

2. Approval of Outdoor Equity Grant Authorizing Resolution R21-2

Recommendation: Approve the Outdoor Equity grant authorizing resolution, which authorizes the Executive Director to submit a grant application and sign all related grant documents if awarded.

Executive Director Shawna Anderson explained background and objective of the State Outdoor Equity Grant, due on 10/8/21. The existing SDRP Watershed Explorers Program will be used as the foundation for the grant application because the programming meets many of the grant criteria. She explained that the Escondido Library was chosen by the WEP committee as the focused community home base for the grant application as it meets the grant criteria for an underserved area and is working with library staff on the details. WEP outdoor nature trips would be organized and targeted to populations in the community Boardmember Inscoe expressed her enthusiasm for the grant proposal and that underserved residents in Escondido would benefit. Motion to approve by Vice-Chair Grosch and seconded by Boardmember Inscoe.

Public Comment - No Public Comments

Yes votes: Barnouw, Grosch, Harless, Inscoe, LaCava, Worden

Absent: Anderson, Lawson-Remer, Von Wilpert

3. Approve Purchase of Tractor

Recommendation: Authorize Executive Director to purchase Kubota tractor in accordance with the JPA's procurement policy.

Executive Director Shawna Anderson explained that the JPA's procurement policy requires approval from the Board for equipment purchases exceeding \$25,000. She stated that the JPA's tractor needs replacing after 13 years of use and staff obtained cost estimates for a new tractor and is recommending purchase of a Kubota tractor at \$26,869. Most of the funds would come from the JPA's equipment reserve fund. . Boardmember Inscoe asked about resale of the existing tractor and Director Anderson stated that Staff is pursuing salvage or resale of the existing Kubota tractor. . No further questions on purchase. Motion to approve by Vice-Chair Grosch, seconded by Boardmember Barnouw seconded the motion.

Public Comment - No Public Comments

Yes votes: Barnouw, Grosch, Harless, Inscoe, LaCava, Worden

Absent: Anderson, Lawson-Remer, Von Wilpert

4. Future JPA Meeting Procedures

Executive Director Shawna Anderson summarized the COVID policy for Zoom meetings, and about alternates for the County Boardmembers. Director Anderson reminded the Board that JEPA states alternates must be approved by the member jurisdiction's governing body, and that only one Boardmember Alternate may be appointed for either county member, not both. Chair Worden suggested a change in the date of the meetings to accommodate the County boardmembers that have conflicts, if needed. County staff stated that both County board members are reviewing applicants for alternates. Counsel Brechtel summarized the changing options and Brown Act rules for continuing virtual meetings in the future. Discussion followed and Chair Worden stated that meetings will likely continue on zoom for the immediate future.

Public Comment – No Public Comment

INFORMATION

5. Coordination Reports

a. San Dieguito River Valley Conservancy- Conservation Manager Emily Kochert reported on recent Conservancy events and volunteer participation which is rapidly growing.

b. Friends of the San Dieguito River Valley- Maggie Brown thanked JPA staff for an amazing event for the Ranger Station Open House.

c. Volcan Mountain Preserve Foundation – no update

d. San Dieguito Lagoon Committee- Carol Kerridge also expressed gratitude for the Ranger Open House, and hopes for another similar event in the future.

e. Friends of Sikes Adobe- No Report

6. Jurisdictional Status Reports – Boardmember Fuller reported that the 22nd DAA recently issued an RFP for their Horse Park property for continuation of existing uses. Proposals due 10/15/21. He also reported a successful year for Least Tern nesting sites with a confirmed 24 fledglings. Coastal Clean-up Day is 9/18/21. Discussion regarding the status of the Via de la Valle roadway widening with Boardmember LaCava confirming that the project is a developer mitigation project and still planned to occur, timeline not known.

Chair Worden adjourned the meeting at 12:17 pm.

These minutes approved by Board action.

Date

Executive Director

Agenda Item 1
October 15, 2021

TO: JPA Board

FROM: Staff

SUBJECT: Resolution regarding Virtual Teleconference Meetings

RECOMMENDATION:

Adopt Resolution 21-3 and provide direction for the process to be used to consider adoption of new AB 361 resolutions during the pendency of the proclaimed state of emergency.

SITUATION:

On September 30, 2021 the State's Executive Orders that authorized virtual or teleconference meetings without full compliance with the Brown Act expired. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which took effect immediately, and amends provisions of the Ralph M. Brown Act (Cal. Gov. Code 54950 et seq.) to provide local agencies with authority to continue virtual meetings during a state of emergency proclaimed by the Governor.

The authority provided by AB 361 is not automatic. For local public agencies including the JPA to continue virtual meetings two conditions must be met:

- There must be a proclaimed state of emergency pursuant to section 8625 of the California Emergency Services Act (Cal. Gov. Code, § 52953(e)(4).); and
- The JPA Board of Directors must hold a meeting and adopt a resolution finding, by a majority vote, that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees (Cal. Gov. Code, § 52953(e)(1)).

