



EMERYVILLE TRANSPORTATION MANAGEMENT ASSOCIATION

AGENDA

Board of Directors Meeting

May 18th, 2023 @ 9:15 AM

1333 Park Avenue, Garden Room

Emeryville, CA 94608

Chair

*Bobby Lee, At-Large
Residential Member*

Vice Chair

*Andrew Allen
At-Large Business
Member*

Secretary

*Besty Cooley, At-Large
Residential Member*

Treasurer

*Geoffrey Sears
Wareham
Development*

Directors

*Peter Schreiber
Pixar*

*Colin Osborne
At-Large Business
Member*

*Kassandra Kappelos
Public Market*

*Izamar Hook
CenterCal/Bay Street*

1. Call to Order
2. Public Comment
3. Approval of the Minutes of the April 20th, 2023 Board of Directors Meeting (Attachment)
4. Executive Directors Report
 - A. Ridership Reporting (Attachment)
 - i. Local transit ridership recovery
 - ii. Granular ridership audit update
 - B. On-Time Performance Reporting (Attachment)
5. Business Items
 - A. Review of 1st Quarter Financial Report (Attachment)
 - B. Review and Consider Approval to close the Summit Bank Account
 - C. Review and Consider Approval to invest a portion of the Savings Account
 - D. Consider Rebidding or Extending Shuttle Operations and Maintenance (attachment)
 - E. Review Syncromatics Replacement Options
 - F. Vehicle Retirement
 - G. Consider Hybrid Board Meetings (Attachment)
6. Confirm date of Next Meeting – June 15, 2023
7. Adjournment

EMERYVILLE TRANSPORATATION MANAGEMENT ASSOCIATION
ACTION SUMMARY MINUTES
Board of Directors Meeting
April 20, 2023

**LOCATION: 1333 PARK AVENUE, GARDEN ROOM
EMERYVILLE, CA 94608**

Directors Present: Bobby Lee, Chair
Betsy Cooley, Secretary
Geoffrey Sears, Treasurer
Peter Schreiber, Director
Colin Osborne, Director

Others Present: Daniel Oliver, Executive Director
Aaron Matthews, TDM Manager
Janet Shipp, Executive Assistant
Roni Hatstrup, GBS
Karen Boggs, GBS
Debi Lawrence, GBS
Pedro Jimenez, Assistant City Manager

1. Call to Order
Bobby Lee called the Board of Director's meeting to order at 9:20 AM
2. Public Comment
*There was 1 public comment that a resident asked to be read at the meeting. Daniel read the email where the resident stated she had been waiting for the bus and it passed by without stopping. She ran after the bus and caught it at the next light, but the driver turned her away. She had to take Uber in which the cost was \$30, as opposed to \$4.10. None of this would have happened if the bus stopped where it was supposed to. She loves the area with free transit and greatly appreciates the service. When the service fails, does the Board expect the service to keep employees productive and engaged? Does the Board expect shoppers to find another way to their stores and return to Emeryville in the future? Are these experiences common in your experience?
Daniel stated he would look further into what happened and hopes to get more details on the situation so it can be addressed.*
3. Approval of the Minutes of the March 16, 2023 Board of Directors Meeting
Betsy Cooley motioned for approval of the meeting minutes of the March 16th, 2023 Board of Directors meeting. Peter Schreiber seconded the motion.

This item was approved by a unanimous vote.

Yes: 5

No: 0

Abstain: 0

4. Executive Directors Report

A. Ridership Reporting

Aaron reviewed the Ridership showing a combined ridership increase month over month, from January to February, of 9%. From February to March there shows an increase of 7%.

Daniel stated he and Aaron are researching into implementing Trip Shot or Swiftly apps for more accurate ridership reporting.

B. On-Time Performance Reporting

On-time performance is running about 91% overall.

C. Status Update on Executive Director Transition

Altrans has had at least 18 meetings with GBS. Altrans officially received all the files on 4/6/23.

5. Business Items

A. Appoint Audit Review Committee

Colin Osborne and Peter Schreiber accepted to be members on the committee. The Board volunteered Cassandra Kappelos, who was not present. Bobby Lee said he could be a backup.

B. Review and Consider Approval of Audit Engagement with Maze Associates for preparation of the 2022 audited Financial Statement

Bobby Lee motioned for approval. Geoffrey Sears seconded the motion.

This item was approved by a unanimous vote.

Yes: 5

No: 0

Abstain: 0

C. Review and Consider Approval of Lennar Agreement Amendment No. 2

Geoffrey Sears motioned to approve. Betsy Cooley seconded the motion.

This item was approved by a unanimous vote.

Yes: 5

No: 0

Abstain: 0

D. Review and Signing of Summit Banking Documents

i. Corporate Banking Resolution

Daniel Oliver was added as a signer and address updated. Betsy Cooley, Geoffrey Sears, and Daniel Oliver signed.

ii. Signature Cards

Daniel Oliver and Geoffrey Sears signed.

iii. W9

Bobby Lee signed.

6. Confirm date of next Meeting

A. Annual Membership Meeting @ 9:00am – Elections & Appointments
The meeting date was confirmed for May, 18th, 2023 @ 9:00am

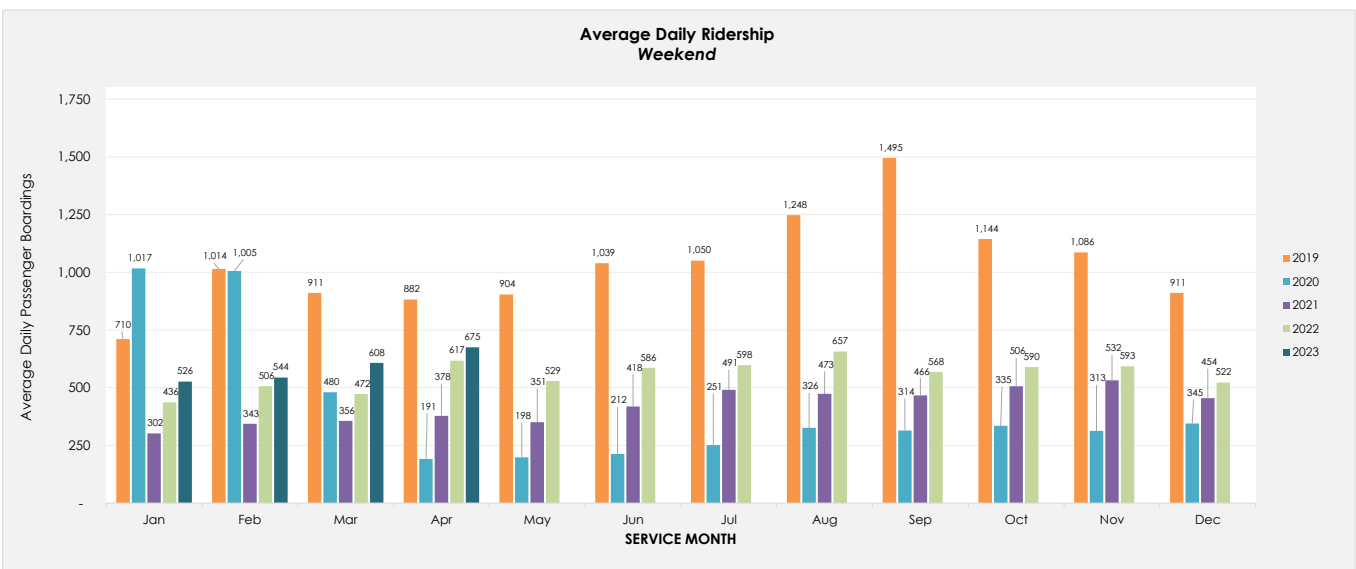
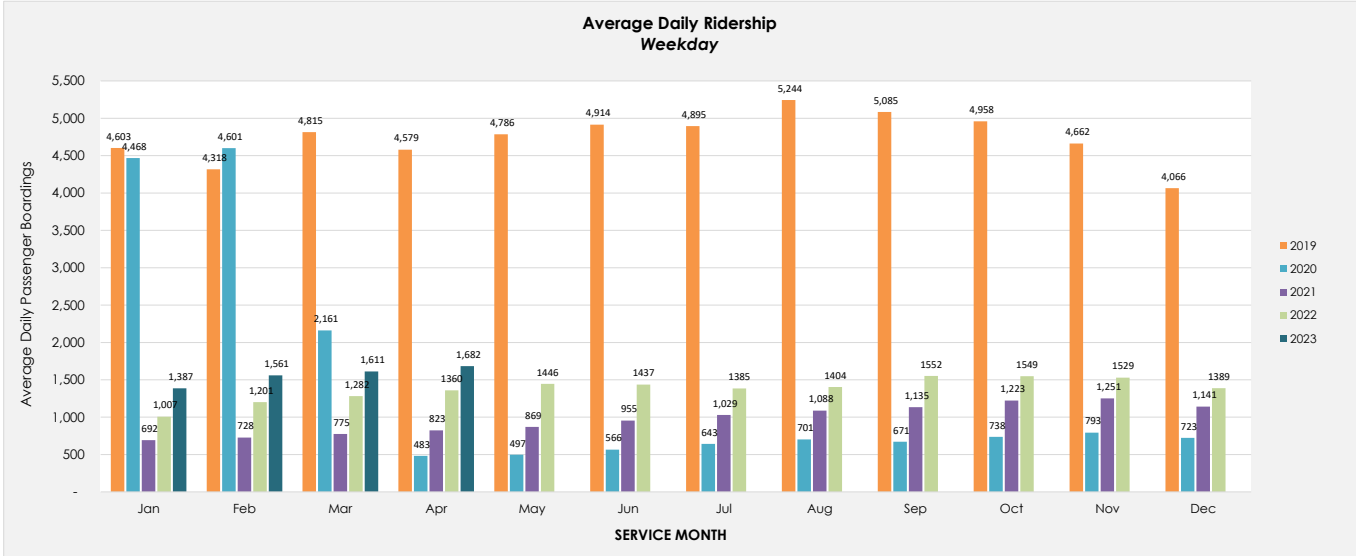
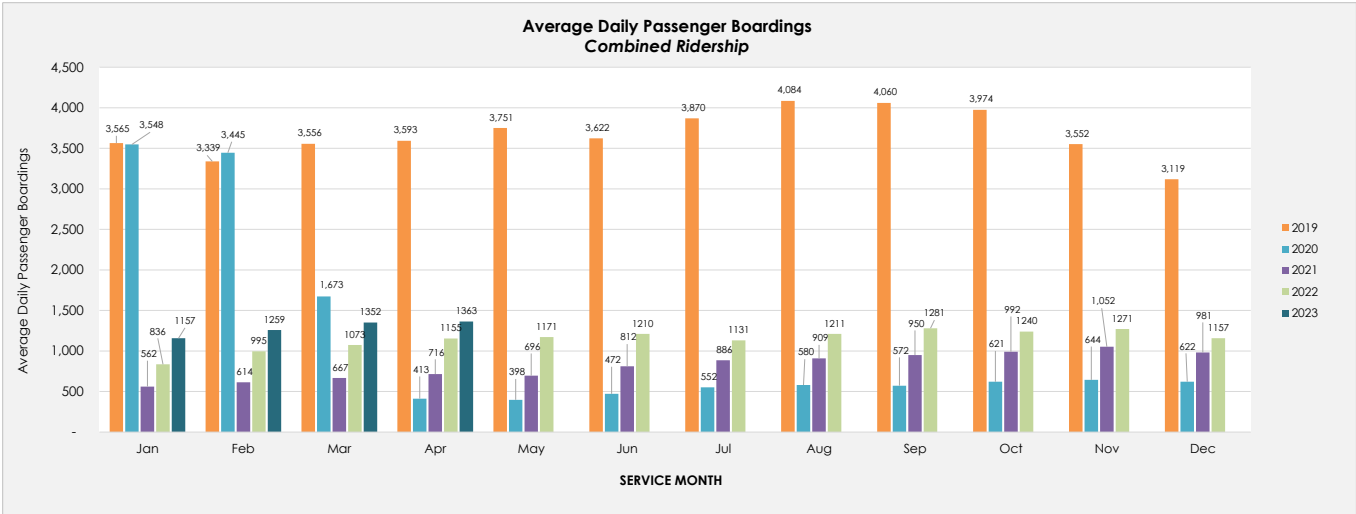
7. Adjournment

