach Committee Meeting Summary. The summary from the June 22, 2022 Communications and Outreach Committee Meeting was presented for the Committee's information. Interim General Counsel Jim Ciampa noted a few minor changes had been made from the version included with the August 10, 2022 Board of Directors' meeting materials.

1.2 Authority Website Outage and Restoration. Marguerite Patil, Interim Administrator, advised the Committee that on Thursday, August 18, 2022 staff discovered that the Authority website (<u>www.losvaquerosipa.com</u>) had an unexpected outage. Staff coordinated with the website provider, GoDaddy, and determined there was a technical issue with the host that broadly impacted numerous websites. The website was restored within one day. Staff confirmed that all documents housed on the website have been restored and the links are working properly.

1.3 Planning for Upcoming Executive Director Announcement and Press Release. Interim Administrator Patil advised the Committee that it is anticipated that the proposed contract with the incoming Executive Director will be presented to the Board of Directors for consideration of approval at its September 14, 2022 meeting. The name of the selected candidate will be included in the September 14, 2022 meeting packet that is planned for posting on Friday, September 9. If the Board approves that contract, the engagement of the Executive Director would be announced via a posting on the Authority website and through distribution of a press release.

The Committee further discussed the roll-out plan for that press release. Chair Ramirez Holmes suggested that the press release be submitted for inclusion in the ACWA News in addition to the planned distribution list. Committee Member Ortega asked what social media platforms would be utilized and Twitter was suggested as a good vehicle for distribution.

1.4 Planning for Federal Legislative Outreach. Interim Administrator Patil advised that staff has been working with the Authority Members on a tentative plan to conduct the Authority's first visit to Washington D.C. on September 20 and 21, 2022. Objectives for the trip include:

- Introduction of the Authority to Federal agency staff and Federal legislative representatives that represent the Project's service area.
- Meeting with the U.S. Environmental Protection Agency regarding the WIFIA Letter of Interest.
- Meetings with the U.S. Department of Interior and the Bureau of Reclamation regarding upcoming Federal approvals and permits.
- Strengthening support for ongoing and future Federal funding.

Committee members had a general discussion regarding the planned meetings in Washington D.C., and ongoing federal outreach activities. All of the Committee's members planned to participate and Authority Vice Chair Anthea Hansen and Secretary Ellen Wehr, as well as the new Executive Director, and staff members from Member agencies will also be making that trip. Interim General Counsel Ciampa stated that because Committee Member Ortega and Secretary Wehr represent the same Authority voting Member, both of their attendance on the trip will not create a majority of Board members for Brown Act purposes.

The Committee then discussed various items included in the draft fact sheets distributed with the meeting packet and noted various suggested revisions to those fact sheets. The Committee also suggested removing the "interim" titles from the General Counsel and Clerk positions for purposes of those fact sheets and discussed how to best accomplish that from a procedural standpoint.

Future Agenda Items:

Chair Ramirez Holmes mentioned the next meeting should include a discussion of state legislative programs. Interim Administrator Patil noted the following items:

- The date for the next Communications and Outreach Committee meeting will be October 26, 2022, but a special meeting could be called if necessary with respect to state legislative outreach.
- The October meeting will include a presentation on the existing Public Outreach Plan.

The meeting adjourned at 10:57 a.m.

James D. Ciampa

James D. Ciampa Interim General Counsel

ITEM 1.2: RECAP OF WASHINGTON, D.C. ADVOCACY TRIP

RESPONSIBLE/LEAD STAFF MEMBER:

Taryn Ravazzini, Executive Director

DISCUSSION:

Discussion to review the outcome of the meetings conducted during the recent trip to Washington, D.C.

ALTERNATIVES:

None

FISCAL ANALYSIS:

Not applicable

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

None

ITEM 1.3: STATE LEGISLATIVE OUTREACH PLANNING

RESPONSIBLE/LEAD STAFF MEMBER:

Taryn Ravazzini, Executive Director

DISCUSSION:

Outreach to the State Legislature and applicable state agencies in the coming legislative year will be an important component to achieving the Authority's priorities. This item is to discuss overall objectives of the Authority's State Legislative Outreach and how best to approach this effort.

ALTERNATIVES:

None

FISCAL ANALYSIS:

Not applicable

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

None

<u>ITEM 1.4</u>: FUTURE BOARD MEETING ATTENDANCE ALTERNATIVES **<u>RESPONSIBLE/LEAD STAFF MEMBER:</u>**

James Ciampa, General Counsel

DISCUSSION:

AB 2449 was recently signed into law, which provides some limited alternatives for remote attendance at Board meetings. AB 361 remains in effect but will become inapplicable once the State's COVID-19 emergency declaration is revoked, which will happen on February 28, 2023 unless COVID-19 conditions significantly worsen to justify the continuation of that declaration. Thus, the Committee and Board will need to consider how to best handle meeting attendance once AB 361 is no longer available for remote meetings. This item is intended to address that issue.