Resolutions approving virtual meetings pursuant to AB 361 automatically expire after 30 days unless renewed. (Cal. Gov. Code, § 52953(e)(3).)

AB 361 also authorizes virtual meetings if “state or local officials have imposed or recommended measures to promote social distancing” (Cal. Gov. Code, § 52953(e)(2)). It is not clear to Staff if this exception applies, particularly in light of the expiration of the Executive Orders authorizing virtual meetings. Thus, it is not presented to the Board as an option.

Agenda Item 1

October 15, 2021

DISCUSSION:

On March 4, 2020, Governor Newsom proclaimed a state of emergency due to the COVID-19 pandemic pursuant to Section 8625 of the California Emergency Services Act, and it remains in place today. Thus, the JPA Board has authority to adopt an AB 361 resolution extending virtual meetings.

AB 361 requirements present a unique challenge for the JPA Board because it only meets once a month. Because authorizations for virtual meetings must be renewed every 30 days, authorizations adopted by the JPA Board will, with few exceptions, expire before the next scheduled meeting. AB 361 allows a virtual meeting to determine if an extension should be granted, but otherwise does not permit virtual meetings until a renewed authorization is approved. This leaves the Board with two options:

1. Hold a special virtual meeting at the beginning of each month to determine if the regular meeting later in the month should be virtual; or
2. Start each regularly scheduled meeting as a virtual meeting and have adoption of a new AB 361 resolution as the first item of business. If the resolution is approved, the virtual meeting would continue. If the resolution is not approved, the Board would set a new date for an in-person meeting and adjourn.

Staff believes option two is the most practical because of the logistical difficulty of scheduling special meetings each month considering the already busy schedules of all Board members. Option 1 would provide more certainty regarding the meeting process, but in staff's estimation, the benefit of this option would not outweigh the logistical difficulties it would present.

For purposes of this meeting, there was simply not enough time to schedule a special meeting, so the Board is being presented with Option 2 only.

CAC RECOMMENDATION

The CAC is also impacted by this situation because it is considered a legislative body of the JPA that must comply with the same Brown Act rules as the JPA Board regarding virtual meetings. The CAC meetings have been held virtually since April 2020. The October CAC meeting was cancelled because there was insufficient time for the JPA Board to consider the subject resolution in compliance with AB 361 prior to the October 1 CAC meeting. The November CAC meeting can be held virtually if the JPA Board adopts the subject resolution. If the JPA Board does not adopt the resolution, then the CAC would have the option to either hold the November CAC meeting in person or cancel the meeting.

FISCAL IMPACT

This situation would not pose a fiscal impact to the JPA.

ALTERNATIVES

1. Adopt Resolution 21-3 approving continuation of virtual meetings based upon a finding that as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees;
2. Do not adopt Resolution 21-3, and instead, set a date for an in-person meeting and adjourn.

RECOMMENDATION

Adopt Resolution 21-3 and provide direction for the process to be used to consider adoption of new AB 361 resolutions during the pendency of the proclaimed state of emergency.

Respectfully submitted,

Shawna Anderson
Executive Director

Attachments:

1. Draft Resolution 21-3

RESOLUTION NO. 21-3

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY AUTHORIZING REMOTE TELECONFERENCE MEETINGS DUE TO THE DECLARED STATE EMERGENCY RESULTING FROM THE COVID-19 PANDEMIC

WHEREAS, the San Dieguito River Valley Regional Open Space Joint Powers Authority (JPA) is committed to ensuring public access and participation in meetings of its legislative bodies; and

WHEREAS, all meetings of the JPA Board of Directors (Board of Directors) and the JPA's other legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconference meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), during a proclaimed state of emergency, subject to specified conditions; and

WHEREAS, on March 4, 2020, the Governor of California issued a Proclamation declaring a state of emergency pursuant to Government Code section 8625 due to the COVID-19 pandemic;

WHEREAS, COVID-19 can result in serious illness or death; and

WHEREAS, COVID-19 spreads effectively in indoor settings when multiple people are present,

NOW, THEREFORE, THE BOARD OF DIRECTORS FOR THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY HEREBY FINDS AND RESOLVES AS FOLLOWS:

1. The above recitations are true and correct.
2. As a result of the COVID-19 pandemic state of emergency, the risk of serious illness or death from the disease, and the ability of the disease to spread efficiently when multiple people are present, Board finds that meeting in person would present imminent risks to the health and safety of attendees.
3. Accordingly, the Board elects to continue holding legislative meetings telephonically pursuant to the alternative procedures authorized by Government Code section 54953(e).

4. The Executive Director is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 14, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the JPA may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED at a meeting of the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Power Authority held October 15, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:
