



CITY of BRISBANE

Open Space and Ecology Committee Meeting Agenda

Wednesday, January 29, 2025 at 6:30 PM • City Hall 50 Park Place, Brisbane, CA 94005

The public may observe/participate in Commission meetings using remote public comment options or attending in person. Commissioners shall attend in person unless remote participation is permitted by law. The Commission may take action on any item listed in the agenda.

TO ADDRESS THE COMMITTEE

IN PERSON

Location: 50 Park Place, Brisbane, CA 94005, Community Meeting Room

Masks are no longer required but are highly recommended in accordance with California Department of Health Guidelines. To maintain public health and safety, please do not attend in person if you are experiencing symptoms associated with COVID-19 or respiratory illness.

Remote Participation

Members of the public may observe/participate in the Committee Meeting by logging into the Zoom Webinar listed below. Please be advised that if there are technological difficulties, the meeting will nevertheless continue.

The agenda materials may be viewed online at www.brisbaneca.org at least 24 hours prior to a Special Meeting, and at least 72 hours prior to a Regular Meeting. Archived videos can be replayed on the City's website, brisbaneca.org/meetings.

Remote Public Comments

Remote meeting participants may address the Committee members via the Zoom Webinar or Call In Number. Meeting participants are encouraged to submit public comments in writing in advance of the meeting to aetherton@brisbaneca.org. Emails will not be monitored during the meeting.

Join Zoom Webinar: www.brisbaneca.org/osec-zoom

Meeting ID: 976 4295 0160

Call In Number: 669.900.9128

Note: Callers dial *9 to "raise hand" and dial *6 to mute/unmute.

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the Parks & Recreation Department (415) 508-2140 in advance of the meeting. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

CALL TO ORDER

ROLL CALL

- A. Consider any request of a committee member to attend the meeting remotely under the “Emergency Circumstances” of AB 2449

ADOPTION OF THE AGENDA

ORAL COMMUNICATIONS

- [B.](#) Revised Brown Act Provision Notes and FAQs

ORAL COMMUNICATIONS

APPROVAL OF THE MINUTES

- [C.](#) Minutes of January 6, 2025

OLD BUSINESS

- D. Discuss how to address Climate Action Plan goals

NEW BUSINESS

- [E.](#) Discuss draft Work Plan
- F. Consider process and possible subcommittee for OSEC Baylands EIR review

STAFF UPDATES

SUBCOMMITTEE REPORTS

CALENDAR ITEMS

CHAIR AND COMMITTEE MEMBER MATTERS

NEXT MEETING: February 26, 2025

ADJOURNMENT

File Attachments for Item:

B. Revised Brown Act Provision Notes and FAQs



To: Mayor and Members of the City Council

From: Michael Roush, Legal Counsel

Date: January 16, 2025

Subject: **Revised Brown Act Provisions Concerning Attending Meetings Remotely**

The Brown Act has been revised effective January 1, 2025, concerning members of legislative bodies, i.e., Council, standing subcommittees, committees and commissions, to attend meetings remotely. For the most part the same rules apply as have been in effect since February 2023. For example, legislative bodies are required to attend meetings in person but may attend meetings remotely under certain circumstances discussed in more detail below. The most significant revision, however, is that a member is now limited to attending meetings remotely under the just cause or the emergency circumstances provisions no more than five times per calendar year and, in the case of attending meetings remotely under the just cause provisions, limited to attending meetings under those provisions to no more than twice in a calendar year.

Meetings Effective January 1, 2025

Council, Commission and Committee members will continue to need to attend meetings in person. Members of the public may attend meetings either in person or remotely, so long as there is City technology that will allow members of the public to observe and participate in the meeting in essentially the same fashion as if they were in person. The City has the required technology.

Methods for Members to Participate Remotely.

Under the Brown Act, legislative body members are permitted to attend a meeting remotely if certain requirements of the Brown Act are followed. Under long standing procedures under the Brown Act, a member may participate remotely, for example, when the member is traveling so long as a quorum of the legislative body is within the jurisdiction of the local agency, the agenda must reflect where any “remote” member will actually be (*e.g.*, the address of a hotel), the member must post the agenda at that location (*e.g.*, on the door of the hotel room or conference room in which the member will participate remotely), the location must be accessible by the public, and all votes must be done by roll call. As noted, councilmembers have used the procedures described in this paragraph from time-to-time, for example when attending out of town conferences or when on vacation.