ALTERNATIVES:

Discussion item – various Board meeting alternatives to be included in that discussion.

FISCAL ANALYSIS:

Not applicable

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Memorandum regarding AB 2449 (which pre-dates the announcement of the revocation of the emergency declaration) and prior memorandum regarding Board meeting issues (with revision, as shown in red, to address the revocation of the emergency declaration).





MEMORANDUM

To:Taryn Ravazzini, Los Vaqueros Reservoir Joint Powers AuthorityFrom:James CiampaRe:AB 2449Date:October 3, 2022

On September 13, Governor Newsom signed AB 2449 (B. Rubio) into law. AB 2449 amends the Brown Act to expand the use of remote/teleconference meetings in the post-AB 361 world without having to comply with the existing Brown Act agenda, posting and public accessibility requirements. Specifically, AB 2449 amends Government Code Sections 54953 and 54954.2 to address those issues.

EXISTING TELECONFERENCE REQUIREMENTS: By way of background, the Brown Act allows for teleconference meetings in Government Code Section 54953(b). That statute requires: (i) posting agendas at each teleconference location (i.e., each location from where a director was calling in); (ii) each teleconference location must be identified in the agenda; (iii) each teleconference location must be accessible to the public; and (iv) during the teleconference, at least a quorum of the members of the legislative body must participate "from locations within the boundaries of the territory over which the local agency exercises jurisdiction." These requirements remain in place after AB 2449 takes effect on January 1, 2023.

AB 361 COVID-19 CHANGES: In light of COVID-19, the Legislature enacted AB 361 that took effect on October 1, 2021, to provide exceptions to the above-referenced requirements. AB 361 will remain in effect until January 1, 2024 and then will be repealed. It also will cease to be in effect if COVID-19 conditions improve, as discussed below.

For a local agency to proceed under AB 361, it must make one of the following two findings when its board adopts the continuing AB 361 resolution:

(A) The local agency is holding a meeting during a proclaimed state of emergency, and *state or local officials have imposed or recommended measures to promote social distancing*; **or**

(B) The local agency is holding a meeting during a proclaimed state of emergency and has determined, by majority vote, that, <u>as a result of the emergency, meeting in person</u> would present imminent risks to the health or safety of attendees.

When state or local health authorities withdraw their recommendations for social distancing and if a governing board is also not able to adopt a finding that meeting in person would present an imminent risk to the health or safety of attendees, then local agencies would not be able to rely upon AB 361 to avoid compliance with the Brown Act's teleconference requirements stated above, even if the proclaimed state of emergency remains in place. In addition, if Governor Newsom terminates the proclaimed state of emergency, then local agencies similarly would not be able to rely upon AB 361.

AB 2449: AB 2449 is intended to apply in certain limited circumstances to allow local agencies to conduct teleconference meetings without having to comply with the existing Brown Act requirements discussed above when some (i.e., less than a quorum) directors are not able to participate in person for permissible reasons as set forth in the new law. Thus, in those settings, a local agency will not have to post agendas at all teleconference locations, will not be obligated to identify all teleconference locations in the meeting agendas, and will not need to make each teleconference location open to the public.

Participation Requirements: However, for an agency to proceed under the procedures established by AB 2449, it must observe the requirement that <u>at least a quorum</u> of the members of the legislative body participates <u>in-person</u> from a singular, physical location clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the local agency exercises jurisdiction. <u>Under AB 2449, it *would not be permissible* to have the *entirety* of the board participate remotely.</u>

Reasons Supporting Remote Participation: Remote participation under AB 2449 is allowed only for specified reasons — either because of a "just cause" or as a result of "emergency circumstances." Those two reasons have different requirements that must be observed and have their own unique restrictions. See the table on next page for more details.

Technological Requirements: Under the terms of AB 2449, an agency must provide *at least* one of the following so that the public may remotely observe the meeting and provide comments:

- A two-way audiovisual platform (defined to mean an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function); and/or
- A two-way telephonic service *and* a live webcasting of the meeting (defined to mean a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform and allows participants to dial a telephone number to listen and verbally participate.

In each instance where the agency gives notice of the teleconferenced meeting, the agenda must identify and include an opportunity for all persons to attend and address the legislative body via a call-in option, internet-based service option, and at the in-person location of the meeting.