The meeting adjourned at approx. 10:20 am



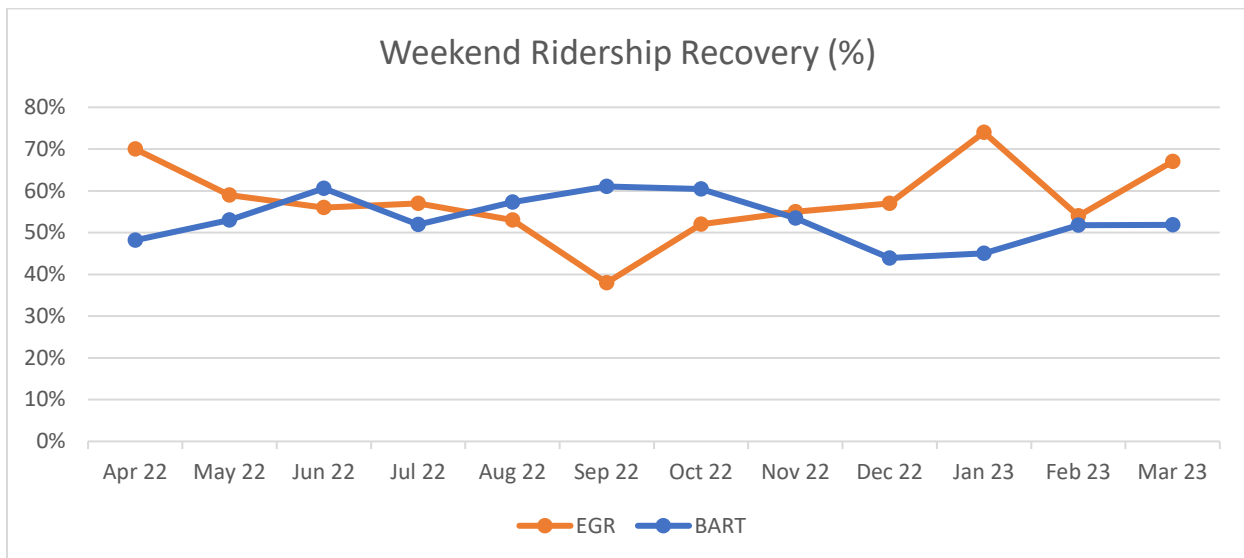
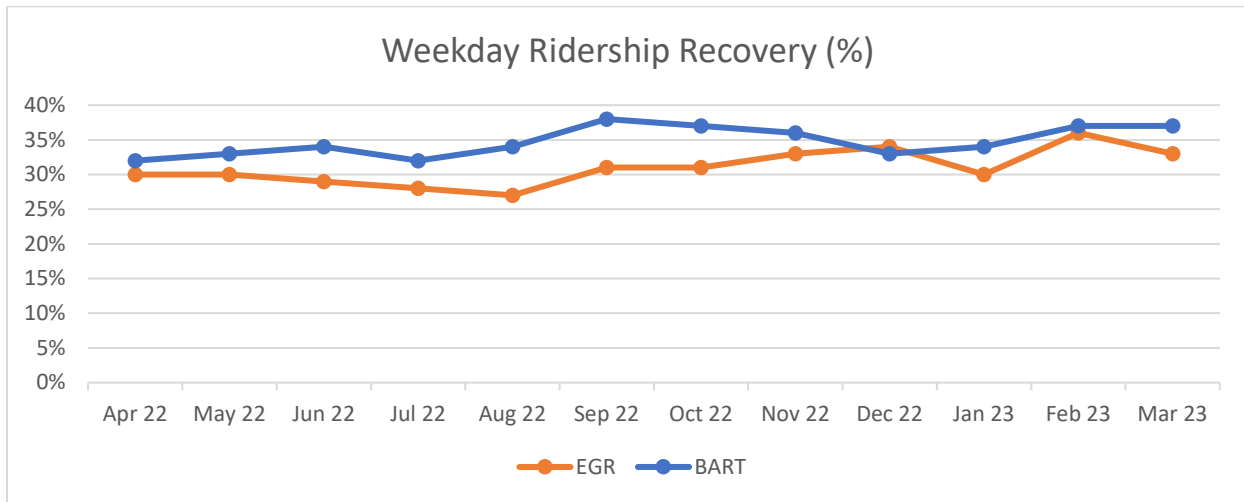
ANNUAL RIDERSHIP SUMMARY (YTD)/COMPARISON

