



AGENDA
Special Meeting
BOARD OF DIRECTORS
March 16, 2023 | 6:00 p.m.

This meeting will be held Virtually via Zoom.

Zoom Meeting ID No. 880 4133 6198 | Passcode: 400252

Board Norms

- | | |
|--|---|
| <ul style="list-style-type: none">✓ Avoid assuming intent or motives.✓ Commit to the shared success of the Authority.✓ Govern as a body.✓ Maintain an Authority perspective and balance it with individual city/county interests.✓ Recognize the success of employees.✓ Hold regular meetings between the General Manager and | <ul style="list-style-type: none">one-on-ones with Board members.✓ Communicate effectively with the public.✓ Respect the form of government.✓ Avoid criticizing staff or each other in public; coach privately.✓ Refrain from using technology during Board meetings.✓ Approach the business of government in a professional manner. |
|--|---|

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Board Directors

County: Chris Lopez
County: Glenn Church, *Alt. Vice President*
Salinas: Anthony Rocha, *President*
Salinas: Andrew Sandoval
Salinas: Carla Viviana Gonzalez
Gonzales: Elizabeth Silva
Soledad: Ben Jimenez, Jr., *Vice President*
Greenfield: Angela Untalon
King City: Robert S. Cullen

Alternate Directors

County: Luis Alejo
Salinas: Orlando Osornio
Gonzales: Scott Funk
Soledad: Maria Corralejo
Greenfield: Rachel Ortiz
King City: Darlene Acosta

TRANSLATION SERVICES AND OTHER MEETING ANNOUNCEMENTS

Translation services in Spanish will be available via Zoom.

Meeting ID: 880 4133 6198 | Passcode: 400252

APPROVAL OF AGENDA

PUBLIC COMMENT

Receive public comment from audience on items which are not on the agenda. The public may comment on scheduled agenda items as the Board considers them. Speakers are limited to three minutes at the discretion of the Chair.

CONSIDERATION

1. [**A RESOLUTION MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY DUE TO SEVERE WEATHER AND FLOODING, AUTHORIZING THE CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE AUTHORITY VIA REMOTE TELECONFERENCING FOR A 30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT AS AMENDED BY ASSEMBLY BILL NO. 361**](#)
 - A. Receive Report from Patrick Mathews, General Manager/CAO
 - B. Board Questions
 - C. Public Comment
 - D. Board Discussion and Action | *Recommended Action – Adopt the Resolution*

ADJOURNMENT

Meeting Information

In accordance with AB361, due to concerns of public health and safety because of severe weather and flooding this meeting will be held virtually.

To observe the meeting, go to our YouTube channel at <https://www.youtube.com/user/svswa831>.

To participate virtually during the meeting and make a general comment or comments on a specific agenda item as an item is being heard, join the meeting thru Zoom using the link below. Join with computer audio at:

<https://us02web.zoom.us/j/88041336198?pwd=RmpSYkZSSTdUaOdLVVVEEdElqaGdiUT09>. When ready to make a public comment, click the Raise Hand icon.

To participate by telephone dial any of the numbers listed below and enter the meeting ID number and passcode:

+1 669 900 9128	+1 253 215 8782	+1 346 248 7799
+1 301 715 8592	+ 1 312 626 6799	+ 1 646 558 8656
Enter Meeting ID: 880 4133 6198#		Passcode: 400252
To Raise your Hand press *9		To Mute and Unmute yourself press *6

Public comments may also be submitted via e-mail to the Clerk of the Board at comment@svswa.org. Comments must be received by 4 p.m. on Thursday, March 16, 2023 and should be limited to 250 words or less. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Comments received via e-mail after 4 p.m. will be made part of the record if received prior to the end of the meeting. To assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the item number (i.e., Item No. 10).

This agenda was posted at the Administration Office of the Salinas Valley Solid Waste Authority, 128 Sun St., Ste 101, Salinas, on the Gonzales Council Chambers Bulletin Board, 117 Fourth Street, Gonzales, and the Authority's Website on **Wednesday, March 15, 2023**. The Salinas Valley Solid Waste Authority Board will next meet in regular session on, **Thursday, April 20, 2023**. Staff reports for the Authority Board meetings are available for review at: ► Salinas Valley Solid Waste Authority: 128 Sun Street, Ste. 101, Salinas, CA 93901, Phone 831-775-3000 ► Web Site: www.salinavalleyrecycles.org. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact Erika J. Trujillo, Clerk of the Board at 831-775-3000. Notification 48 hours prior to the meeting will enable the Authority to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II). Spanish interpretation will be provided at the meeting. *Se proporcionará interpretación a español.*



Report to the Board of Directors

ITEM NO. 1

Finance and Administration
Manager/Controller/Treasurer

General Manager/CAO

R. Santos by E.T.

Authority General Counsel

Date: March 16, 2023

From: R. Patrick Mathews, General Manager/CAO
Roy Santos, General Counsel

Title: A Resolution Making Findings Related to the Continued Existence of a State of Emergency Due to Severe Weather and Flooding, Authorizing the Conduct of Public Meetings of the Legislative Bodies of the Authority Via Remote Teleconferencing for a 30-Day Period Pursuant to the Ralph M. Brown Act as Amended by Assembly Bill No. 361

RECOMMENDATION

Staff recommends that the Board approve the Resolution authorizing the conduct of public meetings of the legislative bodies of the Authority via remote teleconferencing.

STRATEGIC PLAN RELATIONSHIP

This item does not relate to the Board's Strategic Plan but does however reflect one of the Authority's key core values to be "Fiscally Prudent."

FISCAL IMPACT

No fiscal impact.