Under what conditions may Board members use AB 2449? Board members are *individually* tasked with observing certain requirements before they can participate in a Board meeting remotely under AB 2449. It is incumbent upon the individual board members to follow the requirements laid out in the bill. Except for a few overlapping obligations, those requirements differ based on whether the member's remote participation is arising out of a "just cause" or "emergency circumstances," as shown in the table below:

"Just Cause"	"Emergency Circumstances"
 ✓ The member notifies the legislative body at the earliest opportunity possible (including at the start of a regular meeting) of their need to participate remotely for "just cause," including a general description (typically not exceeding 20 words) of the circumstances relating to their need to appear remotely at the given meeting. Remote participation for "just cause" reasons cannot be utilized by any Board member for more than two meetings per calendar year. "Just cause" means any of the following: A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely A contagious illness that prevents a member from attending in person A need related to a physical or mental disability not otherwise accommodated Travel while on official business of the legislative body or another state or local agency 	 ✓ The member requests the legislative body to allow them to participate in the meeting remotely due to "<u>emergency</u> <u>circumstances</u>" and the legislative body takes action to approve the request. The member must make this request to participate remotely at a meeting as soon as possible. The legislative body must request a general description (typically not exceeding 20 words) of the circumstances relating to the requesting member's need to appear remotely at the given meeting. ✓ The member must make a separate request for each meeting in which they seek to participate remotely. The general description of the circumstances does not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act. The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the

beginning of the meeting in accordance with <u>existing law</u> .
"Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

 \checkmark The member must publicly disclose at the meeting, before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individual(s).

 \checkmark The member must participate through *both* audio and visual technology (thus, the member's camera must be on!).

Under neither case ("just cause"/"emergency circumstances") do AB 2449's provisions permit any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of:

- more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, *or*
- more than two meetings *if the legislative body regularly meets fewer than 10 times per calendar year*

CONCLUSION: The provisions in AB 2449 are optional. There is nothing in the law that precludes an agency from observing the existing Brown Act requirements in the conduct of their meetings. It must also be emphasized that the provisions of AB 2449 are extremely limited and would not apply in a situation where a Board member is on a personal vacation. In that instance, the agency would need to comply with the existing teleconference requirements.

As mentioned above, the remote meeting rules enacted in AB 361 will expire on January 1, 2024, or possibly sooner if COVID-19 conditions improve. AB 2449's rules remain in effect through December 31, 2025. After January 1, 2026, unless further legislation is adopted, only the pre-pandemic, traditional Brown Act rules will remain in effect.





MEMORANDUM

To:	Board of Directors, Los Vaqueros Reservoir Joint Powers Authority
From:	James Ciampa
Re:	Board Meeting Issues – Remote Meetings
Date:	April 13, 2022

As the number of COVID-19 cases continues to decline, the State is beginning to take steps to return to pre-COVID conditions. The Authority, as a local agency subject to the Brown Act, will need to consider how to conduct its Board of Directors' and committee meetings as the COVID-19 conditions continue to improve, which will make it more difficult for the Board to make the necessary findings to continue operating under AB 361, as discussed below.

PRE-COVID-19: Before COVID-19, the Brown Act's teleconference requirements included: (i) posting agendas at each teleconference location (i.e., each location from where a director was calling in); (ii) each teleconference location needed to be identified in the agenda; (iii) each teleconference location needed to be accessible to the public; and (iv) during the teleconference, at least a quorum of the members of the legislative body must participate "from locations within the boundaries of the territory over which the local agency exercises jurisdiction."

COVID-19 CHANGES: In light of COVID-19, Governor Newsom initially issued an Executive Order to suspend the above-referenced teleconferencing requirements. The Legislature then passed AB 361 last fall, to take effect on October 1, 2021, to provide exceptions to the above-referenced requirements. For a local agency to proceed under AB 361, it must make one of the following two findings when its board adopts the continuing AB 361 resolution:

(A) The local agency is holding a meeting during a proclaimed state of emergency, and *state or local officials have imposed or recommended measures to promote social distancing*; or

(B) The local agency is holding a meeting during a proclaimed state of emergency and has determined, by majority vote, that, <u>as a result of the emergency, meeting in person</u> would present imminent risks to the health or safety of attendees.

When state or local health authorities withdraw their recommendations for social distancing and if the Board is also not able to adopt a finding that meeting in person would present an imminent risk to the health or safety of attendees, then the Authority would not be able to rely upon AB 361 to avoid compliance with the Brown Act's teleconference requirements stated above, even if the proclaimed state of emergency remains in place. In addition, if Governor Newsom terminates the proclaimed state of emergency, then the Authority similarly would not be able to rely upon AB 361. With that emergency declaration set to be revoked on February 28, 2023, AB 361 will no longer be available as an exemption from the pre-existing Brown Act teleconferencing requirements.