WEEKDAY RIDERSHIP					
2023	Jan	Feb	Mar	Apr	Total to Date
Total Monthly Weekday Ridership	30,511	29,651	37,053	33,642	130,857
# of Operating Days	22	19	23	20	84
Average Daily Ridership	1387	1561	1611	1682	1,558
% Increase/Decrease from Prior Month	0%	13%	3%	4%	
% Increase/Decrease from Prior Year	38%	30%	26%	24%	
% of Pre COVID Baseline	30%	36%	33%	37%	
2019	Jan	Feb	Mar	Apr	Total
Total Monthly Ridership	101,269	82,033	101,123	100,741	1,206,173
# of Operating Days	22	19	21	22	254
Average Daily Ridership	4603	4318	4815	4579	4,749
WEEKEND RIDERSHIP					
2023	Jan	Feb	Mar	Apr	Total to Date
Total Monthly Weekend Ridership	4209	4351	4860	6074	19494
# of Operating Days	8	8	8	9	33
Average Daily Ridership	526	544	608	675	591
% Increase/Decrease from Prior Month	1%	3%	12%	11%	
% Increase/Decrease from Prior Year	21%	7%	29%	9%	
% of Pre COVID Baseline	74%	54%	67%	77%	
2019	Jan	Feb	Mar	Apr	Total
Total Monthly Ridership	5681	8,112	9,110	7,055	106,301
# of Operating Days	8	8	10	8	103
Average Daily Ridership	710	1014	911	882	1,032
COMBINED RIDERSHIP					
2023	Jan	Feb	Mar	Apr	Total to Date
Total Monthly Ridership	34,720	34,002	41,913	39,536	150,171
# of Operating Days	30	27	31	29	117
Average Daily Ridership	1,157	1,259	1,352	1,363	1,284
% Increase/Decrease from Prior Month	0%	9%	7%	1%	
% Increase/Decrease from Prior Year	38%	27%	26%	18%	
% of Pre COVID Baseline	32%	38%	38%	38%	
2019	Jan	Feb	Mar	Apr	Total
Total Monthly Ridership	106,950	90,145	110,233	107,796	1,312,474
# of Operating Days	30	27	31	30	357
Average Daily Ridership	3,565	3,339	3,556	3,593	3,676

