

**PUENTE HILLS HABITAT PRESERVATION AUTHORITY
CITIZENS TECHNICAL ADVISORY COMMITTEE
*Endowment Provided by the Puente Hills Landfill***

February 14, 2023, Tuesday, 7 p.m.

LOCATION:

This meeting will take place remotely in accordance with Government Code section 54953(e) *et seq.* (AB 361) and Resolution 23-01, adopted by the Board on January 19, 2023. Members of the public can observe and participate in the meeting as follows:

Via video (Zoom) by joining at this address: <https://us02web.zoom.us/j/85461998678>

- Or - Phone by joining at these numbers: +1 669 444 9171, or +1 669 900 6833

Meeting ID: 854 6199 8678, Find your local number: <https://us02web.zoom.us/j/85461998678>

Vacant	La Habra Heights
Catherine Houwen	La Habra Heights
Adam Nazaroff	La Habra Heights
Vacant	Whittier
Ray Wong	Whittier
Jeff Brauckmann	Whittier
Matthew Liang, Vice Chair	County of Los Angeles
Gabriel Monares	County of Los Angeles
Bryan Coreas	County of Los Angeles

Members of the public may provide electronic comments by Monday, February 13, 2023, by 4:00 p.m. to info@HabitatAuthority.org. Please label the email in the subject heading as “Public Comments.” Public comments may also be verbally heard during item IV of the meeting.

72 hours prior to Citizens Technical Advisory Committee meetings, the entire Citizens Technical Advisory Committee agenda package is available for review, along with any meeting-related writings or documents provided to a majority of the Committee members after distribution of the agenda package, at the Authority’s website, www.habitatauthority.org. In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to participate in this meeting, including auxiliary aids or services, please call Andrea Gullo at 562.945.9003, at least 48 hours prior to meeting.

Pursuant to Section 54954 of the Government Code, the Puente Hills Habitat Preservation Authority (Authority) will hold a regular meeting of the Citizens Technical Advisory Committee (CTAC) at the above time and location for the purpose of:

Oaths of Office for new Advisory Committee members Gabriel Monares and Bryan Coreas.

AGENDA

- I. Call to order.
- II. Roll call.
- III. Introduction of new Advisory Committee Members.
- IV. Public comments.

Agenda
February 14, 2023

- V. Discussion and possible action regarding election of Committee Chair and Vice Chair, and selection of Board Liaison.
- VI. Approval of Minutes for the November 15, 2022, Regular Meeting.
- VII. Standing Reports:
 - a) Report by Board Liaison on previous months' Authority Board of Directors meetings.
 - b) Report from the social media subcommittee.
 - c) Committee Member feedback from the public as it relates to the Habitat Authority.
- VIII. Discussion: Receive and file November and December 2022 Mountains Recreation and Conservation Authority (MRCA) Ranger Reports.
- IX. Update, receive and file regarding Authority comments on Draft Environmental Impact Report for the Brea Boulevard Corridor Improvement Project.
- X. Receive and file update regarding in-person meetings and teleconferencing rules under the Brown Act as the COVID-19 state of emergency ends on February 28, 2023.
- XI. Discussion and possible recommendation to the Board of Directors regarding adopting Board resolution 2023-03 Authorizing the Executive Director to Apply for and Enter into Grant Agreement with State of California, Department of Forestry and Fire Protection for Puente Hills Fuels Reduction II Project, and any other required grant-related documents.
- XII. Closing Remarks (Comments/questions from Committee Members and/or Executive Director).
- XIII. Adjournment and announcement of the next meeting.

The Puente Hills Habitat Preservation Authority is a public entity established pursuant to the Joint Exercise of Powers Act by agreement between the City of Whittier, Los Angeles County, and Sanitation Districts of Los Angeles County. Regular meetings of the Citizens Technical Advisory Committee are scheduled for the Tuesday before the third Thursday of every month.

Questions about any agenda item can be addressed to Andrea Gullo, Executive Director, 562.945.9003.

MEMORANDUM

Meeting Date: February 14, 2023

To: Citizens Technical Advisory Committee

Prepared by: Andrea Gullo, Executive Director

Agenda Item V. Discussion and possible action regarding election of Committee Chair and Vice Chair, and selection of Board Liaison.

Background:

On February 28, 2013, at the Advisory Committee's recommendation, the Board of Directors approved the attached Advisory Committee election policies. The Chair and Vice Chair positions are rotational and elections to the positions occur annually during the first month of the calendar year. This year an Advisory Committee Member from the County of Los Angeles is scheduled to fill the Chair position, and a member representing the City of Whittier is scheduled to fill the Vice Chair position. Please see the attached rotation schedule of officers.

Also, the elections of officers is the most opportune time for the Advisory Committee to identify a Board Liaison for the group. This position has historically been filled either by the Advisory Committee Chair, or by the member designated by the Committee to present actions and thoughts of the Committee at the Board of Directors' meetings.

The Committee last held elections in October 2022 due to a variety of circumstances involving cancellation of meetings and Committee vacancies.

Recommendation:

- 1) That a member nominate a Vice Chair person, and have this motion seconded by another for a vote.
- 2) That a member nominate a Chair person, and have this motion seconded by another for a vote.
- 3) That a member nominate a Board Liaison, and have this motion seconded by another for a vote

Attachments:

Election policies
Rotational schedule of officers



Puente Hills Habitat Preservation Authority

Endowment Provided by the Puente Hills Landfill

Citizens Technical Advisory Committee Election of Officers Policy

1. The CTAC's chair and vice-chair positions (the positions) shall have a standard term limit of one year. Members may be elected to hold these positions in the future but not in consecutive calendar years, except as described in section 3 below.
2. The positions shall rotate by communities represented on the CTAC. Starting in the year 2013 a CTAC member representing La Habra Heights shall be elected to hold the chair position, following the year afterwards by a member from the unincorporated communities of Los Angeles County (either Hacienda Heights or Rowland Heights), and followed by a member from the City of Whittier. Starting in 2013, the vice-chair position shall be a member from the unincorporated communities of Los Angeles County, followed the next year by a member from the City of Whittier, and then by a member from La Habra Heights.
3. If a vacancy occurs with the positions, the CTAC shall vote at the next meeting to fill that position with a member from which community the position was held. In the event that a community member representing that of the current position is unavailable to be elected to fill the vacancy, then the succeeding community in the rotation will be eligible for election into that vacant position, as well as be eligible for re-election at the next first meeting of the calendar year. The objective is to not have any position held by the same community for two consecutive years, but not be shorter than one year in length. Should the chair position change representative communities then the vice-chair position shall rotate community representatives as well.
4. Should no member decide to make themselves available for election, the current officer shall continue to hold that position until a replacement officer is elected even if the officer's term expires.
5. The CTAC is eligible to elect any member to the positions out of rotation order if it acts by a majority in the belief that the interests of the Authority will be best served in that manner.

The above policy is compatible with Authority Board Resolution 97-01 that established the CTAC. Section 2f of the Resolution authorizes annual elections of officers, the positions, to occur in the first meeting of the calendar year. Specifically, the proposed term limits and rotation schedule of the positions are not in conflict with the Resolution as each year the election



of officers would be limited to a candidate pool of up to three members representing the community that is eligible to hold the positions according to the rotation schedule. The Resolution allows for a re-election of officers, which would be the case should a member be re-elected to a position in a non-consecutive year of holding that position, or in the special case of a member who has filled a vacant position the previous year.

For example, if La Habra Heights' representative as chair is no longer available in May to hold the position, then at the June CTAC meeting a vote shall occur to elect a different La Habra Heights representative to that position. If no other La Habra Heights member is available to fill that position, then a CTAC member from unincorporated Los Angeles County shall be elected to the position of chair. With this being the case, the vice-chair position will need to rotate to the next representative community, the City of Whittier. In January of the next year, the County CTAC chair member will be eligible for re-election to the chair position, or another member from the County will be eligible for election to the chair position. The same logic applies for the vice-chair position.

Advisory Committee Chair and Vice Chair Rotation Schedule

Notes

Year	Chair Region	Held By	Vice Chair Region	Held By
2013	LHH	Cathy Houwen	LA County	Gina Natoli
2014	LA County	Gina Natoli	Whittier	April Garbat
2015	Whittier	April Garbat	LHH	Cathy Houwen
2016	LHH	Cathy Houwen	LA County	Richard Lacy
2017	LA County		Whittier	
2017	Whittier	Shelley Andros	LHH	Cathy Houwen
2018	Whittier	Shelley Andros	LHH	Cathy Houwen
2019	LHH	Cathy Houwen	LA County	Karen Chang
2020	LA County	Karen Chang	Whittier	Ray Wong
2021	Whittier	Chuck Lawrence	LHH	Roy Francis
2022	LHH	Roy Francis	LA County	Matthew Liang
2023	LA County		Whittier	
2024	Whittier		LHH	
2025	LHH		LA County	
2026	LA County		Whittier	
2027	Whittier		LHH	

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2

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Notes:

- 1 No meeting: Feb, March or April
- 2 May meeting elections, no County representative on CTAC
- 3 Elections held in October 2022

DRAFT Minutes
PUENTE HILLS HABITAT PRESERVATION AUTHORITY
CITIZENS TECHNICAL ADVISORY COMMITTEE
November 15, 2022

This meeting took place remotely in accordance with Government Code section 54953(e) et seq. (AB 361) and Resolution 22-14, adopted by the Board of Directors on October 20, 2022. Members of the public could have observed and participated in the meeting as follows:

Via video (Zoom) and telephonically at this address:
<https://us02web.zoom.us/j/88424095491>

- or - Phone at these numbers: +1 669 900 6833, +1 669 444 9171,
Meeting ID: 884 2409 5491

The regular meeting of the Citizens Technical Advisory Committee was held on Tuesday, November 15, 2022, via video and telephonically.

I. CALL TO ORDER.

The Vice Chair, Matthew Liang, called the meeting to order at approximately 7:00 p.m.

II. ROLL CALL.

A roll call was taken, and there was a quorum at this time.

Members Present:	Matthew Liang, Vice Chair	County of Los Angeles
	Catherine Houwen	La Habra Heights
	Shelley Andros	Whittier
	Jeff Brauckman	Whittier
	Ray Wong	Whittier

Members Absent:	(vacant)	County of Los Angeles
	(vacant)	County of Los Angeles
	Roy Francis, Chair	La Habra Heights
	Adam Nazaroff	La Habra Heights

Authority Representatives Present:
Andrea Gullo, Executive Director

III. INTRODUCTION OF NEW ADVISORY COMMITTEE MEMBERS

Jeff Brauckman who took the Oath of Office before the meeting began was welcomed and introduced himself to the group.

IV. PUBLIC COMMENTS.

Gina Natoli, former CTAC Member and resident of Hacienda Heights, provided comments on agenda item VIII, the Murphy baseball field lighting project. She suggested the following mitigation measures for the CTAC to consider:

- a) measure the light back spill onto the open space immediately after the lights are installed. Require that full shielding be put in place if the back spill is not zero, or implement another mitigation measure to prevent any back spill.
- b) review impacts on an annual basis through the survey method.

V. APPROVAL OF MINUTES FOR THE OCTOBER 18, 2022, REGULAR MEETING.

Member Houwen motioned to approve these minutes as drafted. Member Wong seconded this motion, and in a roll call vote the motion passed unanimously.
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VI. STANDING REPORTS:

a. REPORT BY BOARD LIAISON ON PREVIOUS MONTH'S AUTHORITY BOARD OF DIRECTORS MEETING.

Executive Director Gullo provided this report at the request of Cathy Houwen, Board Liaison.

b. REPORT FROM THE SOCIAL MEDIA SUBCOMMITTEE.

Shelley Andros, member of the social media subcommittee, provided a report regarding social media activity.

c. COMMITTEE MEMBER FEEDBACK FROM THE PUBLIC AS IT RELATES TO THE HABITAT AUTHORITY.

There was nothing reported for this item.

VII. DISCUSSION: RECEIVE AND FILE OCTOBER 2022 MOUNTAINS RECREATION AND CONSERVATION AUTHORITY (MRCA) RANGER REPORT

This item was discussed. After discussion, the Vice Chair received and filed this report.

VIII. DISCUSSION AND RECOMMENDATION TO THE BOARD TO SUBMIT AUTHORITY'S COMMENTS ON INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE CITY OF WHITTIER'S MURPHY RANCH LITTLE LEAGUE BASEBALL FIELD LIGHTING PROJECT.

Executive Director Gullo provided a report on the matter. There was discussion. The CTAC discussed amending the letter to incorporate the public comments made earlier regarding additional mitigation measures.

Member Andros motioned to submit comments as amended incorporating the public comments regarding additional mitigation measures. Member Brauckmann seconded this motion, and in a roll call vote the motion passed unanimously.

IX. DISCUSSION AND RECOMMENDATION TO THE BOARD TO AUTHORIZE THE EXECUTIVE DIRECTOR TO A) EXECUTE A NON-COMPETITIVE CONTRACT WITH SCI CONSULTING GROUP FOR SERVICES TO FACILITATE AN OPINION POLL AND TO PROVIDE FINANCIAL SERVICES FOR A POTENTIAL FUNDING MEASURE IN THE AMOUNT OF \$86,250 OR \$111,250, AND B) EXECUTE A CONTRACT WITH TBWBH PROPS & MEASURES FOR ASSOCIATED PUBLIC OUTREACH SERVICES IN THE AMOUNT OF \$86,400 OR \$126,154.

Executive Director provided background on this item. The CTAC expressed concern regarding funding this effort with limited resources, an unpredictable economy, desire for state funding, and asked questions. There was discussion.

A motion for a recommendation to the Board for the approval of above-mentioned contracts was made by Member Andros. There was no second for the motion.

X. DISCUSSION AND RECOMMENDATION TO THE BOARD TO AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A NON-COMPETITIVE CONTRACT WITH NAKAE AND ASSOCIATES FOR LANDSCAPE MAINTENANCE SERVICES IN AN AMOUNT OF \$20,000, AND FIND THAT THE ASSOCIATED MAINTENANCE WORK IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PURSUANT TO SECTIONS 15304(D) (MINOR ALTERNATIONS TO LAND), 15307 (ACTIONS BY REGULATORY AGENCY FOR THE PROTECTION OF THE ENVIRONMENT), AND 15333 (SMALL HABITAT RESTORATION PROJECTS) OF THE CEQA GUIDELINES.

Executive Director provided background on this item. There was discussion.

As stated in the staff report, Nakae is a non-competitive recommendation because they are known to possess the needed experience and qualifications as they have successfully implemented several projects for the Authority. Also, they are extremely familiar with the Habitat Authority's Preserve. Their services are offered at fair and reasonable prices. Therefore, they are the most satisfactory for Authority purposes.

Member Brauckman motioned to recommend to the Board that the Executive Director execute a contract with Nakae in the amount of \$20,000 and find the work exempt from CEQA. Member Houwen seconded this motion, and in a roll call vote the motion passed unanimously.

XI. DISCUSSION AND RECOMMENDATION TO THE BOARD REGARDING AUTHORITY'S REMOTE MEETING REGULATIONS AS SPECIFIED IN CALIFORNIA ASSEMBLY BILL 2449.

Executive Director provided background on this item. There was discussion.

Member Brauckman motioned to recommend to the Board that the Executive Director update the agenda language as appropriate to comply with AB 2449, and return with a proposed Reasonable Accommodation Policy. Member Wong seconded this motion, and in a roll call vote the motion passed unanimously.

XII. CLOSING REMARKS (COMMENTS/QUESTIONS FROM COMMITTEE MEMBERS AND/OR EXECUTIVE DIRECTOR).

Member Wong made comments on the Murphy baseball lighting project. Executive Director Gullo informed the CTAC that a collared mountain lion stayed in the area for one month, and recently left the area. She also informed them of future 2023 in-person CTAC meetings being in Palm Park.

XIII. ADJOURNMENT AND ANNOUNCEMENT OF NEXT MEETING.

There being no further comments, or business to be discussed, Vice Chair Liang adjourned the meeting at 8:36 p.m. The next regularly scheduled meeting date is December 13, 2022.



December 31, 2022

**Puente Hills Habitat Preservation Authority
Ranger Services Activities for November and December 2022**

- Continued general patrol for: providing visitor information, identifying hazardous conditions and correcting illegal activity.
- Continued general maintenance for: graffiti removal, vandalism repair, litter and dumping removal, fence and gate repairs, sign installations and repairs and trail maintenance.
- Met with La Habra Heights Fire Marshall regarding tree removal on Hacienda Road and inspection of the Heli-hydrant on Skyline Drive.
- Participated in the Puente Hills Habitat Preservation Authority (Habitat Authority) Board meeting.
- Checked the windows and doors to the back house at Sycamore Canyon prior to the rain.
- Participated in our ranger monthly management meeting.
- Attended the monthly Habitat Authority volunteer meeting.
- Repaired a hole dug under the fence at Hellman Park.
- Completed our annual Fire and Law Enforcement refresher training.
- Removed a fallen branch from across the Powder Cyn entrance road.
- Inspected a large fallen tree in La Habra Heights, it was determined that it is on private property.
- Monitored the contractors demobilization of the goats for the vegetation management project in Turnbull Canyon.
- Continue to monitor the Harbor underpass. No activity to report.
- Responded to Mills Elementary School in Whittier regarding a coyote on campus. Escorted the coyote off the property.

- Picked up dumping including:
 - Debris at Arroyo San Miguel.
 - Window shutters on Turnbull Canyon.
- Continue to notify the Habitat Authority staff of all unsuccessful animal road crossings that are observed at or near Habitat Authority property. During the month of November the following animal was observed.
 - Coyote on Harbor Bl.
- Located a dirt pile encroachment on Skyline Drive. Contacted the workers at the residence and they removed it.
- Continue to pick up dog defecation at all the trailheads.
- Replaced several trail marker signs throughout the Preserve.
- Installed new “Do not block fire road” sign at Skyline fire road.
- Repaired the entrance gate to Sycamore Canyon.
- Re-painted all the red curbs at Arroyo Pescadero.
- Removed shopping carts and transient clothing/debris from Worsham Canyon, Whittier.
- Police reporting a caller heard gun shots in Turnbull Canyon. Searched the area, unable to locate.
- Continue to patrol the SCE, Brea 57 site and Monterey mitigation sites in Powder Canyon and the Olinda site in Arroyo San Miguel.
- Due to safety concerns and overcrowding at the Turnbull Canyon entrance, we previously worked with the owner of the property and Whittier Police Department to secure the vacant lot that is next to the entrance. The lot needed to be re-secured once in November.
- Continue monitoring the surveillance cameras at various trailheads in attempt to catch the vehicle break-in perpetrators. We are also coordinating with Whittier Police and L.A. County Sheriff.
- Continue to contact the Los Angeles County Department of Street Maintenance regarding the graffiti along Turnbull Canyon Road.
- Cleaned all the drains throughout the Preserve prior to the rain.

