



375 Beale Street  
Suite 700  
San Francisco, California  
94105

## Meeting Agenda - Final

### ABAG Executive Board

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Thursday, November 10, 2022

10:05 AM

REMOTE

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#### Special Meeting

##### Association of Bay Area Governments Executive Board Meeting No. 480

In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with Assembly Bill 361's (Rivas) provisions allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants.

A Zoom panelist link for meeting participants will be sent separately to committee, commission, or board members.

The meeting webcast will be available at: <https://abag.ca.gov/meetings-events/live-webcast>

Members of the public are encouraged to participate remotely via Zoom at the following link or phone number:

Please click the link below to join the webinar:

<https://bayareametro.zoom.us/j/85421600050>

Or One tap mobile :

US: +13462487799,,85421600050# or +12532158782,,85421600050#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 253 215 8782 or +1 408 638 0968 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860 or +1 689 278 1000 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free)

Webinar ID: 854 2160 0050

Detailed instructions on participating via Zoom are available at:

<https://abag.ca.gov/zoom-information>

Committee members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial "\*"9" and dial "\*6" to unmute and speak.

In order to get the full Zoom experience, please make sure your application is up to date.

Members of the public may participate by phone or Zoom or may submit comments by email at [info@bayareametro.gov](mailto:info@bayareametro.gov) by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name in the subject line. Due to the current circumstances, there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

The ABAG Executive Board may act on any item on the agenda.

The meeting is scheduled to begin at 10:05 a.m.

Agenda, roster and webcast available at <https://abag.ca.gov>

For information, contact Clerk of the Board at (415) 820-7913.

#### Roster

Susan Adams, Candace Andersen, Jesse Arreguin, Nikki Fortunato Bas, London Breed, Tom Butt, David Canepa, Pat Eklund, Susan Ellenberg, Maya Esparza, Carroll Fife, Neysa Fligor, Leon Garcia, Giselle Hale, Barbara Halliday, David Haubert, Rich Hillis, Dave Hudson, Otto Lee, Matthew Mahan, Rafael Mandelman, Gordon Mar, Yvonne Martinez-Beltran, Nathan Miley, Karen Mitchoff, Stephanie Moulton-Peters, Raul Peralez, David Rabbitt, Belia Ramos, Carlos Romero, James Spring, Loren Taylor, Steve Young. Donald Young (Advisory).

### 1. Call to Order / Roll Call / Confirm Quorum

*Quorum is a majority of ABAG Executive Board members present.*

### 2. Public Comment

*Information*

### 3. Executive Board Announcements

*Information*

### 4. President's Report

- 4.a. [22-1635](#) ABAG President's Report for November 10, 2022

**Action:** Information

**Presenter:** Jesse Arreguin

### 5. Executive Director's Report

- 5.a. [22-1636](#) Executive Director's Report for November 10, 2022

**Action:** Information

**Presenter:** Therese W. McMillan

### 6. Remote Meetings Pursuant to Assembly Bill 361

- 6.a. [22-1637](#) Adoption of Resolution No. 20-2022 Regarding Remote Meetings Pursuant to Assembly Bill 361

**Action:** Approval

**Presenter:** Kathleen Kane

**Attachments:** [06a 1 Summary Sheet Findings Pursuant to AB 361 v1.pdf](#)  
[06a 2 Attachment Resolution No 20 2022 Findings Pursuant to AB 361 to Conti](#)

## 7. Adjournment / Next Meeting

*The next regular meeting of the ABAG Executive Board will be announced.*

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**Public Comment:** The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

**Meeting Conduct:** If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

**Record of Meeting:** Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site ([mtc.ca.gov](http://mtc.ca.gov)) for public review for at least one year.

**Accessibility and Title VI:** MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

**可及性和法令第六章:** MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

**Acceso y el Título VI:** La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

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Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.



**ABAG**

# Metropolitan Transportation Commission

375 Beale Street, Suite 800  
San Francisco, CA 94105

## Legislation Details (With Text)

**File #:** 22-1635      **Version:** 1      **Name:**

**Type:** Report      **Status:** Informational

**File created:** 10/6/2022      **In control:** ABAG Executive Board

**On agenda:** 11/10/2022      **Final action:**

**Title:** ABAG President's Report for November 10, 2022

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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ABAG President's Report for November 10, 2022

Jesse Arreguin

Information



**ABAG**

# Metropolitan Transportation Commission

375 Beale Street, Suite 800  
San Francisco, CA 94105

## Legislation Details (With Text)

**File #:** 22-1636      **Version:** 1      **Name:**

**Type:** Report      **Status:** Informational

**File created:** 10/6/2022      **In control:** ABAG Executive Board

**On agenda:** 11/10/2022      **Final action:**

**Title:** Executive Director's Report for November 10, 2022

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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Executive Director's Report for November 10, 2022