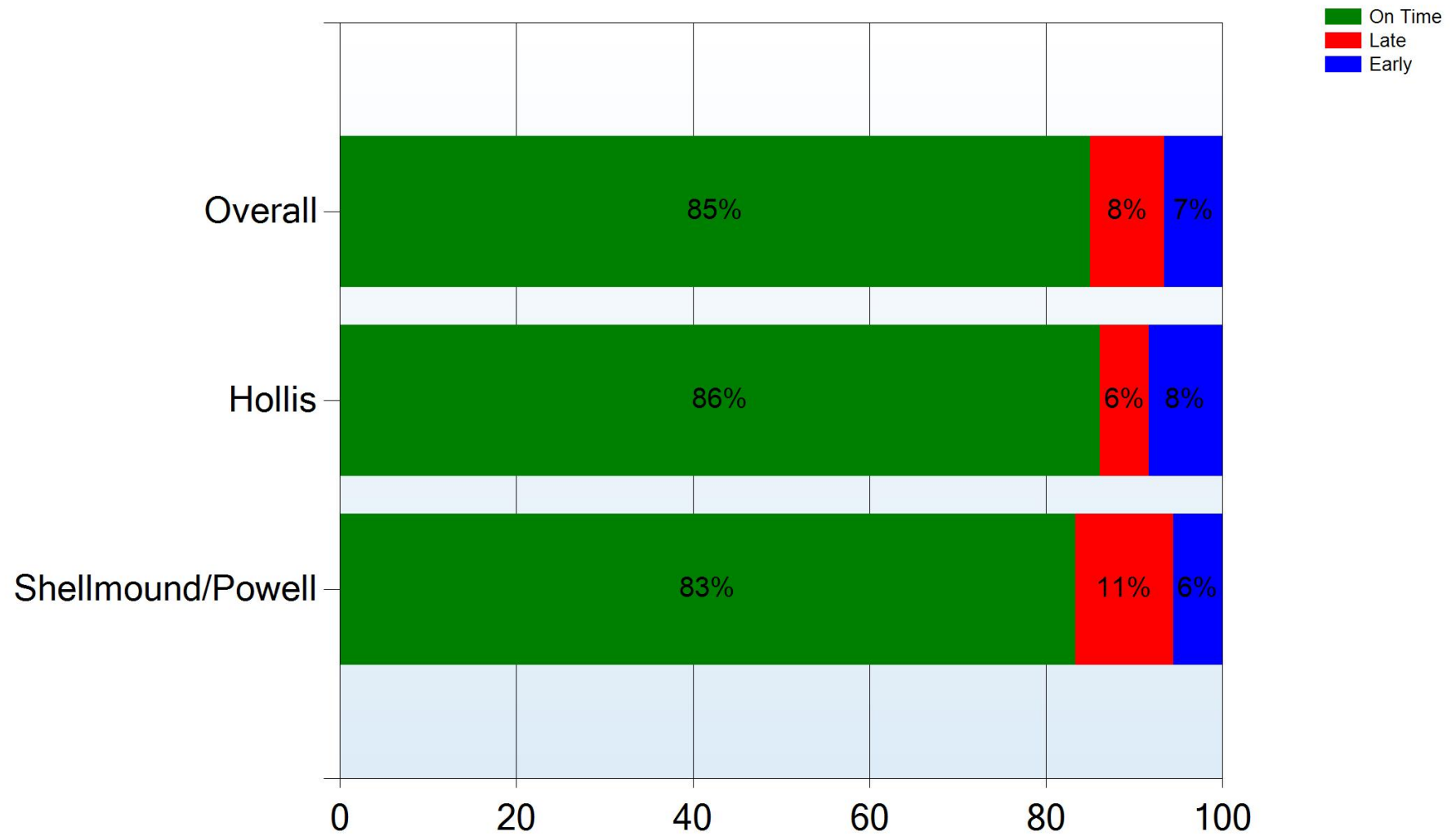




Emery Go-Round and BART Ridership Recovery



Overall Performance



EMERY GO-ROUND

(Accrual Basis)

	1st Quarter Financials			
	2023 Budget	Actual Revenue Rec'd to Date	Variance	% of revenue received
Revenue				
PBID Revenue				
Net PBID Revenue	4,373,552	2,186,778	1,093,390	50%
Non-PBID Revenue				
City - General Benefit Contribution	634,164	317,080	158,539	50%
ETMA Billed Revenue	112,865	113,373	85,156	100%
BGTMA (Net balance of WBS revenue)	63,600	9,395	(6,505)	15%
Quarterro - Emery Express Revenue	74,000	19,064	564	26%
Other Revenue	3,000	397	(353)	13%
Subtotal Non-PBID Revenues	887,629	459,308	237,401	52%
Total Revenue	5,261,181	2,646,086	1,330,791	50%
Expenditures				
Direct Costs				
Bus Leases/Purchases	500,000	60,739	(64,261)	12%
Maintenance	220,000	43,004	(11,996)	20%
Operations Contract	2,700,000	613,743	(61,257)	23%
Fuel	360,000	53,751	(36,249)	15%
Communications	55,000	3,761	(9,989)	7%
Miscellaneous Operating Costs	10,000	-	(2,500)	0%
Subtotal Direct Costs	3,845,000	774,998	(186,252)	20%
Indirect Costs				
Professional Services	575,000	136,824	(6,926)	24%
Occupancy (site lease, utilities, etc.)	510,000	119,413	(8,087)	23%
Bus Yard (Site Development & Relocation)	-	5,800	5,800	N/A
Membership/Public Outreach Expenses	10,000	-	(2,500)	0%
Pilot Projects and Research	25,000	-	(6,250)	0%
TMA Insurance	50,000	-	(12,500)	0%
Meeting expenses, supplies, licenses, fees, etc.	10,000	14	(2,486)	0%
Subtotal Indirect Costs	1,180,000	262,052	(32,948)	22%
Total TMA Expenditures	5,025,000	1,037,050	(219,200)	21%

2023 Revenue vs. Expenditures Balance:

236,181

1,609,036

EMERY GO-ROUND

(Cash Basis)

	1st Quarter Financials			
	2023 Budget	Actual Revenue Rec'd to Date	Variance	% of revenue received
Revenue				
PBID Revenue				
Net PBID Revenue	4,373,552	2,186,778	1,093,390	50%
Non-PBID Revenue				
City - General Benefit Contribution	634,164	317,080	158,539	50%
ETMA Billed Revenue	112,865	-	(28,216)	0%
BGTMA (Net balance of WBS revenue)	63,600	-	(15,900)	N/A
Quarterro - Emery Express Revenue*	74,000	21,918	3,418	N/A
Other Revenue	3,000	397	(353)	13%
Subtotal Non-PBID Revenues	887,629	339,396	117,488	38%
Total Revenue	5,261,181	2,526,174	1,210,878	48%
Expenditures				
Direct Costs				
Bus Leases/Purchases	500,000	60,739	(64,261)	12%
Maintenance	220,000	28,786	(26,214)	13%
Operations Contract	2,700,000	582,162	(92,838)	22%
Fuel	360,000	53,183	(36,817)	15%
Communications	55,000	3,757	(9,993)	7%
Miscellaneous Operating Costs	10,000	-	(2,500)	0%
Subtotal Direct Costs	3,845,000	728,628	(232,622)	19%
Indirect Costs				
Professional Services	575,000	60,181	(83,569)	10%
Occupancy (site lease, utilities, etc.)	510,000	118,669	(8,831)	23%
Bus Yard (Site Development & Relocation)	-	9,400	9,400	N/A
Membership/Public Outreach Expenses	10,000	-	(2,500)	0%
Pilot Projects and Research	25,000	-	(6,250)	0%
TMA Insurance	50,000	-	(12,500)	0%
Meeting expenses, supplies, licenses, fees, etc.	10,000	14	(2,486)	0%
Subtotal Indirect Costs	1,180,000	188,265	(106,735)	16%
Total TMA Expenditures	5,025,000	916,893	(339,357)	18%