- The Preserve was closed several days in November and December due to rain.
- Dealt with various violations including:
 - In the Preserve after hours at Sycamore Canyon, Hacienda Hills, Powder Cyn., Hellman Park and Arroyo Pescadero.
 - Parking violations at Arroyo Pescadero, Hacienda Hills Trailhead, Sycamore Canyon and Ford property.
 - Bikes in Sycamore Canyon
 - Dogs in Sycamore Canyon
 - Hikers in Turnbull Canyon and Powder Canyon after rain.
 - Loud music in the Hacienda Hills and Sycamore Canyon.
 - Warn and advise electric bikes in Powder Canyon and Hacienda Hills.
 - Dogs off leash in Hacienda Heights.
 - Bikes in Arroyo Pescadero.
 - Bikes in Powder Canyon and Turnbull Canyon after hours.
- Received several calls during the months of November and December to our 24-hour ranger emergency services number including:
 - Hikers locked in at Hacienda Hills Trailhead
 - Caller reporting seeing a green laser light on the Rose Hills water tank.
 - Resident next to the Preserve requesting access to get to his backyard.
 - Reporting a coyote walking on Figueroa Street in L.A.
 - Reporting two coyotes running on Laurel Street/Putnam street.
 - Volunteers that picked up trash along Colima Rd requesting if we could pick up the trash bags.
 - Large tree branch fell in front of Arroyo Pescadero.
 - Hikers locked in at Hellman Park
 - Whittier Police reporting a caller heard gun shots in Turnbull Canyon.
 - Reporting a tagger at the Rose Hills water tank.
 - Reporting homeless in Worsham Canyon.
 - Requesting a jump start for his car in Sycamore Canyon.
 - Caller concerned about a mouse that she caught in the road.
 - Call from Mills school in Whittier regarding a coyote on campus.
 - Reporting a coyote in Worsham Canyon behind the Whittier college.
 - Reporting kids playing on the Rose Hills water tank.
 - Reporting a suspicious person at Arroyo Pescadero.
 - Reporting a coyote on California Street in Whittier.
 - Several calls inquiring if the trails are open

- Continue to check and re-post trail closure signs and rope-fence at unauthorized trails and restoration areas in Turnbull Canyon, Worsham Canyon, Powder Canyon and Hellman Park.
- Continue to conduct perimeter patrols of all property for fence damage, illegal access points, rope swings, and encroachments.
- Continue to work closely with Executive Director Andrea Gullo on various projects and assignments as requested.

If you have any questions, or would like any additional information, please feel free to contact me anytime. Thank you.

Sincerely,

K E Hughes

Kenn Hughes
Deputy Chief Ranger

MEMORANDUM

Meeting Date: February 14, 2023

To: Citizens Technical Advisory Committee

Prepared by: Michelle Mariscal, Ecologist

Through: Andrea Gullo, Executive Director

Agenda Item: **IX. Update, receive and file regarding Authority comments on Draft Environmental Impact Report for the Brea Boulevard Corridor Improvement Project.**

Background:

Attached for your information are Authority comments regarding the Draft Environmental Impact Report (DEIR) for the proposed Brea Boulevard Corridor Improvement Project (State Clearing House Number 2017051005). The Authority previously submitted comment letters regarding the first Notice of Preparation in June 2017 and the second Notice of Preparation in June 2019. The Lead Agency, Orange County Department of Public Works, released the DEIR on December 1, 2022 and the deadline for public comments was February 3. Pertinent documents relating to the proposed Project are posted on the County's website: <https://ocds.ocpublicworks.com/service-areas/oc-development-services/planning-development/current-projects/4th-district/brea>. Also attached are a project vicinity map and the Notice of Availability.

The proposed Project is located within the City of Brea and unincorporated Orange County, from Central Avenue/State College Boulevard to the State Route 57 (SR-57) southbound on-ramp near Tonner Canyon Road. It involves widening Brea Boulevard from two to four lanes (two lanes each direction for approximately 1.5 miles), installing median barriers, replacing and widening three reportedly functionally obsolete bridges, installing two traffic signals approximately, replacing the existing signal at Canyon Country Road, modifying existing driveway ingress/egress, installing a new wildlife overpass/land bridge, adding open graded asphalt concrete paving at the southern end of the corridor, and providing striping and installing new signage. The Project is estimated to last 5 years.

The Project is located at a critical wildlife movement linkage point within the Puente-Chino Hills Wildlife Corridor and has the potential to significantly and negatively impact the biological connection between the Puente Hills Preserve to Chino Hills State Park and

beyond. Recently, a collared mountain lion, M317, traversed the wildlife corridor and passed through this area several times (see attached comment letter authored by W. Vickers), highlighting the significance of this linkage for the sustainability of the corridor. The Authority evaluates all proposed projects that staff is made aware of that have the potential to impact the Puente-Chino Hills Wildlife Corridor and therefore the biological diversity and sustainability of the Puente Hills Preserve.

Attachments:

Vicinity map

Notice of Availability

2023 Authority comment letter

Dr. Vickers comment letter

Recommendation:

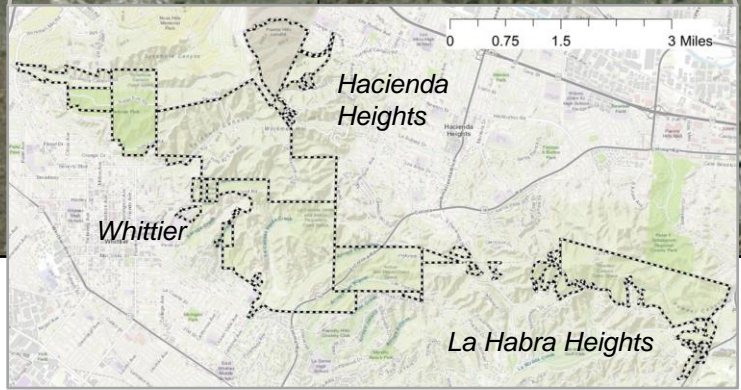
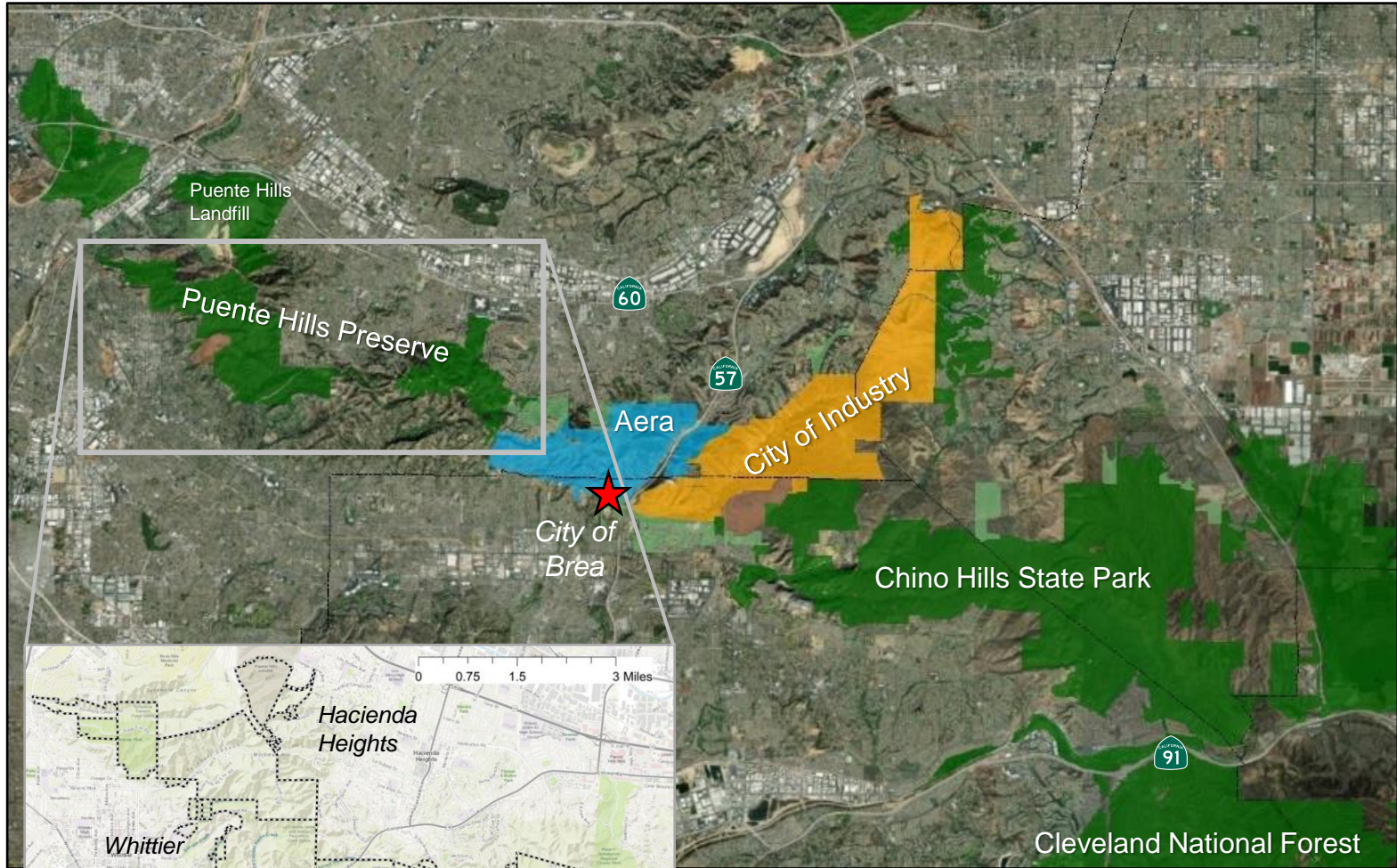
Receive and file. This is an information item for the Committee.



**Puente Hills
Habitat Preservation Authority**

Endowment Provided by the Puente Hills Landfill

Proposed Brea Boulevard Corridor Improvement Project Vicinity



Legend

- Puente Hills Preserve Boundary
- CalResources (Aera)
- City of Industry
- Project Location
- Open Space

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR No. 628) FOR THE BREA BOULEVARD CORRIDOR IMPROVEMENT PROJECT SCH # 2017051005

NOTICE IS HEREBY GIVEN that on **December 1, 2022**, OC Public Works, acting as Lead Agency, issued for public review and comment a Draft Environmental Impact Report No. 628 (Draft EIR) that evaluates potential environmental effects associated with the Brea Boulevard Corridor Improvement Project (Project).

The Draft EIR will be available on the OC Public Works' website and the 50-day public comment period will commence on **Thursday, December 1, 2022**, and conclude on **Friday, January 20, 2023**. The Draft EIR is available for review on OC Public Works' website at the following web address: <https://ocds.ocpublicworks.com/service-areas/oc-development-services/planning-development/current-projects/4th-district/brea>

Hard copies of the Draft EIR are available at the following locations:

- County Administration South, OC Public Works, 601 N. Ross Street, Santa Ana, CA 92701
- Brea Chamber of Commerce, 1 Civic Center Circle, 2nd Floor, Brea, CA 92821
- City of Brea, Community Development, Planning Division, 1 Civic Center Circle, Brea, CA 92821
- Orange County Public Library, La Habra Library, 221 E. La Habra Boulevard, La Habra CA 90631

Members of the public are invited to comment on the Project. Copies of the Draft EIR can be made available by request by contacting Kevin Shannon (see contact info below).

Written comments on the Draft EIR should be addressed and submitted to: Kevin Shannon, Consultant - Environmental Planner, OC Development Services - 601 N. Ross Street, Santa Ana, CA 92701 **no later than 5:00 p.m. on Friday, January 20, 2023**. Written comments can also be submitted electronically to the following email address: brea.corridor@ocpw.ocgov.com.

Project Location: The Project is located within the City of Brea and unincorporated Orange County, from Central Avenue/State College Boulevard to the State Route 57 (SR-57) southbound on-ramp approximately 1,700 feet northeast of Tonner Canyon Road, a total length of approximately 8,800 linear feet or 1.7 miles (the Brea Boulevard Corridor, or "corridor").


Project Description: The Project involves widening Brea Boulevard from two to four lanes (two lanes each direction) between Canyondale Drive and the northern end of the corridor (approximately 1.5 miles), replacing and widening three functionally obsolete bridges, installing traffic signals approximately 1,200 feet north of Canyon Country Road and at the intersection of Brea Boulevard and Tonner Canyon Road, replacing the existing signal at Canyon Country Road, modifying existing driveway ingress/egress, installing a new wildlife overpass/land bridge, adding open graded asphalt concrete paving at the southern end of the corridor, and providing striping and installing new signage.


Environmental Impacts: The Draft EIR identified significant and unmitigable impacts related to aesthetics, noise and vibration, and transportation and traffic. All other environmental categories were identified to have no impact, less than significant impact, or less than significant impact with the incorporation of mitigation measures.

Submitted by: Kevin Shannon

Name: Kevin Shannon



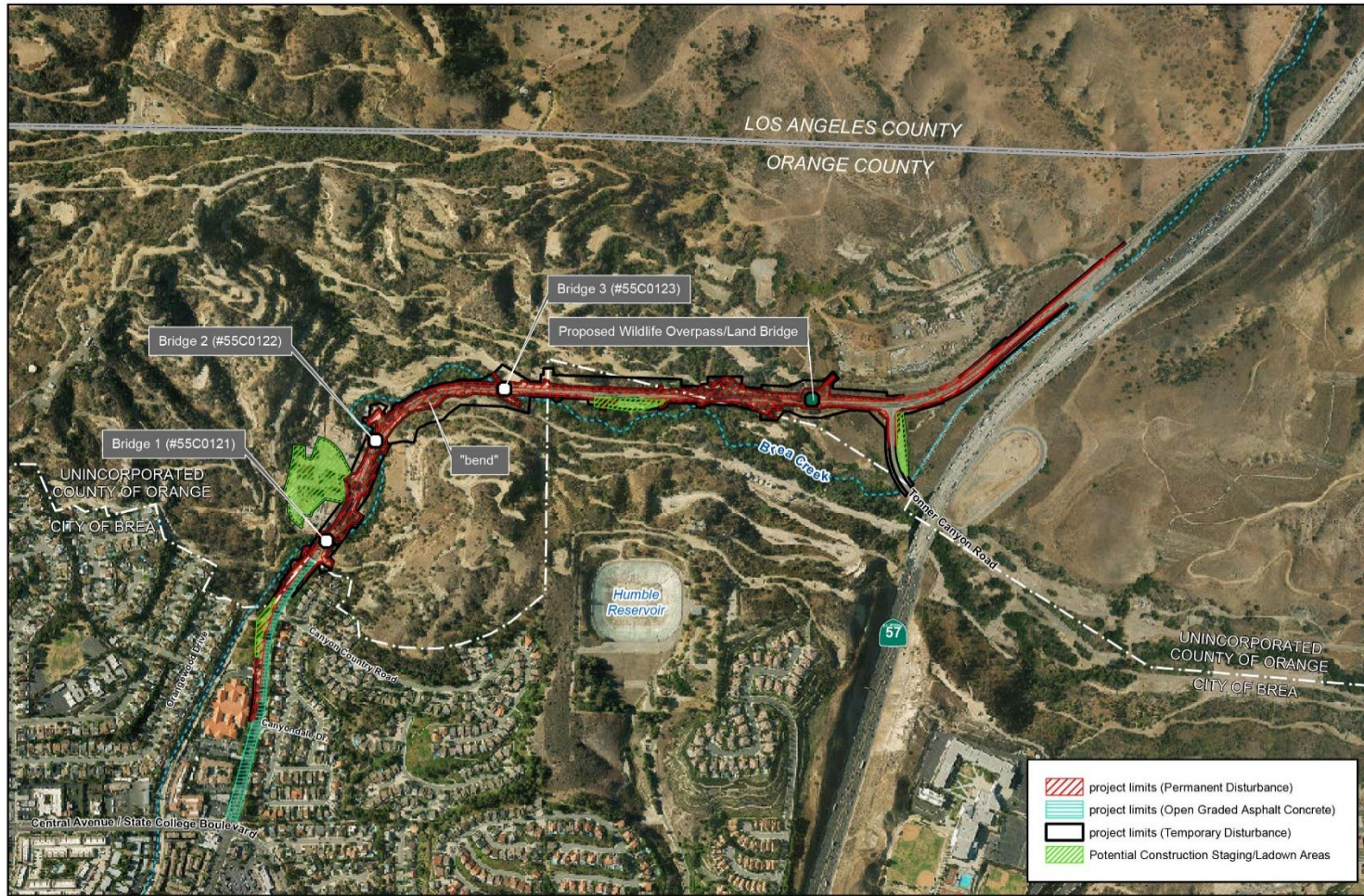
 County Administration South
601 North Ross Street
Santa Ana, California 92701

 P.O. Box 4048
Santa Ana, CA 92702-4048

 info@ocpw.ocgov.com

 (714) 667-8800

 OCPublicWorks.com



Eagle Aerial Imaging (2015), Mark Thomas (2021), OCPW (2022), and AECOM (2022).



Proposed Project

Brea Boulevard Corridor Improvement Project



County Administration South
 601 North Ross Street
 Santa Ana, California 92701

P.O. Box 4048
 Santa Ana, CA 92702-4048

info@ocpw.ocgov.com

(714) 667-8800

OCPublicWorks.com



Puente Hills Habitat Preservation Authority

Endowment Provided by the Puente Hills Landfill

January 30, 2023

Kevin Shannon, Consultant - Environmental Planner
OC Development Services/Planning
601 N. Ross Street, Santa Ana, CA 92701
Brea.Corridor@ocpw.ocgov.com

Re: Comments on the Draft Environmental Impact Report (EIR No. 628) for the Brea Boulevard Corridor Improvement Project SCH # 2017051005

Dear Mr. Shannon:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the *Draft Environmental Impact Report* (EIR No. 628) for the *Brea Boulevard Corridor Improvement Project* (Project) released December 1, 2022.

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq.* with a Board of Directors consisting of members representing the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and a public member of the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation.


The Habitat Authority owns and/or manages over 3,880 acres which comprise the Puente Hills Preserve (Preserve) located to the west of the proposed Project. Over \$100 million of public funds have been invested in the Preserve and its sustainability is biologically dependent on the open space land to the east of its jurisdiction. The Preserve and the proposed Project are both located within the well-studied Puente-Chino Hills Wildlife Corridor which is widely recognized as being regionally important for wildlife movement (Conservation Biology Institute 2005, and citations therein). Covering more than 30,000 acres of land, this wildlife corridor boasts a wide variety of habitats that support a unique assemblage of plants and animals and serves several ecological functions that contribute to ecosystem health. Connectivity among open space maintains the transfer of genetic material among generations of plants and animals, ensuring healthy and sustainable populations. Many agencies and jurisdictions over Los Angeles and Orange Counties have partnered over the past 30 years for the preservation of the Puente-Chino Hills Wildlife Corridor.

Habitat Authority staff previously provided unofficial comments on the Project's Wildlife Movement Study prior to release of the DEIR and appreciated the opportunity to do so. We also

appreciate that the Project's location within a critical linkage of the Puente-Chino Hills Wildlife Corridor was described in the DEIR and that enhancing safe wildlife movement across the roadway is an objective of the Project. The recent sojourn of M317, a collared male mountain lion that traversed the area in fall 2022, highlights the current functionality of the corridor and the need to maintain connectivity to sustain wildlife populations to the west. However, despite the design features and mitigation measures proposed in the DEIR, we remain concerned that this Project has the potential to constrain wildlife movement, will be growth inducing, and jeopardizes the 30 years-worth of work and public investment of this agency towards open space preservation west of the Project. In particular, while we recognize the benefits of wildlife land bridges and enhanced underpasses similar to that proposed with this Project, the effectiveness of those features for long-term connectivity will be greatly dependent upon the land uses on either side which are currently not conserved and could be developed by induced growth from the Project. Our full comments are attached in Exhibit A.