Therese W. McMillan

Information



ABAG

# Metropolitan Transportation Commission

375 Beale Street, Suite 800  
San Francisco, CA 94105

## Legislation Details (With Text)

**File #:** 22-1637      **Version:** 1      **Name:**

**Type:** Report      **Status:** Executive Board Approval

**File created:** 10/6/2022      **In control:** ABAG Executive Board

**On agenda:** 11/10/2022      **Final action:**

**Title:** Adoption of Resolution No. 20-2022 Regarding Remote Meetings Pursuant to Assembly Bill 361

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [06a 1 Summary Sheet Findings Pursuant to AB 361 v1.pdf](#)  
[06a 2 Attachment Resolution No 20 2022 Findings Pursuant to AB 361 to Continue Virtual Public](#)

Date	Ver.	Action By	Action	Result
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Adoption of Resolution No. 20-2022 Regarding Remote Meetings Pursuant to Assembly Bill 361

Kathleen Kane

Approval

# Association of Bay Area Governments

## Executive Board

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November 10, 2022

Agenda Item 6.a.

Resolution Providing for Remote Meetings Pursuant to Assembly Bill 361

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### Subject:

Adoption of Resolution No. 20-2022—Regarding Remote Meetings Pursuant to Assembly Bill 361

### Background:

Assembly Bill 361 provides for continuing availability of remote meetings during the pandemic-related state of emergency in California. In order to invoke this option, governing boards of Brown Act bodies, or their authorized designated committees (in this case, the Executive Board) must make certain findings in support of remote meetings within 30 days of the first meeting occurring after October 1, 2021, and every 30 days thereafter.

Attached for your review and approval is a resolution invoking Assembly Bill 361 and providing for remote meetings prospectively for 30 days following the Executive Board's action.

### Issues:

Findings in support of Resolution No. 20-2022 are found in the attached. Given the continuing state of public health emergency and the improved public access afforded by holding public meetings of regional bodies in a virtual setting, the resolution under Assembly Bill 361 is supportable.

### Recommended Action:

The Executive Board is requested to adopt Resolution No. 20-2022 authorizing the Association of Bay Area Governments, its committees, and related entities, to meet remotely pursuant to the provisions of Assembly Bill 361.

### Attachments:

Resolution No. 20-2022

### Reviewed:



Therese W. McMillan

**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 20-2022**

**ABSTRACT**

This resolution makes findings pursuant to Assembly Bill 361 to continue virtual public meetings for the Association of Bay Area Governments (ABAG), its related entities and committees during the COVID-19 State of Emergency.

Further discussion of this subject is contained in the ABAG Executive Board Summary Sheet dated November 10, 2022.



**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 20-2022**

**FINDINGS PURSUANT TO ASSEMBLY BILL 361 TO CONTINUE VIRTUAL PUBLIC MEETINGS FOR THE ASSOCIATION OF BAY AREA GOVERNMENTS, WITH ITS RELATED ENTITIES AND COMMITTEES, DURING THE COVID-19 STATE OF EMERGENCY**

**WHEREAS**, on March 4, 2020, the Governor of the State of California declared a state of emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

**WHEREAS**, the State of Emergency remains in effect; and

**WHEREAS**, beginning in March 2020, the Governor's Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting; and

**WHEREAS**, Executive Order N-08-21 extended the previous order until September 30, 2021; and

**WHEREAS**, the Association of Bay Area Governments (ABAG or Association) and its related entities and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020; and

**WHEREAS**, on September 16, 2021, the Governor signed into law Assembly Bill 361, an urgency measure effective upon adoption, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules if: (i) 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; (ii) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, 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 (iii) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

**WHEREAS**, the San Francisco Public Health Department continues to recommend and/or require measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; and

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 20-2022**

**WHEREAS**, recently, multiple COVID-19 variants have surged in the United States and are believed by medical experts to be more contagious than previous variants, and data has shown these variants to have increased transmissibility even among some vaccinated people; and

**WHEREAS**, due to uncertainty and concerns about recent COVID-19 variants and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date; and

**WHEREAS**, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

**WHEREAS**, given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees.

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 20-2022**

**NOW, THEREFORE, BE IT RESOLVED**, that the Executive Board of the Association of Bay Area Governments hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; and be it further

**RESOLVED**, that in accordance with Assembly Bill 361, based on the findings and determinations herein, meetings of ABAG, its related entities and its committees will be held virtually, with Brown Act teleconferencing rules suspended; and be it further

**RESOLVED**, that this resolution shall be effective upon adoption and remain in effect for 30 days in accordance with Assembly Bill 361.

The foregoing was adopted by the Executive Board this 10<sup>th</sup> day of November, 2022.

Jesse Arreguin  
President

**Certification of Executive Board Approval**

I, the undersigned, the appointed and qualified Clerk of the Board of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called and noticed meeting held in San Francisco, California, and at other remote locations, on the 10<sup>th</sup> day of November, 2022.

Frederick Castro  
Clerk of the Board