2023 Revenue vs. Expenditures Balance: 236,181 1,609,281

*Revenue from Aug-Dec 2022 Service Months

ETMA Reimbursable Programs

WEST BERKELEY SHUTTLE

<u>Revenue</u>	Actual Revenue Rec'd to Date
West Berkeley Shuttle LLC	72,026
Total Revenue - West Berkeley	72,026
<u>Expenditures</u>	Actual Costs to Date
Shuttle Operations	60,235
Communications	210
Professional Service Contracts	2,186
Total Expenditures - West Berkeley	62,631
<i>Balance</i>	<i>9,395</i>

City of Emeryville - 8 to Go Paratransit

<u>Revenue</u>	Actual Revenue Rec'd to Date
City of Emeryville - 8 to Go Paratransit	28,952
Total Revenue - City	28,952
<u>Expenditures</u>	Actual Costs to Date
Shuttle Operations & Maintenance	26,201
Fuel	741
Communications	228
Professional Service Contracts	1,782
Total Expenditures - City	28,952
<i>Balance</i>	<i>0</i>

LENNAR - The Emery Express

<u>Revenue</u>	Actual Revenue Rec'd to Date
Lennar - The Emery Express	114,382
Total Revenue - City	114,382
<u>Expenditures</u>	Actual Costs to Date
Shuttle Operations & Maintenance	85,328
Fuel	7,084
Communications	210
Professional Service Contracts	2,697
Total Expenditures - City	95,318
<i>Balance</i>	<i>19,064</i>

Summit Bank

Emeryville Transportation Management Associat
3609 Bradshaw Road Ste H-347
Sacramento CA 95827

Account Number: XXXXXXXX
Statement Date: 4/30/23
Page: 1 of 1
Items: 0

Summit Bank does not share or sell your information.
We value you as a client and follow strict
guidelines to protect your privacy.

COM'L INT BEARING #:	XXXXXXXX		
Previous Balance on 3/31/23		\$	138,868.88
1 Deposits and Other Additions (Credits)		+	4.57

Current Balance on 4/30/23		\$	138,873.45

Checking Account Transactions

4/30/23 INTEREST PAID

4.57 +

Interest Paid Year to Date is	18.27
Low Collected Balance	138,868.88
Average Ledger Balance for Period was	138,868.88
Average Collected Balance for Period was	138,868.88
Current Interest Rate is	.0400%
Statement Period =	30 days
Interest Earned for Period =	4.57
Annual Percentage Yield Earned=	0.04%

Emeryville
2000 Powell Street
Emeryville, California 94608
(510) 428-1868

Oakland
2969 Broadway
P.O. Box 898
Oakland, California 94604
(510) 839-8800
www.summitbanking.com

Walnut Creek
1701 North California Boulevard
Walnut Creek, California 94596
(925) 935-9220



CD (Certificate of Deposit) Accounts

A CD, or certificate of deposit, is a type of savings account with a fixed interest rate that’s usually higher than a regular savings account. It also has a fixed term length and a fixed date of withdrawal, known as the maturity date. You lock funds in a CD for a term generally ranging from three months to five years. CDs don’t have monthly fees, but most have an early withdrawal penalty.

Like regular savings accounts, certificates of deposit are insured, so you get your money back in the unlikely event your bank goes bankrupt. CDs at banks are insured by the Federal Deposit Insurance Corp. (up to \$250,000).

It is recommended to invest \$2,000,000 from the Emeryville Transportation Management Association’s Savings account into a CD.

Current Bank of America Rates (as of Monday, May 15, 2023)

7-Month Term

Amount	Interest Rate	Annual Percentage Yield (APY) ¹
\$1,000,000 and over	4.51%	4.60%

With a 7-month term and the current 4.60% APY, this would amount to a yield of \$53,213.65.

13-Month Term

Amount	Interest Rate	Annual Percentage Yield (APY) ¹
\$1,000,000 and over	4.51%	4.60%

With a 13-month term and the current 4.60% APY, this would amount to a yield of \$99,950.83.

At the end of the term, we will have the option to redeem the funds by transferring them to a standard savings account or renewing the CD with the interest rate at the time of renewal.



21-Month Estimated Cash Flow

	Estimated Expenses	Estimated Revenue	Estimated Banking Balance	Banking Balance minus 15% Operating Reserve
April 2023	\$437,451.80	\$184,682.77	\$5,084,919.97	\$4,310,919.97
May 2023	\$456,069.89	\$72,682.77	\$4,701,532.85	\$3,927,532.85
June 2023*	\$397,766.13	\$72,682.77	\$4,376,449.49	\$3,602,449.49
July 2023	\$456,135.53	\$2,576,540.77	\$6,496,854.72	\$5,722,854.72
August 2023	\$409,055.00	\$72,682.77	\$6,160,482.49	\$5,386,482.49
September 2023	\$396,377.90	\$72,682.77	\$5,836,787.36	\$5,062,787.36
October 2023	\$400,647.76	\$72,682.77	\$5,508,822.37	\$4,734,822.37
November 2023	\$389,330.82	\$72,682.77	\$5,192,174.32	\$4,418,174.32
December 2023	\$386,759.22	\$72,682.77	\$4,878,097.86	\$4,104,097.86
January 2024	\$427,241.58	\$76,308.91	\$4,539,165.19	\$3,765,165.19
February 2024	\$409,981.94	\$388,529.17	\$4,529,712.42	\$3,755,712.42
March 2024	\$417,608.94	\$2,328,688.19	\$6,452,791.67	\$5,678,791.67
April 2024	\$438,159.11	\$191,668.91	\$6,218,301.47	\$5,444,301.47
May 2024	\$469,614.61	\$76,308.91	\$5,836,995.76	\$5,062,995.76
June 2024	\$408,905.62	\$76,308.91	\$5,516,399.05	\$4,742,399.05
July 2024	\$482,978.00	\$388,529.17	\$5,433,950.23	\$4,659,950.23
August 2024	\$426,924.79	\$2,328,688.19	\$7,347,713.63	\$6,573,713.63
September 2024	\$417,923.26	\$76,308.91	\$7,018,099.28	\$6,244,099.28
October 2024	\$429,500.68	\$76,308.91	\$6,676,907.51	\$5,902,907.51
November 2024	\$415,559.72	\$76,308.91	\$6,349,656.70	\$5,575,656.70
December 2024	\$423,334.83	\$76,308.91	\$6,014,630.78	\$5,240,630.78