Thank you for your consideration, and feel free to contact me, Ecologist Michelle Mariscal (mmariscal@habitatauthority.org) or Executive Director Andrea Gullo (agullo@habitatauthority.org) for further discussion. Also, please maintain our agency on the contact list for this planning process.

Sincerely,



Ivan Sulic
Chair, Board of Directors

cc: Board of Directors
Citizens Technical Advisory Committee
Hills For Everyone
Wildlife Corridor Conservation Authority

Exhibit A
**Comments on the Draft Environmental Impact Report (EIR No. 628) for the Brea
Boulevard Corridor Improvement Project SCH # 2017051005**

Project Location and Description

The Project is located within the City of Brea and unincorporated Orange County, from Central Avenue/State College Boulevard to the State Route 57 (SR-57) southbound on-ramp approximately 1,700 feet northeast of Tonner Canyon Road, a total length of approximately 8,800 linear feet or 1.7 miles (the Brea Boulevard Corridor, or “corridor”). The Project involves widening Brea Boulevard from two to four lanes (two lanes each direction) between Canyondale Drive and the northern end of the corridor (approximately 1.5 miles), installing median barriers, replacing and widening three reportedly functionally obsolete bridges, installing traffic signals approximately 1,200 feet north of Canyon Country Road and at the intersection of Brea Boulevard and Tonner Canyon Road, replacing the existing signal at Canyon Country Road, modifying existing driveway ingress/egress, installing a new wildlife overpass/land bridge, adding open graded asphalt concrete paving at the southern end of the corridor, and providing striping and installing new signage.

Comments on the DEIR are below:

In summary:

- **The significant impact and loss of at-grade crossing for wildlife movement and other biological concerns are not adequately mitigated and addressed in the DEIR.**
- **The growth inducing impacts from this Project are significant and not adequately addressed.**
- **The Habitat Authority supports the No Project Alternative to avoid significant impacts described herein.**
- **Secondarily the Habitat Authority supports an alternative that only replaces the three reportedly functionally obsolete bridges, with enhancements for wildlife movement, and does not widen the roadway.**

Detailed comments are as follows:

Biological Resources (Section 5.3)

Coastal California Gnatcatchers

The DEIR did not address potential isolation impacts to coastal California gnatcatchers. Maintaining short distances between suitable habitat patches is crucial for dispersal of this species. Two juvenile coastal California gnatcatchers were documented flying from across Brea Canyon Road into the survey area on the southeast corner of Tonner Canyon Road/Brea Canyon Road per the Biological Technical Report (Appendix E. Coastal California Gnatcatcher Survey Report). Please address the impact that increased traffic volume and wildlife fencing resulting from the project will have on movement of this

species between habitat occurring on either side of Brea Boulevard/Brea Canyon Road given that individuals currently fly back and forth across the roadway. Additionally, since a family group of Coastal California Gnatcatchers was observed, it is reasonable to conclude that the Coastal Sage Scrub habitat in the area is suitable for supporting the species and therefore its “disturbed” nature should not discount its importance for foraging or breeding habitat or as “stepping-stones” to nearby suitable habitat when compensatory mitigation for impacts is evaluated (Mitigation Measure BR-8).

Aquatic Features

How will potential impacts of groundwater pumping and water diversion to riparian areas and wetlands be monitored and over what time period? How long will ground water pumping and diversions take place? We recommend a monitoring plan be developed to assess impacts over the term of construction and post-construction to advise compensatory mitigation for losses to riparian habitat resulting from activities that will impact hydrology.

Wildlife Movement Impacts

The sustainable success of the Puente-Chino Hills Wildlife Corridor relies completely on the proposed Project’s ability to allow for continued wildlife movement through the entire Project area.

Because enhancing safe wildlife movement across the roadway is an objective of the Project, please specifically address how the success of this objective will be evaluated, adjusted if necessary and successfully maintained in the long-term. Post-construction monitoring of wildlife movement and human use is recommended in the Wildlife Movement Study (Appendix H of the DEIR, pg. 59) and should be incorporated as a component of the Project. Funding for long-term monitoring and management should be included in the Project design costs.

Impacts to wildlife movement was not fully addressed and mitigated. The potential for direct and indirect impacts to terrestrial mammals and the wildlife movement corridor is acknowledged in the Biological Technical Report however there are no mitigation measures listed for those impacts. Please address how disruptions to wildlife movement due to nighttime lighting, construction noise, human presence etc. will be mitigated especially considering that all at-grade crossing opportunities will be eliminated.

The Project area occurs directly adjacent to and within a critical wildlife corridor linkage, identified as “the only viable crossing beneath Highway 57 for deer, mountain lion, bobcat, and other species” Conservation Biology Institute 2005)¹. The Project has significant potential to degrade the functionality of this critical linkage point and those potential impacts were not adequately addressed in the DEIR. Impacts and proposed mitigation for said impacts to wildlife movement and habitat in Tonner Canyon resulting from the Project need to be addressed in the DEIR.

¹ Conservation Biology Institute (2005), Maintaining Ecological Connectivity Across the “Missing Middle” of the Puente-Chino Hills Wildlife Corridor. Prepared by WD Spencer.

Elimination of at-grade crossing

The proposed Project intends to eliminate all at-grade crossing opportunities along the 1.5 mile road stretch and wildlife movement will only be facilitated via the three enhanced bridges (underpasses) and one new wildlife land bridge (overpass), which is a significant change compared to existing conditions. The existing bridges (underpasses) will be enhanced for wildlife, as would be expected to offset new elongated dimensions resulting from the road widening which otherwise would have reduced their “openness ratio” or attractiveness for wildlife. Therefore, essentially the loss of all at-grade crossing will be compensated by one land bridge, the effectiveness of which will be dependent upon the wildlife exclusion fencing and deterrents at the approximately 15-19 vehicle entrances along the road. The DEIR does not adequately recognize the full impact of this loss of permeability for wildlife connectivity and possible design feature vulnerabilities.

Wildlife Exclusive Design Features

The design features intended to facilitate safe wildlife passage and decrease wildlife-vehicle collisions are not adequately described in the DEIR and relevant reports cited therein were not made available with the DEIR (i.e., AZTEC 2020², AZTEC 2021³). When will wildlife fencing be installed? Fencing along Tonner Canyon Road needs to extend beneath the Tonner Canyon Road bridge to the existing chain-link fenced yard. How will effectiveness of the identified control measures to prevent animal breaches of the wildlife fencing (“guards/grates, swinging metal gates, or electrified mats embedded into the pavement” per the DEIR) be evaluated? Who will maintain wildlife fencing and other control measures and at what frequency? Providing jump-outs/ramps every 0.5 miles (8 escape opportunities total) as proposed is not adequate given the number of entrances (15 to 19) along the roadway where breaks in the exclusion fencing will exist. At a minimum, please consider adding a third escape ramp along the south side of Tonner Canyon Road to facilitate escape by wildlife that may follow the existing drainage and fence line on the northern side of Tonner Canyon Road; wildlife will otherwise need to navigate the area under the freeway to the intersection before finding an escape opportunity, increasing the chance for wildlife-vehicle collision.

Land Bridge

Human presence has been shown to deter wildlife use of crossing structures (Barrueto et al. 2014)⁴. How will pedestrian use of the land bridge be prevented and monitored?

We acknowledge the justifications made in AZTEC 2021 regarding the width of the bridge relative to its length, however, no scientific studies were cited therein where width to length ratios were evaluated for effectiveness for wildlife movement. Given that the land bridge is a critical element of the proposed Project and will be the main linkage for wildlife travelling west from Tonner Canyon (the first crossing opportunity they will encounter with elimination of at-grade crossing), its **width should be maximized to the**

² AZTEC Engineering Group, Inc. (AZTEC). 2020. Draft Bridge Type Selection Report for Brea Boulevard Wildlife Overcrossing. October.

³ AZTEC. 2021. Wildlife Connectivity Strategy Scoping Report for the Brea Boulevard Corridor Improvements Project, Orange County, California. April 26.

⁴ Barrueto, M., Ford, A.T., & Clevenger, A.P. (2014). Anthropogenic effects on activity patterns of wildlife at crossing structures. *Ecosphere*, 5(3), 1-19.

extent feasible. The Federal Highway Administration's Wildlife Crossing Structure Handbook (Clevenger and Huijser 2011)⁵ recommends a minimum width of 135-160 feet for wildlife-specific overpasses (165-230 feet is optimal). The proposed width of the land bridge, at 75 feet, does not seem adequate to buffer noise and light from the traffic below, especially given that the adjacent Tonner Canyon/Brea Boulevard intersection will be signalized. Traffic will presumably back up at this signal, beneath and on either side of the bridge, leading to prolonged light and noise that may dissuade wildlife from approaching and utilizing the bridge. Recommendations made in the Wildlife Movement Study (Appendix H, pg. 58) regarding consultation with an expert on light and noise impacts and any resulting minimization measures deemed appropriate based on that consultation should be incorporated into the Project. Additionally, consideration should be given towards whether this bridge may function for safe dispersal of **coastal California gnatcatcher** over the roadway and, if so, appropriate design features (dimensions, vegetation, etc.) should be incorporated into the Project.

Lastly, the effectiveness of the land bridge for long-term connectivity will be entirely dependent upon the **land uses on either side which are currently not conserved** and could be developed by induced growth or investment from this project as discussed below. This was not adequately described in the DEIR.

