



Special Meeting of the Metro Commission and Metro Wastewater JPA

REVISED AGENDA

Thursday, September 22, 2022 - 1:00 p.m.

"The Metro JPA's mission is to create an equitable partnership with the San Diego City Council and Mayor on regional wastewater issues. Through stakeholder collaboration, open dialogue, and data analysis, the partnership seeks to ensure fair rates for participating agencies, concern for the environment, and regionally balanced decisions." "The Metro JPA's mission is to create an equitable partnership with the San Diego City Council and Mayor on regional wastewater issues. Through stakeholder collaboration, open dialogue, and data analysis, the partnership seeks to ensure fair rates for participating agencies, concern for the environment, and regionally balanced decisions."

IN LIGHT OF THE PROCLAIMED STATE OF EMERGENCY RELATED TO THE COVID-19 PANDEMIC, AND PURSUANT TO GOVERNMENT CODE SECTION 54953(e)(1), THIS METRO SPECIAL BOARD MEETING WILL BE CONDUCTED REMOTELY AND THERE WILL BE NO PHYSICAL LOCATION FOR IN-PERSON ATTENDANCE. THIS MEETING SHALL ONLY BE ACCESSIBLE TO MEMBERS OF THE PUBLIC TELEPHONICALLY OR VIA ZOOM. ALL MEMBERS OF THE PUBLIC WISHING TO OBSERVE THIS PUBLIC MEETING MUST DIAL IN TO THE TELEPHONE NUMBER INDICATED BELOW OR JOIN THE MEETING BY COMPUTER USING THE LINK BELOW, AND WHEN PROMPTED, USE THE MEETING ID IDENTIFIED BELOW. FURTHER DETAILS ARE BELOW.

Note: Any member of the public may provide comments to the Metro Board of Directors on any agenda item. Public comments must be submitted in either of the following manners:

1. Providing Oral Comments During Meeting. To provide comments in real time during the meeting, join the Zoom meeting by computer, mobile phone, or dial-in number. On Zoom video conference by computer or mobile phone, use the "Raise Hand" feature. This will notify the Secretary that you wish to speak during a specific item on the agenda or during non-agenda Public Comment. If joining the meeting using the Zoom dial-in number, you can raise your hand by pressing *9. Comments will be limited to three (3) minutes
2. Written Comments. In order to provide written public comments, your comments must be submitted prior to the start of the meeting to lpeoples@chulavistaca.gov. Please indicate whether your comment is on a specific agenda item or a non-agenda item. Comments are limited to four hundred (400) words. Please submit written comments at least two (2) hours before the start of the meeting. All comments received by such time will be provided to the Board members in writing. At the discretion of the Chair, the first five (5) comments received on each agenda item, or on non-agenda matters, may be read into the record at the meeting. Comments received less than two (2) hours prior to the start of the meeting will be collected, sent to the Board members in writing, and made part of the public record.

When providing comments to the Board, please provide your name and city of residence for the record. If you have a written record that you wish to distribute to the Commission/JPA, please provide it to the Secretary via lpeoples@chulavistaca.gov, who will distribute the record to the members. With limited exceptions, all records distributed to the Commission/JPA Board or any Committee of the Board become public records upon distribution.

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The public may participate using the following remote options:

Join Zoom Meeting

<https://procopio.zoom.us/j/6198613500?pwd=aEZVSUFhOGJ2TkxpYysrQ1lIUzlnQT09>

Meeting ID: 619 861 3500

Passcode: Metro

One tap mobile

+16694449171,,6198613500#,,,,*846591# US

Dial by your location

+1 669 444 9171 US

Documentation
Included

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. PUBLIC COMMENT
Opportunity for members of the public to provide comments to the Commission/JPA on any items on the agenda. Members of the public may use the e-mail noted above to provide a comment.
- x 4. **ACTION:** CONSIDERATION AND POSSIBLE ACTION TO MAKE FINDINGS TO CONTINUE HOLDING REMOTE/TELECONFERENCE MEETINGS PURSUANT TO GOVERNMENT CODE 54953(e)(1)(B) and (C).
5. **CLOSED SESSION:** ANTICIPATED LITIGATION (Gov. Code 54956.9(d)(4))
 - One potential matter
6. ADJOURNMENT OF METRO COMMISSION AND METRO WASTEWATER JPA

The Metro Commission and/or Metro Wastewater JPA may take action on any item listed in this Agenda whether or not it is listed "For Action."