*Lowest estimated 21-month balance (\$3,602,449.49)



Estimated Shuttle Operator RFP Timeline

History/Background

The Emeryville TMA last went out to bid for shuttle operations and maintenance in 2012. MV Transportation was selected and began operations in early 2013.

Agreement	Term
Original Agreement	February 15, 2013 – December 31, 2015
Extension 1	January 1, 2016 – December 31, 2017
Extension 2	January 1, 2018 – December 31, 2020
Extension 3	January 1, 2021 – December 31, 2022
Extension 4 (Current)	January 1, 2023 – December 31, 2023

With the current agreement set to expire December 31, 2023, we are in the process of developing an RFP for Shuttle Operations and Maintenance Services for Emery Go-Round, West Berkeley Shuttle, 8 to Go Paratransit Shuttle, and The Emery Express Shuttle. If we chose to go out to bid, the estimated timeline would be:

Activity	Estimated Date/Deadline
Board Approve RFP (at Board meeting)	June 15, 2023
Issue RFP	June 19, 2023
Deadline for questions/clarifications	July 19, 2023
Proposal submission deadline	August 9, 2023
Contractor Interviews, if needed	August 14-18, 2023
Contractor Selection	August 22, 2023
Appeals Process Deadline	September 12, 2023
Board Approval (at Board Meeting)/Contract Awarded	September 21, 2023
Service Start	January 1, 2023

This timeline would provide a 3-month “prep period” in which a new operator, if selected, would be able to get up to speed before operations begin in January 2024.



Syncromatics Replacement Options

Emery Go-Round has been using GMV Syncromatics for real-time tracking, ridership tracking, and on-time performance (OTP) tracking since 2016. The program provides a passenger-facing app and Automatic Passenger Counter (APC) integration. Unfortunately, the APC integration has never functioned properly, providing a 50% variance from the drivers' manually-tracked ridership. Additionally, issues with their system's OTP tracking has prevented accurate reporting. Because Syncromatics' ridership reporting and OTP reporting has had issues, the only accurate function it provides is real-time tracking.

As a result, we have reached out to multiple vendors to identify potential replacements for Syncromatics.



Information:

Features/Benefits	Integrated Rider App, Real-Time Monitoring, Public and Private Facing Options
Drawbacks	Higher Cost
Other Systems That Use	Mountain View Community Shuttle, Anaheim Transportation Network

Pricing:

	Annual Price without APC Integration	Annual Price with APC Integration
Year 1	\$75,000 (\$240 PVPM)	\$81,120 (\$260 PVPM)
Year 2	\$75,000 (\$240 PVPM)	\$81,120 (\$260 PVPM)
Year 3	\$77,250 (\$248 PVPM)	\$84,240 (\$270 PVPM)



Information:

Features/Benefits	Real-Time Monitoring, Automated Reports, Lower Pricing, Integration with Transit App
Drawbacks	No dedicated passenger app
Other Systems That Use	Mountain View Community Shuttle, Anaheim Transportation Network

Pricing:

	Annual Price without APC Integration	Annual Price with APC Integration
Year 1	\$33,800 (\$108 PVPM) + \$8,632 setup	\$47,944 (\$154 PVPM) + \$8,632 setup
Year 2	\$34,814 (\$111 PVPM)	\$49,382.32 (\$160 PVPM)
Year 3	\$35,858.42 (\$115 PVPM)	\$50,863.79 (\$163 PVPM)