Staging Area

Impacts to wildlife movement resulting from use of the area west of Brea Boulevard, between Bridges 1 and 2, as a staging location for the Project must be evaluated in the EIR, given the proximity of this staging area to the bridges that will be enhanced to encourage wildlife use. Please consider excluding this area as a staging location. Temporary barrier walls that would minimize noise and light spillover into the adjacent habitat need to be considered as a mitigation measure if this staging location is selected.

Loss of Culvert 2

Resulting from the widening of the roadway, culvert 2 will be converted to a storm drain with a vertical 2.4-meter drop and will no longer facilitate wildlife movement. There is the potential for small animals to enter through the grate, drop to the bottom of the drain, and become entrapped. How will impacts to small animals from culvert 2 be prevented or mitigated?

Mitigation Measure BR-12

This measure addressed bobcat movement. Will the ledges installed within the enhanced underpasses be designed in such a way that deer and other large-bodied wildlife may utilize them during periods of inundation, in addition to bobcats?

⁵ Clevenger, A.P., & Huijser, M.P. (2011). *Wildlife crossing structure handbook: design and evaluation in North America* (No. FHWA-CFL-TD-11-003). United States. Federal Highway Administration. Central Federal Lands Highway Division. Available at: https://www.fhwa.dot.gov/clas/ctip/wildlife_crossing_structures/

Comments on Mitigation Measures (Biological Resources, Section 5.3.5):

Special Status Wildlife Species:

The Proposed Project has the potential to significantly impact protected species and Species of Special Concern, including mountain lions, nesting raptors, songbirds, amphibians, reptiles and bats.

Mountain Lion

While mitigation measures proposed in the DEIR specifically address several of the above mentioned groups, mountain lion was not addressed. This species is a candidate for listing under the California Endangered Species Act and therefore needed to be evaluated in the DEIR. As acknowledged in the Wildlife Movement Study (Appendix H of the DEIR), this wide-ranging species utilizes the Puente-Chino Hills Wildlife Corridor and may be impacted by the proposed Project. Most recently, a collared male mountain lion, M317, was documented in this area (on either side of the 57 freeway) during the fall of 2022 (W. Vickers, UC Davis Wildlife Health Center CA mountain lion project) and a young uncollared mountain lion was killed on the 60 freeway in Diamond Bar in spring of 2022.

Mitigation Measure BR-4: Pond Turtles

This mitigation measure is inadequate as described. We strongly encourage coordination with USGS (Robert Fisher and colleagues) for trapping and relocation efforts due to that agency's knowledge of pond turtle occupied locations and genetic information for this area and their use of appropriate and rigorous trapping protocols. Western pond turtles may move upland from waterways (to deposit eggs, estivate, etc.), therefore aquatic trapping efforts should be timed appropriately. Trapping efforts should be repeated to ensure juveniles, which more easily evade traps, are captured and trapping should occur in all stretches of the stream where hydrology may be impacted by construction activities regardless of whether visual observation records of turtles exist there. The DEIR states that captured turtles will be relocated to "nearby suitable habitat areas" but does not indicate where (within the same stream?) or how long captured turtles will be held before release. Relocated pond turtles should be monitored for successful adaptation to the relocation sites and the length of this monitoring should be agreed upon with California Department of Fish and Wildlife staff. Please address this in the EIR. Additionally, a mitigation measure that addresses compensatory mitigation for potential unsuccessful pond turtle relocation should be included. Lastly, please include guidelines for how non-native aquatic species that may be captured during turtle trapping efforts (e.g., red-eared sliders, bullfrogs, etc) will be managed as those species should not be re-released into the waterway.

Mitigation Measure BR-5: Bats

There are missed opportunities with this mitigation measure. As mitigation for potential removal of bat habitat resulting from the Project (e.g., tree removals) please consider adding design features that would provide bat habitat on the replacement structures for Bridges 1-3.

Growth Inducing Impacts (Section 7)

The growth inducement of this Project is potentially significant, and it is requested that this

impact element be re-evaluated in the DEIR. The project will induce demand, traffic, growth and investment, and can be summed up with the adage, “If you build it, they will come.”

Expanding congested roads, as is proposed with this Project, attracts latent demand, trips from other routes, times and modes, and encourages more travel. This is called generated traffic, referring to additional peak-period vehicle traffic on a particular road. This consists in part of induced vehicle travel, which refers to increases in vehicle miles travel (VMT) compared with what would otherwise occur (Schneider 2018⁶, Litman 2022⁷, Zipper 2021⁸).

The Habitat Authority disagrees with the DEIR’s conclusion that the Project will not have the potential to “foster population growth (e.g., construct additional housing) either directly or indirectly” While there is no proposed residential or commercial component of the Project itself, we maintain that this Project does have the potential to be growth inducing by facilitating and/or serving future growth in the area. Urbanization responds to existing infrastructure, and roadway capacity expansions brings about autocentric development patterns that utilize the new roads (Schneider 2018).

Future development of the parcels on either side of Brea Canyon Road would render the bridge improvements and proposed land bridge, which are features intended to maintain the functionality of the wildlife corridor, obsolete. They would be bridges leading wildlife to unprotected and potentially built-out land. Hence, the future development would biologically isolate the Habitat Authority’s jurisdiction and Preserve to the west, potentially leading to eventual ecosystem collapse.

The Habitat Authority disagrees with the DEIR’s conclusion that the Project will not “result in the establishment of a precedent-setting action [...]” (pg. 7-2). The Project calls for amending an existing conservation easement to make room for the road expansion. This action is precedent setting, and when compounded would result in overall negative consequences for environmental preservation.

The Habitat Authority disagrees with the DEIR’s conclusion that the Project will not "result in development or encroachment in an isolated or adjacent area of open space [...]" (pg. 7-2). The Project design calls for eliminating protected open space to make room for the road expansion.

Expansion or adding lanes to roads doesn’t solve for the congestion issue, and is not a sustainable solution (Zipper 2021). The question remains, would we rather spend a lot of money to increase road capacity to achieve moderate and temporary congestion reductions, or implement other types of transportation improvements such as: congestion pricing, commute trip reduction programs, land use management alternatives, pedestrian and cycle improvements, and improved public transit service (Litman 2022) (Zipper 2021).

Alternatives

⁶ Schneider, B. (2018), Induced Demand, CityLab University (www.bloomberg.com/citylab); at <https://bloom.bg/2VDYfwd>.

⁷ Litman, T. (2022), Generated Traffic and Induced Travel Implications for Transport Planning, Victoria Transport Policy Institute at <https://www.vtpi.org/gentraf.pdf>.

⁸ Zipper, D. (2021) The Unstoppable Appeal of Highway Expansion (www.bloomberg.com/citylab); at <https://www.bloomberg.com/news/features/2021-09-28/why-widening-highways-doesn-t-bring-traffic-relief>.

To avoid the above-mentioned significant impacts, please consider the No Project Alternative, or a new alternative that replaces the bridges with new bridges that enhance wildlife movement, and does not expand the roadway.

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February 4, 2023

Kevin Shannon, Consultant - Environmental Planner
OC Development Services/Planning
601 N. Ross Street, Santa Ana, CA 92701
Brea.Corridor@ocpw.ocgov.com

Re: Comments on the Draft Environmental Impact Report (EIR No. 628) for the Brea Boulevard Corridor Improvement Project SCH # 2017051005

Dear Mr. Shannon:

I lead the UC Davis Wildlife Health Center's California Mountain Lion Project. I appreciate the opportunity to comment on the Draft Environmental Impact Report (EIR No. 628) for the Brea Boulevard Corridor Improvement Project (Project) released December 1, 2022.

The Wildlife Health Center (WHC) is a division of the One Health Institute at the UC Davis School of Veterinary Medicine. I direct the WHC's California Carnivore Program and have been doing research on various wildlife species in southern California for over 22 years, with the longest research project being focused on mountain lions (*Puma concolor*). We conduct research on roads impacts on wildlife with a number of collaborators from across the state and nation. We have found roads to be one of the single most impactful types of human infrastructure for wildlife, and we have worked extensively with counties and road agencies throughout the region on the issues that roads create and mitigation measures.

The connection between free wildlife movement and healthy wildlife populations (genetically and otherwise) and biodiversity is well established. In our southern California study area we have shown that roads can interrupt migration of mountain lions despite their size and speed, and that the impacts are both from avoidance of busy roads, but also direct mortality when crossings are attempted. Widening of roads increases the risk of mortality to mountain lion and other wildlife, and increases barrier effects (especially when k rail is positioned between sets of 2 lanes each way causing obstruction of the vision of animals that are trying to cross at grade, and a "trapping effect" in traffic when partway across).

One of our collared mountain lions, M317, has traversed east-west in this overall corridor area several times and highlights that the corridor is currently functional. I have concerns that the project as currently described may constrain mountain lion and other wildlife movement and habitat use, as well as increase road mortality. Mountain lions in our region have to cross busy roads repeatedly in order to maintain territories and disperse, and roads are the number one cause of death for our collared mountain lions. The proposed mitigation measures of crossing construction or enhancement are laudable, but siting them in areas other than where land is fully conserved on either side is of concern for long term function. Also siting should be determined by wildlife movement studies and be far from human light and sound influences. Sound and light should also be blocked in the vicinity of any crossing structure to avoid impeding animal approach. Design of overpasses like wildlife bridges is critical, ie width, and I have concerns about the design as stated in the documents relating to the project. Finally, wide ranging mountain lions that have to pass through that area already have to brave the crossing of the 57 freeway, a barrier that will only become more substantial due to light and noise as traffic levels become heavier over time. Animals moving east-west and having to cross two substantial roadways in parallel are less likely in my opinion to negotiate them both safely.

For these reasons I would urge further consideration of alternatives to the plans as presented, and potential modifications of several elements.

