



SAN FRANCISCO BAY
RESTORATION AUTHORITY

Resolution No. 95

**Approving Letter to Assemblymembers Alex Lee and Cristina Garcia
in Support of AB 1944**

Whereas, the San Francisco Bay Restoration Authority Act provides that the San Francisco Bay Restoration Authority (“Authority”) is subject to the open meeting requirements of the Ralph M. Brown Act (Government Code sections 54950–54963) (“Brown Act”); and

Whereas, on March 4, 2020, Governor Newsom declared a State of Emergency due to the COVID-19 pandemic; and

Whereas, the Brown Act has been amended to permit local legislative bodies to meet by teleconference during a State of Emergency, provided that they make specified findings every thirty days; and

Whereas, AB 1944, introduced by Assemblymembers Alex Lee and Cristina Garcia, would amend the Brown Act to permit local agencies to meet remotely in non-emergency circumstances, provided that they permit the public to participate remotely as well; and

Whereas, remote meetings provide greater opportunities for public participation in local government business, consistent with the purposes of the Brown Act; and

Whereas, remote meetings reduce greenhouse gas emissions associated with travel to in-person meetings.

Now Therefore Be It Resolved, that the Authority approves the letter to Assemblymembers Lee and Garcia, supporting AB 1944, attached as Exhibit A.

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on April 22, 2022, by the following vote:

AYES: Governing Board Members Pine, Gioia, Holman, Peskin, Lieber, Gorin, Hahn

NOES: Governing Board Members _____

ABSENT: Governing Board Members _____

ABSTAIN: Governing Board Members _____

DocuSigned by:

Dave Pine

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Dave Pine, Chair

I, Anulika White, Clerk of the Governing Board of the San Francisco Bay Restoration Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Governing Board of the San Francisco Bay Restoration Authority at its meeting of April 22, 2022, which Resolution is on file in the office of this regional governmental entity.

DocuSigned by:

Anulika White

CD6AECBE7C10439

Anulika White, Clerk

Exhibit A

**Governing Board**

Sup. Dave Pine
Chair
County of San Mateo

Sup. John Gioia
County of Contra Costa

Sup. Susan Gorin
County of Sonoma

Councilmember Sophie Hahn
City of Berkeley

Director Karen Holman
Midpeninsula Regional Open
Space District Board

Councilmember Sally Lieber
City of Mountainview

Sup. Aaron Peskin
City & County of SF

Amy Hutzell
Executive Officer

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c/o State Coastal Conservancy
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Oakland, CA 94612

Telephone: 510-286-7193

Email: info@sfbayrestore.org

Web: www.sfbayrestore.org

April 22, 2022

The Honorable Alex Lee

VIA ELECTRONIC MAIL: assemblymember.lee@assembly.ca.gov

The Honorable Christina Garcia

VIA ELECTRONIC MAIL: assemblymember.garcia@assembly.ca.gov

Dear Assemblymembers Lee and Garcia:

I write on behalf of the Governing Board of the San Francisco Bay Restoration Authority to express our support for AB 1944, which would allow local agencies to continue to hold remote meetings after the end of the COVID-19 pandemic. The last two years have shown that remote meetings allow for broader public participation in local government business and avoid unnecessary carbon emissions caused by travel to in-person meetings.

The San Francisco Bay Restoration Authority (Authority) is a local agency created to fund shoreline projects in the nine-county Bay Area that will protect, restore, and enhance San Francisco Bay. The Authority has been meeting remotely since March 2020, most recently pursuant an amendment to the Ralph M. Brown Act that permits remote meetings in limited circumstances.

Remote meetings in our experience have had significant public benefits in addition to their role in curbing the spread of infection. First, remote meetings of our board are far more accessible to members of the public, who may not have the means or the time to travel to an in-person Authority meeting in downtown San Francisco but are interested in the work of the Authority to restore San Francisco Bay. Remote meetings thus further the Brown Act's purpose of ensuring opportunities for the public to engage in local government business. Second, remote meetings avoid the need for board members and the public to travel long distances to an in-person meeting and thus reduce unnecessary greenhouse gas emissions. This benefit is particularly important to the Authority, which strives to protect San Francisco Bay from the impacts of climate change and sea level rise.

We therefore applaud your efforts to amend the Brown Act to make remote meetings a permanent feature of local government business. The Brown Act currently permits remote meetings only during a declared state of emergency, when an agency can find that in-person meetings present a significant health risk. Now that most COVID restrictions have been lifted and infection rates have fallen significantly, we expect it will no longer be possible to make that finding in the near future. AB 1944 would

Exhibit A

amend the Act to permit local agencies to meet remotely in non-emergency circumstances, as long as they provide an opportunity for members of the public to participate remotely as well.

As you move this legislation forward, we urge you to consider, too, that in some circumstances it may not be possible for an agency to hold a remote meeting. For example, our board sometimes visits projects on the San Francisco Bay shoreline funded by the Authority. These site visits must comply with Brown Act requirements, but it is generally not possible to provide for remote participation in the field. AB 1944 as currently drafted appears to allow for such meetings by permitting local agencies to proceed without a remote option, as long as all participating board members appear in person. We encourage you to ensure that any future versions of the bill account for this issue as well.

Thank you again for your efforts to update the Brown Act and ensure that local agencies and the public can continue to reap the benefits of remote government meetings.

Sincerely,

DocuSigned by:

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Dave Pine
Chair of the Board