EMERYVILLE TRANSPORTATION MANAGEMENT ASSOCIATION

Fleet: May 2023

Bus Number	Year	Make/Model	VIN	Type	Mileage	GPS Emitter	Planned Retirement Year
Emery Go-Round							
683	2013	INTERNATIONAL UC	5WEASAAN4DJ270683	CUTAWAY	188,951		2020
065	2014	INTERNATIONAL 3200	5WEASAANXE487065	CUTAWAY	175,748		2021
066	2014	INTERNATIONAL 3200	5WEASAAN1EH487066	CUTAWAY	148,439		2021
067	2014	INTERNATIONAL 3200	5WEASAAN3EH487067	CUTAWAY	166,985		2021
068	2014	INTERNATIONAL 3200	5WEASAAN5EH487068	CUTAWAY	161,675		2022
207	2014	INTERNATIONAL 3200	5WEASAAN8DH417207	CUTAWAY	141,701		2022
208	2014	INTERNATIONAL 3200	5WEASAANXD417208	CUTAWAY	136,873		2022
215	2015	INTERNATIONAL 3200	5WEASAAN3FH726215	CUTAWAY	117,474		2023
216	2015	INTERNATIONAL 3200	5WEASAAN5FH726216	CUTAWAY	121,193		2023
220	2015	INTERNATIONAL 3200	5WEASAAN7FH726220	CUTAWAY	150,970		2023
649	2016	INTERNATIONAL 4300	5WEASC8L0GH268649	CUTAWAY	116,710		2025
650	2016	INTERNATIONAL 4300	5WEASC8L7GH268650	CUTAWAY	108,018		2025
651	2016	INTERNATIONAL 4300	5WEASC8L9GH268651	CUTAWAY	130,273	Yes	2025
920	2016	INTERNATIONAL 4300	5WEASC8L3GH282920	CUTAWAY	158,821		2024
921	2016	INTERNATIONAL 4300	5WEASC8L3GH282921	CUTAWAY	120,730	Yes	2024
922	2016	INTERNATIONAL 4300	5WEASC8L3GH282922	CUTAWAY	150,017		2024
696	2017	IC CORPORATION RC505	5WEASC8N9HH514696	CUTAWAY	119,917	Yes	2025
697	2017	IC CORPORATION RC505	5WEASC8N0HH514697	CUTAWAY	107,236	Yes	2026
698	2017	IC CORPORATION RC505	5WEASC8N2HH514698	CUTAWAY	123,072		2026
8698	2018	INTERNATIONAL 4300	5WEASC8N6JH578698	CUTAWAY	102,870	Yes	2026
8699	2018	INTERNATIONAL 4300	5WEASC8N8JH578699	CUTAWAY	105,213	Yes	2027
8700	2018	INTERNATIONAL 4300	5WEASC8N0JH578700	CUTAWAY	87,314	Yes	2027
8701	2018	INTERNATIONAL 4300	5WEASC8N2JH578701	CUTAWAY	86,488	Yes	2027
751	2019	INTERNATIONAL PC505	5WEASC8N3KH400751	CUTAWAY	59,095	Yes	2028
752	2019	INTERNATIONAL PC505	5WEASC8N5KH400752	CUTAWAY	56,623	Yes	2028
753	2019	INTERNATIONAL PC505	5WEASC8N7KH400753	CUTAWAY	44,972	Yes	2028

West Berkeley							
628	2013	INTERNATIONAL UC	5WEXWSKK6DH044628	CUTAWAY	167,045		
938	2016	FORD MOTOR COMPANY F550	1FDGF5GT2GEA51938	CUTAWAY	75,181		

8 to Go							
743	2016	DODGE CARA SHUTTLE	2C7WDGBG3GR313743	CUTAWAY	39,432		
591	2007	DODGE SPRI	WD8PE746475132591	CUTAWAY	93,529		



The Brown Act: Teleconference Requirements

Suspension of Teleconference Requirements During the Pandemic

During the COVID-19 pandemic, Governor Newsom passed a series of executive orders that relaxed the traditional Brown Act requirements for remote public meeting participation to protect public health.

The Legislature, through its passage of AB 361, allows local agencies to suspend many of the Brown Act's rigid requirements for teleconferencing when a board or commission meeting is held during a declared state of emergency. Specifically, AB 361 amended the Brown Act to provide additional provisions that allowed far more flexibility to conduct remote public meetings of commissions and boards if the Governor continued to declare a state of emergency due to the COVID-19 pandemic.

On February 28, 2023, the Governor rescinded the Emergency Proclamation related to the COVID-19 pandemic. As a result, as of March 1, 2023 local public agency boards, commissions, and committees (including all District Brown Act bodies) no longer have the legal authority to hold meetings virtually under AB 361. However, pursuant to Government Code 54953, the ability for any board or commission member to participate remotely will require either:

1. Full compliance with the Brown Act's traditional, rigid teleconferencing requirements OR
2. Following new complex teleconferencing provisions under AB 2449

Traditional Teleconferencing Procedures

To conduct a meeting with a member participating by teleconferencing, the Brown Act requires the following:

1. At least a quorum of the board must participate from teleconferencing locations within the jurisdictional boundaries.
2. Each teleconference location must be identified in the notice and agenda of the meeting.
3. Agendas must be posted at each teleconference location in addition to the standard posting location.
4. Each location must be accessible to the public.
5. The agenda must provide the opportunity for the public to address the legislative body at each teleconference location.
6. All votes taken must be by roll call.

Teleconferencing Provisions Under AB 2449 (sunsets January 1, 2026)

AB 2449 authorizes legislative body members to use teleconferencing without complying with traditional teleconference requirements under the following conditions:

1. At least a quorum of the members of the legislative body must participate in person from one physical location and be open to the public.
2. Board members may participate remotely a limited number of times per year.



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- a. A member may participate remotely for no more than 3 consecutive months OR no more than 20% of the regular meetings for the legislative body within a calendar year.
 - b. Based on this formula, ETMA Board Members may participate remotely for up to 2 meetings per year.
3. The public must be able to participate remotely.
4. A member may only teleconference for publicly disclosed “just cause” or in “emergency circumstances” approved by the board.
 - a. “Just cause” is defined as any one of the following:
 - i. Child care or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely.
 - ii. A contagious illness that prevents a member from attending in person.
 - iii. A need related to a physical or mental disability.
 - iv. Travel while on business of the legislative body or another state or local agency.
 - b. An “emergency circumstance” is defined as a physical or family medical emergency that prevents a member of a Brown Act body from attending in person.
 - c. Under either circumstance, the member in question must give a general description of the circumstances relating to their need to appear remotely, but need not disclose any medical diagnosis, disability, or other confidential medical information.