POSSIBLE FUTURE ALTERNATIVES: Thus, when the Board is not able to make one of the necessary findings or if Governor Newsom withdraws the proclaimed state of emergency is revoked as of February 28, 2023, the Board will need to consider its options for how to proceed with its meetings. Following are the available options:

- <u>Return to Full In-Person Meetings</u>. The Board could conduct its meetings fully inperson and not provide any teleconferencing or remote options. That is the simplest course of action from a technological and agenda standpoint but would involve all directors traveling to an agreed upon location where the meeting would occur. Given the distant locations of the Member agencies, such an in-person meeting could prove challenging for some directors, depending upon the meeting location that is selected. In addition, in-person meetings may be difficult for members of the public who desire to attend in person. Lastly, there would be increased greenhouse gas emissions resulting from the commutes to the in-person meeting location from many of the directors and staff driving to the meeting.
- 2. <u>Conduct Hybrid Meetings</u>. The Authority could conduct meetings at a location that is in close proximity to some of the directors, who could attend in-person, and then other directors could avoid travel by calling in by telephone or by video conference. The locations of all directors who call in or participate by video conference would need to be disclosed in the agenda, the agenda would need to be posted at all of those locations and each of those locations would need to be accessible to the public. Also, at least a quorum of directors must participate from locations within the Authority's territory, which likely will not be a problem given the Authority's broad, multicounty jurisdiction.

Such hybrid meetings would present a technological challenge, as the in-person meeting location needs to be set up with suitable cameras and computer connectivity. Also, there could be significant costs involved in setting up a suitable process by which to webcast the meetings. Those issues would be important in selecting the in-person meeting site.

3. <u>Continue with Fully Virtual Meetings</u>. As the Brown Act does not require at least a quorum to participate in-person, but instead only requires that such a quorum participate from locations within the Authority's boundaries, the Authority could

continue with fully virtual meetings. In that situation, the above-referenced requirements with respect to agenda posting and public accessibility must be complied with. However, such fully virtual meetings, in the manner we have been conducting, are feasible under the Brown Act, so long as the stated teleconferencing requirements are met.

There are several bills pending in the Legislature that could revise the Brown Act's teleconferencing, including AB 2449, which in its current form would require at least a quorum of a board to participate in-person if other directors will participate by teleconference or video conference. Thus, if such legislation becomes law, it could impact the Authority's meetings in the future.

ITEM 1.5: DEVELOPMENT OF COMMUNICATIONS AND OUTREACH PLAN

RESPONSIBLE/LEAD STAFF MEMBER:

Taryn Ravazzini, Executive Director

DISCUSSION:

In accordance with the Communications and Outreach Committee Charter, the Committee scope of work and responsibilities include:

• Collaborate with Authority staff in developing the annual Communications and Outreach Plan

This item is to initiate discussion among Committee members and Authority staff on this topic. Staff will provide an overview of the Stakeholder and Public Outreach Plan that was developed early in the planning phase for the Los Vaqueros Reservoir Expansion Project. This will offer foundational information for the Committee's consideration.

ALTERNATIVES:

None

FISCAL ANALYSIS:

Not applicable

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Slide deck of the existing Stakeholder and Public Outreach Plan for the Los Vaqueros Reservoir Expansion Project to be provided.

<u>ITEM 1.6</u>: POSSIBLE MEMBERSHIP IN ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA)

RESPONSIBLE/LEAD STAFF MEMBER:

Taryn Ravazzini, Executive Director

DISCUSSION:

Discussion to obtain the Committee's initial input regarding whether the Authority should pursue joining the Association of California Water Agencies.

ALTERNATIVES:

None

FISCAL ANALYSIS:

Not applicable

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Slide deck on Association of California Water Agencies Membership





ACWA MEMBERSHIP



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- ACWA membership is open to any public agency, special district or organization created and operated for the purpose of managing, treating, acquiring, using or supplying water for any purpose within California.
- In addition to advocacy and a voice on key water issues, ACWA membership gives your agency access to a wide variety of information, resources and value -added programs.



Membership Benefits

By joining ACWA as a public agency member, your agency will receive:

- 1 Effective representation in the legislative and regulatory arenas in Sacramento and Washington, D.C.
- 2 Access to expertise in water quality, local government, water management and other areas
- 3 Discounted registration for all ACWA-sponsored events, including twice-yearly statewide conferences and other workshops and forums
- 4 Timely, informative communications on important issues

- 5 Access to valuable programs and services through ACWA's Preferred Provider Program
- 6 Opportunities to network with local, state and federal officials
- 7 Participation in ACWA's active region and committee structure
- 8 Subscriptions to ACWA's monthly printed newsletter ACWA News for your board of directors, general manager and up to three other people with your agency.

- 9 Discounted member rates on all ACWAsponsored events and publications
- 10 Copies of ACWA's annual Summary of Legislation and ACWA's Summary of Appellate Cases.
- Access to benefits and insurance programs through ACWA JPIA: Health, Dental, Vision, Life, Workers' Comp., Liability, Property, Long-term Disability and Employee Assistance Program. Plus much more!



Membership Dues



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• Dues are based on your agency's Operating & Maintenance expenses and prorated based on when your agency applies for membership.









DISCUSSION