The Brown Act was amended in 2023 to allow members of a legislative body to attend meetings

remotely under other, but limited, circumstances: so long as a quorum of the legislative body participates in person from a physical location open to the public, other members may participate in the meeting remotely under specified conditions if they have either just cause or there are emergency circumstances.

Just Cause

Just cause is defined as any one of the following: childcare or caregiving of a child, parent, grandchild, grandparent, sibling, spouse or domestic partner; a contagious illness; a need related to physical or mental disability; or travel on business of the local agency. The member must notify the legislative body at the earliest opportunity and provide a general description of the circumstances above. The member must also publicly disclose at the meeting whether any other individual 18 years of age or older is present in the room where the member is and, if so, the general nature of the member's relationship with such individual. The member must also participate through audio and visual technology. Significantly, a member may only participate remotely under the just cause provisions twice per calendar year and a member may only participate using the just cause and emergency circumstances remote participation procedures, collectively, no more than five times each calendar year.

Emergency Circumstances

Emergency circumstances mean a physical or family medical emergency that prevents a member from attending a meeting in person. To utilize this provision, the member must request (not just notify) the legislative body as soon as possible and the legislative body must consider the request at the earliest possible time and must approve the request if the member is to be allowed to participate remotely. If the member has not already done so, the legislative body must request a general description of the emergency circumstances, but the description need not be more than 20 words and need not disclose any private, personal, or medical information. As with the just cause provisions, the member must publicly disclose at the meeting whether any other individual 18 years of age or older is present in the room where the member is and, if so, the general nature of the member's relationship with the individual. The member must also participate through audio and visual technology. And the use of remote participation by a member under the just cause and emergency circumstances participation provisions, collectively, may not exceed five in any calendar year.

Additional Requirements

For a member to participate remotely under the just cause or emergency circumstances provisions, the following, among other requirements, must also be met:

1. The public must be able, remotely, to hear, visually observe, and address the legislative body (e.g., via in a two-way audiovisual platform).
2. There must be a notice of how the public may access the meeting and offer comments.
3. The agenda must provide information as to how the public may attend and address the legislative body, whether through call in, internet-based service, or in person.
4. If there is a disruption of the meeting broadcast or in the ability to take public comment, no further action on the item may be taken until the issue is resolved, although the legislative body may continue to discuss the item. Once the broadcast is restored, the legislative body must allow public comment before taking any action.

Conclusion

The City Clerk and the City Attorney/Legal Counsel will work with any Council, Commission or Committee member who wishes to avail him/herself of these provisions. If there are questions about the conduct of meetings or about the revised Brown Act provisions, please let us know.

cc: All Commissions and Committees

Ways Members of a Legislative Body (Council, Commissions, Committees) May Participate in Meetings effective January 1, 2025

	Notes for Members	Notes for Staff
Member Attending the meeting in Person	Meetings held in person at Brisbane City Hall 50 Park Place, Brisbane	If a meeting of a legislative body of a local agency lacks a quorum, it does not constitute a meeting under the Brown Act. Cal. Gov't Code § 54952.2.
Absent/No Show	Check attendance policy in City Council Handbook or Committees and Commission policy from Resolution No. 2013-12	Check attendance policy in City Council Handbook or Committees and Commission policy from Resolution No. 2013-12
Member attending the meeting virtually, i.e., remotely, under the Just Cause provisions	Provisions for child care or caregiving of a child, parent, grandchild, grandparent, sibling, spouse or domestic partner; a contagious illness; a need related to physical or mental disability; or travel on business of the City The member must <u>notify</u> the legislative body at the earliest opportunity and provide a general description of one or more of the circumstances above Email notice is sufficient if sent to the - chair, city clerk and staff lead and the member provides a general description of one or more of the circumstances above.	There must be an in-person quorum but subcommittees may have one in person and one remote member (if more than 2 members in a subcommittee, the majority of the members must be in person) Receive Email Notice from member that provides a general description of one or more of the circumstances under "Notes for Members" All votes must be conducted by roll call