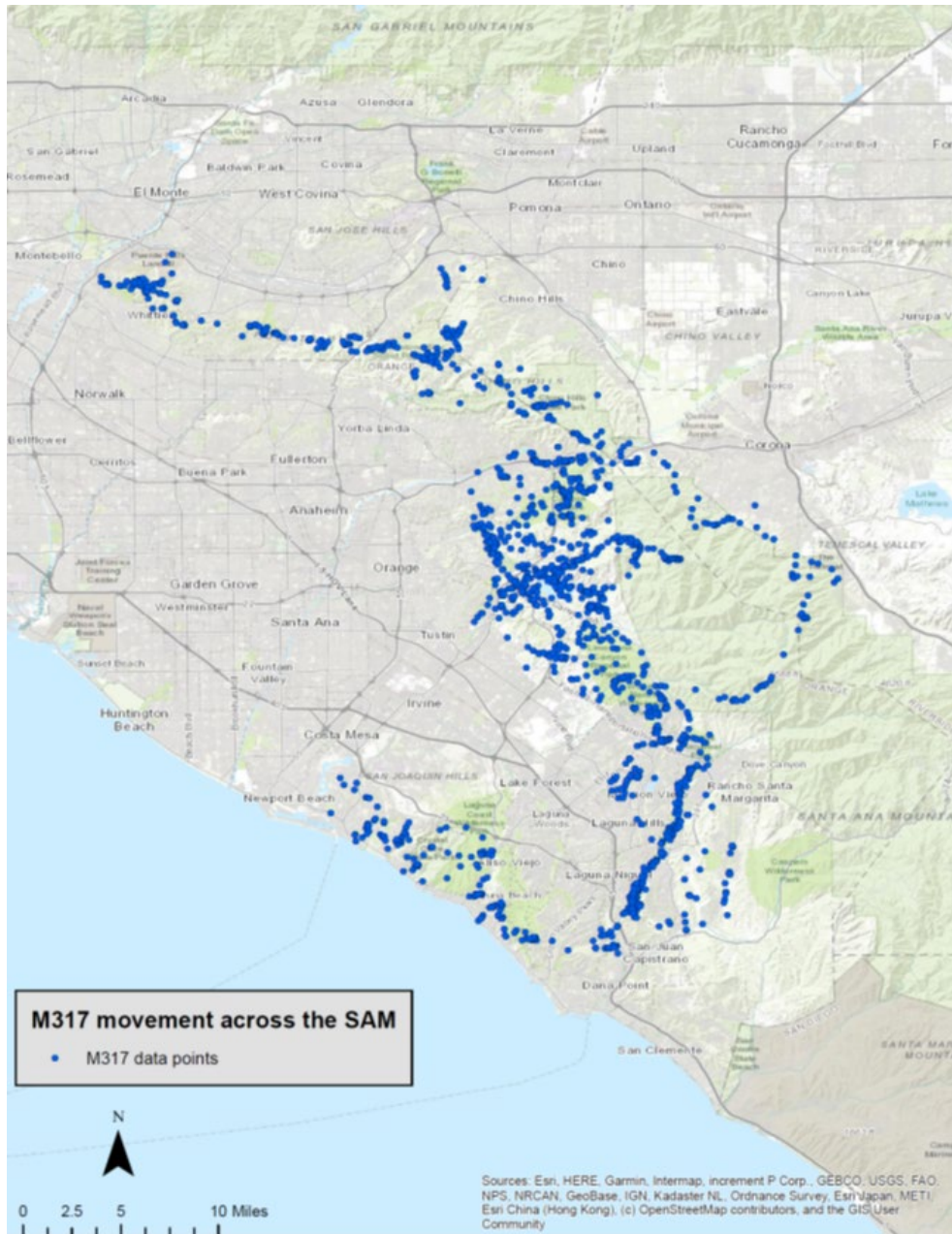
Feel free to contact me if other information is desired.

Sincerely,

A handwritten signature in black ink that reads "T. Winston Vickers DVM MPVM". The signature is written in a cursive, flowing style.

T. Winston Vickers, DVM, MPVM
Associate Veterinarian – UC Davis Wildlife Health Center
Co-Director UC Davis California Mountain Lion Study
twickers@ucdavis.edu
949-929-8643

M317 GPS collar data points March 23, 2022 – January 30, 2023
UC Davis Mountain Lion Project data



MEMORANDUM

Meeting Date: February 14, 2023

To: Citizens Technical Advisory Committee

Prepared by: Andrea Gullo, Executive Director
Elena Gerli, Aleshire and Wynder, Authority Counsel

Agenda Item X. Receive and file update regarding in-person meetings and teleconferencing rules under the Brown Act as the COVID-19 state of emergency ends on February 28, 2023.

Background:

The topic regarding remote meeting rules and regulations for public agencies such as the Habitat Authority was last discussed by the Committee on November 15, 2022. This item is an update and reiteration regarding the rules governing remote and in-person meetings per the California Brown Act applicable to public agencies.

Since the start of the Covid-19 pandemic, public agencies have been able to conduct their meetings electronically on platforms such as Zoom. Originally, the suspension of the teleconferencing rules under the Brown Act was effected by an executive order by Governor Newsom. Later, AB 361 codified public agencies' authority to participated in Brown Act meetings remotely. Gov't Code 54953(e). The Brown Act provides, however, that a pre-requisite for AB 361 remote participation is a state of emergency declared by the State of California. The current state of emergency is likely to be lifted effective March 1, 2023. Thus, this Committee will no longer be able to meet remotely without complying with the traditional teleconferencing rules per Government Code Section 54953(b) or, alternatively, pursuant to the new teleconferencing rules added to the Brown Act by AB 2449, codified in Government Code Section 54953(f).

Beginning in March 2023, therefore, the Committee is scheduled to be meeting in-person at the City of Whittier's Palm Park located at 5703 Palm Avenue, Whittier, CA 90601.

Members of the Committee may appear remotely in accordance with the following rules:

Traditional teleconferencing rules under Gov't § 54953(b)(3). These are the teleconferencing rules as they applied prior to the pandemic. The rules allow members of the Committee to participate in meetings by teleconference, provided that: at least a quorum of the members participate in-person from a locations identified on the agenda that are within the agency's jurisdictional boundaries; each teleconference location is accessible to the

public; posting of an agenda at each teleconference location; and identification of such location in all meeting notices and agenda.

Alternatively, Committee members can teleconference into meetings without meeting the requirements of the Traditional Rules only for just cause or due to emergency circumstances. (These provisions expire January 1, 2026.) Note the following limitations:

- Each Committee member can only use just cause twice in one year. No member can use these provisions to attend remotely for more than 3 months out of the year or 20% of the annual meetings, or more than 2 meetings if the body regularly meets fewer than 10 times a year.
- Section 54954(f) has requirements for how a member can notify the body that they need to teleconference without complying with the Traditional Rules, and provides a process for how to address the request if it comes after the time for publishing the agenda.
- These provisions also have a number of requirements for remote participation by the public, including the type of platform that should be used, and providing the public with the ability to comment in real time during the meeting, and including information on the agenda regarding how the public can participate.
- These provisions also require that members who participate remotely do so using both audio and visual means, and disclose whether anyone 18 years or older is in the room with them.
- “Just cause” includes: (i) necessary caregiving to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (ii) having a contagious illness, (ii) having a physical or mental disability that is not otherwise accommodated; or (iv) traveling on official business of the local agency or another state or local agency. This can only be used twice in one year by each member.
- “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.

The new teleconferencing rules are designed so as not to be used as a way around the location notification and public access requirements of the traditional teleconferencing rules. It is noteworthy that the new rules have a number of technical requirements to ensure that the public can participate, which all have to be met. If the Committee is unable to meet those requirements, then these new rules will not be usable; the traditional teleconferencing rules will be, however.

Recommendation:

None. This is a receive and file item.

Attachment: November 15, 2022 staff report

MEMORANDUM

Meeting Date: November 15, 2022

To: Citizens Technical Advisory Committee

Prepared by: Andrea Gullo, Executive Director; Elena Gerli, Legal Counsel

Agenda Item XI. Discussion and recommendation to the Board regarding Authority's remote meeting regulations as specified in California Assembly Bill 2449.

Background:

Two things of note:

First, it appears that the Governor will lift the Covid-related state of emergency, effective February 28, 2023. Once that happens, the Habitat Authority's Board/Committee meetings, if they are held over Zoom, will require that each teleconferencing location be noticed on the agenda, with the agenda posted at the location and the location open to the public, and at least a quorum of the Board/Committee must be located within the jurisdictional boundaries of the Habitat Authority.

Second: The Board should adopt a reasonable accommodation policy in all due haste. A policy can be put in place before the end of the year, and if necessary can be ratified by the Board shortly thereafter.

Additional Background:

A new bill, AB 2449, amends the Brown Act to add alternative teleconferencing provisions, in addition to the existing traditional teleconferencing rules ("Traditional Rules") and the AB 361 teleconferencing rules.

- The Traditional Rules under Gov't § 54953(b)(3) require that members of the legislative body of a public agency can participate in meetings by teleconference, provided that: at least a quorum of the members participate in-person from a locations identified on the agenda that are within the agency's jurisdictional boundaries; each teleconference location is accessible to the public; posting of an agenda at each teleconference location; and identification of such location in the meeting notices and agenda.