Materials provided to the Metro Commission and/or Metro Wastewater JPA related to any open-session item on this agenda are available for public review at our website: <https://www.metrojpa.org>

***In compliance with the
AMERICANS WITH DISABILITIES ACT***

The Metro Commission/Metro Wastewater JPA requests individuals who require alternative agenda format or special accommodations to participate in the Metro Commission/ Metro Wastewater JPA meetings, contact General Counsel Adriana Ochoa at adriana.ochoa@procopio.com. Requests for disability-related modifications or accommodations require different lead times and should be provided at least 72-hours in advance of a meeting.

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Metro JPA 2022 Regular Meeting Schedule

January 6, 2022
April 7, 2022
July 7, 2022
October 6, 2022

February 3, 2022
May 5, 2022
August 5, 2022
November 3, 2022

March 3, 2022
June 2, 2022
September 1, 2022
December 1, 2022

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ATTACHMENT 4

FINDINGS TO
CONTINUE HOLDING
REMOTE/
TELECONFERENCE
MEETINGS
PURSUANT TO
GOVERNMENT
CODE 54953(e)(1)(B)
and (C).



Metro Commission and Metro Wastewater JPA

STAFF REPORT

TO: Metro Commission and Metro Wastewater JPA

DATE: Thursday, September 22, 2022

FROM: Adriana Ochoa, General Counsel

AGENDA ITEM NO. 4: Consideration and Possible Action To Make Findings To Continue Holding Remote/Teleconference Meetings Pursuant To Assembly Bill 361

BACKGROUND

Assembly Bill No. 361 took effect September 16, 2021. It amends the Brown Act and allows for public agencies to utilize remote or virtual meetings through January 1, 2024 if any of the following circumstances are met:

- 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, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

In accordance with AB No. 361, when a board wants to continue holding virtual meetings because a state of emergency continues, the board must make findings every 30 days that 1) the board has reconsidered the circumstances of the state of emergency and 2) the state of emergency continues to directly impact the ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing.

On March 4, 2020, the Governor declared a state of emergency arising from the Covid-19 pandemic. California continues to remain in a proclaimed state of emergency relating to the Covid-19 pandemic. The State and San Diego County have phased out physical distancing mandates, and recommendations relating to social distancing are fairly limited as of the date of the preparation of this staff report.

Nonetheless, Covid-19 continues to threaten the community, particularly persons who are unvaccinated or that are in a high-risk category such as those who are over 65 years old, immune-compromised, or have underlying health conditions. The Omicron variant, designated a

“very high” risk by the World Health Organization, is currently the prevalent strain in San Diego County. The BA.2 omicron subvariant has also been surging in San Diego County with the Center for Disease Control recently moving San Diego into the “high-risk category.”

The County of San Diego Health and Human Services Agency’s Epidemiology and Immunization Services Branch prepares a Weekly Coronavirus Disease 2019 (COVID-19) Surveillance Report, which includes a Summary of Cases, Deaths, and Outbreaks by Date Reported for San Diego County, which can be found at https://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community_epidemiology/dc/2019-nCoV/status.html. The Board is encouraged to review the current and local data and evaluate whether the pandemic continues to directly impact the ability of the Finance Committee to meet safely.

In light of the ongoing emergency, on August 4, 2022 the Metro Wastewater JPA Board of Directors made the required findings to continue holding virtual meetings under AB 361. The Board’s 30-day findings expired on September 5, 2022. In order to continue holding virtual board, special and committee meetings over the next 30 days, the Metro Wastewater JPA Board of Directors must make the required findings set forth below, and must continue making these findings every 30 days thereafter.

RECOMMENDED ACTION

Legal counsel respectfully recommends the Board of Directors discuss and evaluate the information provided in this staff report and, if appropriate, approve the following findings and actions:

1. The Board hereby FINDS AND DECLARES that it has considered the circumstances of the proclaimed state of emergency declared by the Governor on March 4, 2020 relating to the Covid-19 pandemic and has determined, based on the information provided in this staff report, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees
2. The Board hereby makes these findings and approves for the upcoming 30-day period, August 4, 2022 to September 3, 2022, regular and special meetings of the Metro Wastewater JPA Board and its Standing Committees will continue to be virtual meetings held in accordance with AB 361’s Public Notice and Public Participation requirements.
3. Staff is hereby directed to notice the upcoming board and committee meetings as a virtual meeting if the proclaimed state of emergency remains, and to place AB 361 findings on the agenda for consideration at October Regular Board meeting so that the Board can at that point in time make a determination regarding whether as a result of the emergency, meeting in person would continue to present imminent risks to the health or safety of attendees.
4. Discuss or take other action as appropriate.