	Need not disclose any private personal or medical information The member must publicly disclose at the meeting whether any other individual 18 years of age or older is present in the room where the member is and, if so, the general nature of the member's relationship with the individual. The member must participate through both audio and visual technology. Use of the just cause provisions to attend meetings remotely is limited to two per calendar year but a member may not participate remotely under the just cause and the emergency circumstances provisions collectively, more than five times in each calendar year for each legislative body on which a member sits	
Member attending the meeting virtually, i.e., remotely, using "Emergency Circumstance" provisions	An emergency circumstance is a physical or family medical emergency that prevents a member from attending a meeting in person Email <u>request</u>- to the chair, city clerk and staff lead and provide a general description of the emergency (which need not be more than 20 words) and need not disclose any private, personal, or medical information Legislative body must consider the request at the earliest possible time (there will be a standing item on the consent calendar) and must approve the request if the member is to be allowed to participate remotely. The member must publicly disclose at the meeting whether any other	There must be an in-person quorum but subcommittees may have one in person and one remote person (if more than 2 members in a subcommittee, the majority of the members must be in person) On the agenda have a standing item under Roll Call so that the legislative body has the opportunity to consider and then act on the request Receive Email <u>request</u> from member that provides a general description of the emergency All votes must be conducted by roll call

	individual 18 years of age or older is present in the room where the member is and, if so, the general nature of the member's relationship with such individual. The member must participate through both audio and visual technology. A member may not participate remotely under the just cause and emergency circumstances provisions collectively, more than five times in each calendar year for each legislative body on which a member sits.	
Member attending the meeting by Teleconferencing <u>(Only Audio (in Zoom only audio); no video)</u>	The Brown Act allows a member to attend a meeting by teleconference if the member complies with the certain statutory requirements: The teleconference location is accessible to the public and the location is noted on the agenda, e.g., the address of a hotel where the member is staying or the member's home address; The location must be accessible by the public. Contact the city clerk for all requirements	There must be an in-person quorum but subcommittees may have one in person and one remote person Post location where the member will be on the agenda All votes must be conducted by roll call

FAQs

1. Are these the same rules applicable to Subcommittee meetings?

The requirements of the Brown Act apply to “legislative bodies” of **local governmental agencies**. The term “legislative body” is defined to include the governing body of a local agency (e.g., the city council) and any commission, committee, board or other body of the local agency, whether permanent or temporary, decision-making or advisory, that is created by formal action of a legislative body (Government Code, section 54952). This includes standing subcommittee meetings but not ad hoc subcommittee meetings. Ad hoc subcommittees are temporary, that is, they have a defined purpose and a time frame to accomplish that purpose, and are not considered “legislative bodies”. As such, ad hoc committees may, but are not required to, comply with all provisions of the Brown Act.

2. What happens if there are technical difficulties during the Legislative Bodies’ meeting?

As long as interactive audio is maintained (i.e., even when the live stream and/or cable channel is down)— the meeting may continue and the legislative body may vote on an item.

If there is no longer interactive video/audio (e.g., Zoom is no longer working), the legislative body may not vote on an item, however, the members of the legislative body may (but are not required to) continue discussing the item and asking questions.

If interactive video/audio becomes active, the legislative body must allow more public comment on that item before taking action on the item.

3. What if the legislative body has a need to do a site visit at an off site location ?

When meetings are held off site, the body must first meet at its regular meeting place and then proceed to the off site/outdoor location. As a practical matter, a member or a member of the public could not attend that remotely. Accordingly, the agendas for those meetings should be clear that the meetings will not be conducted in a hybrid fashion

- 4. For typical teleconferencing, i.e., where the member is participating remotely but not under the just cause or emergency circumstances provisions, does the member really need to post the agenda on the front door of the member's residence, or on the door of the member's hotel room, where the member will be participating remotely?**

The statute is ambiguous about this. It provides that the agenda shall be posted at all teleconference locations, each teleconference location shall be identified on the meeting notice and agenda, and each teleconference location shall be accessible to the public. In the absence of clarifying language from the Legislature or a decision by the courts, the safer approach is to post the agenda on the front door of the member's residence or the door of the hotel room/conference room from which the member will be participating remotely.

- 5. What level of detail is required to be provided when a member wants to participate remotely in a meeting for physical or family medical emergency reasons?**

When a member has a valid physical or family medical emergency that prevents the member from attending the meeting in person but does allow the member to attend remotely, the member must only provide a general explanation of the medical reasons. The explanation should be limited to 20 words and shall not require the member to disclose any medical diagnosis or disability, or any other personal medical information that is exempt from disclosure under the law.