- The AB 361 provisions will remain in the Brown Act until January 1, 2024. However, once the Governor lifts the emergency order, likely February 28, 2023, these rules cannot be used to hold remote meetings as was done during Covid.
- New teleconferencing rules. Members can teleconference into meetings without meeting the requirements of the Traditional Rules only for just cause or due to emergency circumstances. These provisions expire January 1, 2026.
 - “Just cause” includes: (i) necessary caregiving to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (ii) having a contagious illness, (ii) having a physical or mental disability that is not otherwise accommodated; or (iv) traveling on official business of the local agency or another state or local agency. This can only be used twice in one year by each member.
 - “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.
 - Cannot use these provisions to attend remotely for more than 3 months out of the year, or 20% of the annual meetings.
 - AB 2449 has requirements for how a member can notify the body that they need to teleconference without complying with the Traditional Rules, and provides a process for how to address the request if it comes after the time for publishing the agenda.
 - These provisions also have a number of requirements for remote participation by the public, including the type of platform that should be used, and providing the public with the ability to comment in real time during the meeting, and including information on the agenda regarding how the public can participate.

AB 2449 also amends the Brown Act to add a requirement for a reasonable accommodation policy, which sunsets by January 1, 2026.

- All agencies should adopt a written policy to swiftly address reasonable accommodation requests, and either provide it as part of the agenda, or reference it on the agenda and provide a link. Current agenda language regarding accessibility should be updated to include reference to reasonable accommodations.
- This requirement goes into effect January 1, 2023 and therefore requires action by the body prior to January 1. The Americans with Disabilities Act requires reasonable accommodations irrespective of any language in the Brown Act.

Finally, AB 2449 amends the Brown Act to add non-discrimination provisions, reflecting current law.

Fiscal Impact:

This proposed action is consistent with the Authority's approved budget for the fiscal year.

Recommendation:

That the Committee recommend to the Board to direct the Executive Director to update the agenda language as appropriate to comply with the requirements of AB 2449, effective January 1, 2023, and return to the Board with a proposed reasonable accommodation policy for Board approval.

Attachment:

AB 2449 (track changes version)

2022 Cal. Legis. Serv. Ch. 285 (A.B. 2449) (WEST)

CALIFORNIA 2022 LEGISLATIVE SERVICE

2022 Portion of 2021-2022 Regular Session

Additions are indicated by **Text**; deletions by

Vetoed material is indicated by ~~Text~~ ;
stricken material by ~~Text~~.

CHAPTER 285

A.B. No. 2449

AN ACT to amend, repeal, and add Sections 54953 and 54954.2 of the Government Code, relating to local government.

[Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, Blanca Rubio. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. The act authorizes a legislative body to take action on items of business not appearing on the posted agenda under specified conditions. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular

physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative body, as prescribed. The bill, until January 1, 2026, would authorize a legislative body to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The bill would define terms for purposes of these teleconferencing provisions.

This bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The people of the State of California do enact as follows:

SECTION 1. Section 54953 of the Government Code, as amended by Section 3 of Chapter 165 of the Statutes of 2021, is amended to read:

<< CA GOVT § 54953 >>

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b)(1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. **If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:**

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations^{***}. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).^{***}

^{***}

(c)(1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act^{***}. **(Division 10** (commencing with Section **7920.000**) of ^{***} Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d)(1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e)(1) ~~***~~ **The legislative body of a** local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) 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.

(B) 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.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

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~~***~~ (A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. ~~***~~

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(B) In the event of a disruption **that** prevents the ~~***~~ **legislative body** from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control **that** prevents members of the public from offering public comments using the call-in option or internet-based service option, the **legislative** body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption **that** prevents the ~~***~~ **legislative body** from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. ~~***~~

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E)(i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f)(1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) 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 of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall 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 (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) 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 paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall 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 individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for 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.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i)(1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) “Remote location” means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

***** (5) “State of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).**

(6) “Teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) “Two-way audiovisual platform” means 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.

(8) “Two-way telephonic service” means 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.

(9) “Webcasting” means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 2. Section 54953 of the Government Code, as added by Section 4 of Chapter 165 of the Statutes of 2021, is amended to read:

<< CA GOVT § 54953 >>

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b)(1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all **otherwise applicable** requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. **If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:**

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations * * *. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). * * *

* * *

(c)(1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act * * * **(Division 10** (commencing with Section **7920.000**) of * * * Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d)(1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e)(1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) 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 of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall 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 (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) 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 paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall 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 individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for 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.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h)(1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.

(2) “Just cause” means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. “Child,” “parent,” “grandparent,” “grandchild,” and “sibling” have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) “Remote location” means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) “Teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(6) “Two-way audiovisual platform” means 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.

(7) “Two-way telephonic service” means 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.

(8) “Webcasting” means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 3. Section 54953 is added to the Government Code, to read:

<< CA GOVT § 54953 >>

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b)(1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c)(1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d)(1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers

authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2026.

SEC. 4. Section 54954.2 of the Government Code is amended to read:

<< CA GOVT § 54954.2 >>

54954.2. (a)(1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by

the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) “Integrated agenda management platform” means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) “Legislative body” has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 5. Section 54954.2 is added to the Government Code, to read:

<< CA GOVT § 54954.2 >>

54954.2. (a)(1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) “Integrated agenda management platform” means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) “Legislative body” has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to

questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall become operative January 1, 2026.

SEC. 6. The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hospital room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 7. The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings.

End of Document

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MEMORANDUM

Meeting Date: February 14, 2023

To: Citizens Technical Advisory Committee

Prepared by: Andrea Gullo, Executive Director

Agenda Item: **XI. Discussion and possible recommendation to the Board of Directors regarding adopting Board resolution 2023-03 Authorizing the Executive Director to Apply for and Enter into Grant Agreement with State of California, Department of Forestry and Fire Protection for Puente Hills Fuels Reduction II Project, and any other required grant-related documents.**

Background:

Authority staff intends to apply for a multi-year grant from the California Department of Forestry and Fire Protection (CalFire). The grant deadline is March 15, 2023, prior to the next Board meeting. At the time this staff report was written, staff had not finalized the grant budget or application. The attached resolution is a requirement of the application, however an unsigned version can be submitted if necessary.

This grant funding has the potential to offset approximately \$200,000 in costs of annual fire prevention/fuels reduction activities such as a portion of annual brush clearance, vegetation clearance at parking lots, dead tree removal, possibly staff and ranger time, and administrative costs. This grant request could be for up to four fiscal years, 24/25, 25/26, 26/27, and 27/28. The overall grant request is estimated to be approximately \$800,000 to \$900,000 over a four-year period, however further research is needed to finalize the number. The Authority previously applied for, and was awarded, a CalFire grant for fire prevention/fuels reduction activities in fiscal years 21/22, 22/23 and 23/24. The current grant application will continue some activities funded by the previously award grant.

Fiscal Impact:

This grant has the potential to benefit the Authority's operating budget for several years to help close agency budget shortfalls should other funding options for the agency not be available to cover these annual fire prevention costs.

Recommendation:

Recommend that the Board of Directors adopt the attached Resolution 2023-03.

Attachments: Resolution 2023-03

**Puente Hills Habitat Preservation Authority
Resolution No. 2023-03**

**A Resolution of the Board of Directors
Authorizing the Executive Director to Apply for and Enter into Grant Agreement with
State of California, Department of Forestry and Fire Protection for Puente Hills Fuels
Reduction II Project, and any other required grant related documents**

WHEREAS, the Puente Hills Habitat Preservation Authority (Habitat Authority) was created pursuant to Government Code Section 6500 in 1994.

WHEREAS, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect native habitat and biological diversity. Additionally, the Habitat Authority endeavors to provide opportunities for outdoor education and low-impact recreation.

WHEREAS, the Governor of the State of California in cooperation with the California State Legislature has enacted State of California **Climate Investment**, which provides funds to the State of California and its political subdivisions for **fire prevention programs**; and

WHEREAS, the state Department of Forestry and Fire Protection (CAL FIRE) has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies, non-profit organizations, and others under the program, and

WHEREAS, if chosen by the state the applicant will enter into an agreement with the State of California to carry out **Puente Hills Fuels Reduction II** project;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE PUENTE HILLS HABITAT PRESERVATION AUTHORITY:

1. Approved the filing of an application for “**California Climate Investment Fire Prevention Grant Program**”; and
2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and,
3. Certifies that funds under the jurisdiction of the Board of Directors of the Puente Hills Habitat Preservation Authority are available to begin the project.
4. Certifies that said applicant will expend grant funds prior to March 2029, or as determined by the state.
5. Appoints Executive Director, or his/her designee, to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.
6. Finds that this action and Puente Hills Fuels Reduction II project are exempt from the provisions of the California Environmental Quality Act.

PHHPA
Resolution 2023-03
February 16, 2023

7. Gives approval to the Chair of the Board of Directors to sign this Resolution on behalf of the Board, and the Secretary to the Board of Directors shall certify to the passage and adoption thereof.

The foregoing resolution was APPROVED AND ADOPTED at a regular meeting held the 16th of February, 2023 by the following vote:

AYES:

NOES:

ABSENTS:

Signature

Chair of Board of Directors

----- CERTIFICATION OF RESOLUTION -----

ATTEST:

I, Marlyn Barajas, Secretary of the Board of Directors of the Puente Hills Habitat Preservation Authority, witness my hand on the 16th of February, 2023.

Signature

Secretary of the Board

Additional Materials



**Puente Hills
Habitat Preservation Authority**

Endowment Provided by the Puente Hills Landfill

January 12, 2023

Helen Rahder, Executive Director
The Whittier Conservancy
P. O. Box 9114
Whittier, California 90608

Dear Helen,

Thank you and the Whittier Conservancy Board of Directors very much for the tax deductible donation of \$250 to the Puente Hills Habitat Preservation Authority. Your donation is generous and very appreciated.

This gift will contribute towards the Habitat Authority's mission of preserving and protecting the Puente Hills Preserve. Contributions like this help our agency to continue to preserve the hills for the benefit of the wildlife, their habitat and people. Your support means a lot to us. Again, thank you!

Sincerely,

Andrea Gullo
Executive Director

*Thank you +
Happy New Year!*