DISCUSSION & ANALYSIS

On September 16, 2021, Governor Newsom signed AB 361 into law. AB 361 allows legislative bodies to continue to utilize remote/virtual platforms for meetings. To implement remote meetings under AB 361, one of three criteria must be met at the time the Authority is holding a meeting during a proclaimed state of emergency by the Governor that includes area within the jurisdictional boundaries of the Authority:

- State or local officials have imposed or recommended measures to promote social distancing; or
- For the purpose of determining, by majority vote, whether as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- The Board of Directors has previously determined, by majority vote, that, as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees.

In other words, the Board of Directors can meet remotely under AB 361, during a declared state of emergency that includes the Authority, if the Board of Directors determines that one of the following is also true:

- State or local officials have imposed or recommended social distancing; or
- The Salinas Valley Solid Waste Authority holds a remote meeting to determine by a majority vote whether to hold remote future meetings; or
- The Salinas Valley Solid Waste Authority holds a meeting having already determined by a majority vote to hold remote meetings.

If one of these three criteria is met, then the Salinas Valley Solid Waste Authority can conduct meetings remotely via Government Code sections 54953(e) *et seq.* For the first and second conditions, the Salinas Valley Solid Waste Authority must determine, by majority vote and by adoption of a resolution, the grounds for electing to continue with remote meeting procedures.

The Authority has considered the existing conditions of the state of emergency in the State of California, County of Monterey and the Authority and, consistent with the provisions of Government Code section 54953(e), finds and determines that: (1) a proclaimed state of emergency and a proclaimed local emergency related to severe weather and flooding are both currently in effect and persist in the jurisdictional boundaries of the Authority; and (2) State and local officials have recommended measures to protect the health, safety and welfare of its residence during the emergency..

BACKGROUND

None

ATTACHMENT(S)

1. Resolution

RESOLUTION NO. 2023 -

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SALINAS VALLEY SOLID WASTE AUTHORITY MAKING FINDINGS RELATED TO THE EXISTENCE OF A STATE OF EMERGENCY DUE TO SEVERE WEATHER AND FLOODING, AUTHORIZING THE CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE AUTHORITY VIA REMOTE TELECONFERENCING FOR AN INITIAL 30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT AS AMENDED BY ASSEMBLY BILL NO. 361

WHEREAS, the Board of Directors of the Salinas Valley Solid Waste Authority ("Authority") are committed to preserving and nurturing public access and participation in meetings of the legislative bodies (as that term is defined in Government Code section 54952, including commissions, boards and committees subject to the Brown Act) of the Authority (collectively, the "Legislative Bodies"); and

WHEREAS, all meetings of the Legislative Bodies are open and public as required by the Ralph M. Brown Act, codified as Government Code sections 54950 *et seq.*, so that any member of the public may attend, participate, and observe the Legislative Bodies conduct their business; and

WHEREAS, the Brown Act, at Government Code section 54953(e), as amended by Assembly Bill (AB) 361 effective October 1, 2021, makes provision for remote teleconferencing participation in public meetings by members of a Legislative Body without compliance with the provisions of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition under Government Code section 54953(e) is that the meeting is held during a state of emergency that has been declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation can be made under circumstances including conditions when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Authority's boundaries, caused by natural, technological, or human-caused disasters

WHEREAS, it is further required that state or local officials continue to impose or recommend measures to promote social distancing, or that the legislative body is meeting to determine or has previously determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, on March 1st, in response to severe weather and flooding in the State of California, the Governor proclaimed a state of emergency for thirteen (13) counties, including the County of Monterey, with the State of California and thereafter issued a number of executive orders aimed at addressing the severe weather; and

WHEREAS, the Governor's proclaimed state of emergency and the County of

Monterey's proclaimed local emergency remain in effect and encompass the jurisdictional boundaries of the Authority; and

WHEREAS, the Authority as a consequence of the persisting state of emergency, the Legislative Bodies may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of Government Code section 54953, and that the Legislative Bodies may comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code section 54953; and

WHEREAS, consistent with AB 361, during the effectiveness of this Resolution, the Legislative Bodies and their staff may choose to avail themselves with AB 361 and give notice of the manner by which members of the public may access the Legislative Bodies' meetings and offer public comment; identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option; and allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the Legislative Body directly.

NOW, THEREFORE, the Board of Directors of the Salinas Valley Solid Waste Authority do hereby resolve as follows:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. The Authority has considered the existing conditions of the state of emergency in the State of California and County of Monterey consistent with the provisions of Government Code section 54953(e), hereby finds and determines that: (1) a proclaimed state of emergency and a proclaimed local emergency related to severe weather and flooding are both currently in effect and persist in the jurisdictional boundaries of the Authority; and (2) State and local officials have recommended measures to protect the health, safety and welfare of its residence during the emergency.

SECTION 3. The Board of Directors of the Salinas Valley Solid Waste Authority hereby acknowledges and affirms the County of Monterey's proclaimed local emergency which encompass their jurisdictional boundaries.

SECTION 4. The Legislative Bodies and staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, which may include the alternative of conducting all open and public meetings of the Legislative Bodies in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

SECTION 5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) April 15, 2023, or (ii) such time as the Board of Directors of the Salinas Valley Solid Waste Authority adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Legislative Bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

SECTION 6. Should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

PASSED AND ADOPTED by the Board of Directors of the Salinas Valley Solid Waste Authority at a special meeting duly held on the 16th day of March 2023, by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

Anthony Rocha, President

ATTEST:

APPROVED AS TO FORM:

Erika J. Trujillo, Clerk of the Board

Roy C. Santos, Authority General Counsel