File Attachments for Item:

C. Minutes of January 6, 2025



CITY of BRISBANE

Open Space and Ecology Committee Meeting Minutes

Monday, January 6, 2025 at 5:30 P.M. • Hybrid Meeting 50 Park Place, Brisbane, CA

CALL TO ORDER – 5:36 PM

ROLL CALL

- A. Consider any request of a committee member to attend the meeting remotely under the “Emergency Circumstances” of AB 2449

Committee members present: Becker, Ebel (5:51), Rogers, Salmon, Walker

Staff members present: Sustainability Manager, Etherton; Deputy Director of Public Works, Kinser

ADOPTION OF THE AGENDA

Rogers moved to adopt the agenda and Becker seconded; the motion was adopted unanimously.

ANNOUNCEMENTS – Salmon noted the 11:59pm deadline for Quarry DEIR comments

ORAL COMMUNICATIONS – none.

APPROVAL OF THE MINUTES

- B. Minutes of August 28, 2024 – Etherton explained that the July minutes were inadvertently attached to the October meeting packet instead of August, thus these minutes were not properly approved previously. Becker moved to approve the minutes and Rogers seconded; the motion was adopted unanimously with Walker abstaining.
- C. Minutes of October 23, 2024 – Rogers moved to approve the minutes and Becker seconded; the motion was adopted unanimously.

OLD BUSINESS

- D. Finalize OSEC Comments on Quarry DEIR - Etherton noted the minor changes made from the version posted. Becker commended the group on their effort and opined that the tone and style differences of the various writers were not material. Salmon reviewed the comments on the Executive Summary and the outline of the CEQA process. The group discussed some of their significant concerns, related to traffic, wildfire, safety, emergency evacuation, mining contaminants, preference for housing as well as history of potential housing development at the Quarry. Members expressed that they felt the project EIR was not certifiable and hoped the project wouldn't move forward. Becker moved and Ebel seconded to approve the comment document as discussed.

NEW BUSINESS

- E. Discuss how to address Climate Action Plan goals – Staff and various members provided background on the existing CAP, lack of current CAP, and the subcommittees. Etherton

will send the 2015 CAP to the full committee and we will continue the conversation next meeting

STAFF UPDATES

Etherton noted that a new Sustainability Fellow will be starting tomorrow!

Kinser, responding to an inquiry from Salmon, noted that the Code Enforcement officer is reviewing side-by-side the app he was using and the one Salmon suggested for identification of invasive plants.

Kinser also noted the cleaning of the requested invasives out of the concrete channel that serves as frog habitat near Cypress Lane was completed.

SUBCOMMITTEE REPORTS AND REORGANIZATION

- Events (Rogers, Salmon, Nunan) – Etherton noted Feb 8 habitat event
- Education and Outreach (Rogers, Walker) – Etherton reported the subcommittee is working on a Climate Emergency Declaration/Resolutions theme for the next display, to be updated next week
- *Lipman Science Fair (Walker, Ebel) - Rogers noted that she would send the contact information for the school staff to the new committee members
- *Tree Issues (Ebel, Salmon) – Ebel will reach out to schedule a meeting
- Baylands Specific Plan subcommittees – no updates

CALENDAR ITEMS – Etherton noted Feb 8 habitat event.

CHAIR AND COMMITTEE MEMBER MATTERS – none

NEXT MEETING: January 29 at 6:30PM

ADJOURN – 6:58 PM

File Attachments for Item:

E. Discuss draft Work Plan

2025 OSEC Work Plan

The Open Space and Ecology Committee provides policy and programmatic recommendations on environmental issues.

Priority projects:

- Provide input on Quarry and Baylands Developments
- Consider strategies to reduce emissions from existing buildings and transportation
- Support the health and growth of the urban tree canopy utilizing the recent Tree Inventory, via education and outreach, grants and potential other means. Consider setting a canopy coverage goal.

Routine/ongoing efforts:

- Review and approve annual vegetation management plan for Brisbane Acres
- Review Open Space Plan and its implementation and update as necessary
- Review and recommend plans to meet Climate Emergency Declaration goals
- Provide input on three to four habitat restoration days per year
- Improve/maintain Crocker Trail frog habitat
- Education and Outreach
 - Day in the Park community festival
 - Bike to Work Day
 - Lipman Science Fair
 - Library display
 - Publications through City e-blast, Star, website, social media sites and MCTV
 - Outreach to targeted areas, e.g. on trash

Long-term policy issues (to be addressed if/when they arise):

- Coordinate Climate Action Plan update with Baylands Specific Plan
- Provide input on design of Baylands open space upon Council approval of land use
- General Plan - Review of future proposed updates to Open Space Element