



CITY of BRISBANE

Open Space and Ecology Committee Meeting Agenda

Wednesday, January 25, 2023 at 6:30 P.M. • Virtual Meeting

This meeting is compliant with the Ralph M. Brown act as amended by California Assembly Bill No. 361 effective September 16, 2021 providing for a public health emergency exception to the standard teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for the public, staff and Committee Members, while allowing for public participation. Accordingly, the public may observe Committee meetings and/or address the Committee using remote public comment options or have the option to attend Committee meetings in person. Please be advised that Committee members may continue to participate in the meeting remotely. The Committee may take action on any item listed in the agenda.

TO ADDRESS THE COMMITTEE

IN PERSON

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

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

REMOTE PARTICIPATION

Members of the public may observe/participate in the Committee Meeting by logging into the Zoom Webinar listed below. Committee Meetings can also be viewed live and/or on-demand via the City's YouTube Channel, www.youtube.com/brisbaneca, or on Comcast Channel 27. Archived videos can be replayed on the City's website, <http://brisbaneca.org/meetings>. Please be advised that if there are technological difficulties, the meeting will nevertheless continue. The agenda materials may be viewed online at www.brisbaneca.org at least 24 hours prior to a Special Meeting, and at least 72 hours prior to a Regular Meeting.

Remote Public Comments:

Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Aside from commenting while in the Zoom meeting, the following email will be also monitored during the meeting and public comments received will be read into the record during Oral Communications or during an Item.

Email: aetherton@brisbaneca.org

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

Meeting ID: 976 4295 0160

Call In Number: 669.900.9128

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact Adrienne Etherton at aetherton@brisbaneca.org or (415) 508-2118. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

MEETING SETUP AND INTRODUCTION

CALL TO ORDER

ROLL CALL

ADOPTION OF THE AGENDA

ANNOUNCEMENTS

ORAL COMMUNICATIONS

APPROVAL OF THE MINUTES

- A. Minutes of November 30, 2022

OLD BUSINESS

- B. Discuss Revised 2023 Draft Work Plan

NEW BUSINESS

- C. Dark Skies Certification Discussion
- D. Review of New Brown Act Provisions

STAFF UPDATES

SUBCOMMITTEE REPORTS AND REORGANIZATION

CALENDAR ITEMS

CHAIR AND COMMITTEE MEMBER MATTERS

NEXT MEETING: February 22, 2023

ADJOURNMENT

A.

File Attachments for Item:

A. Minutes of November 30, 2022



CITY of BRISBANE

Open Space and Ecology Committee Meeting Minutes

Wednesday, November 30, 2022 at 6:30 P.M. • Virtual Meeting

MEETING SETUP AND INTRODUCTION

CALL TO ORDER – 6:33 PM

ROLL CALL

Committee members present: Becker, Calmes, Ebel, Fieldman, Nunan, Rogers, Salmon

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

ADOPTION OF THE AGENDA

Salmon moved to adopt the agenda and Rogers seconded; the motion was adopted unanimously by roll call vote.

ANNOUNCEMENTS

Regan invited others to join a tour of SSF Scavenger she is organizing for her grad program on December 8; email her to sign up.

ORAL COMMUNICATIONS – None.

APPROVAL OF THE MINUTES

- A. Minutes of October 26, 2022 – Nunan moved to approve the minutes, Salmon seconded; the motion was adopted unanimously by roll call vote with Rogers abstaining.

NEW BUSINESS

- B. Informational Overview on CEQA & Entitlement Process – Senior Planner Ayres walked the committee through the CEQA process, including the flowchart attached below, and addressed committee questions on ministerial projects, lead versus responsible agencies, negative declarations and mitigations, project timelines and when a project revision restarts the process, and various aspects of the public input process and how public comments are responded to. Ayres suggested the Office of Planning and Research for additional resources: opr.ca.gov/ceqa/getting-started
- C. CAP Subcommittee submission to Senator Becker’s “There Ought to Be a Law” contest – Etherton shared that the CAP Subcommittee, during their recent discussions on existing building decarbonization, wished to see a climate and energy disclosure bill at the state level. Senator Becker currently has a bill contest open for submissions, and the CAP subcommittee was seeking OSEC approval to submit their idea, with final language to be determined by the subcommittee. The committee unanimously supported the idea.

- D. Discuss Draft 2023 OSEC Work Plan – Etherton introduced the draft work plan for the next calendar year, which was largely the same as the current year. Members noted it is too ambitious for a single year and that council liaisons had shared concerns on that last year. Others noted that items need to be included to be able to be worked on. The group discussed re-formatting the list to show the priority projects, routine or ongoing items, and items which would only be worked on after an external trigger. Etherton confirmed five priority projects with the group and will revise the draft work plan accordingly for review at next meeting. Staff will coordinate a meeting with the council liaisons; members expressed interest in having them to a full committee meeting.

STAFF UPDATES

Etherton:

- Reminded members to send their picture so we can update our committee members slide
- Preparing for SB1383 enforcement starting in January, just sent final notice to properties that currently appear to not be complying
- At the Natural Resources Meeting, County Parks staff noted upcoming jubata grass treatment along Radio Road and a few other locations. They are planning oxalis treatment in several areas December through February, plus re-treatment of gorse in the saddle area, and spring treatment of fennel, radish, and broom. They also passed along Peking Levinson as a mitigation site but haven't heard anything further.
- The Regional Water Quality Control Board already adopted an order on October 12 on the issue Dana Dillworth's letter was addressing, so we will not be moving forward with a letter discussed in October. The order and response to comments are linked from the agenda (#7): waterboards.ca.gov/sanfranciscobay/board_info/agendas/2022/October/10-12-2022.pdf
- The Sustainable San Mateo County Indicators Report recently came out with a focus on building electrification; it is available at tinyurl.com/ssmc2022ir

Regan shared that just two buildings had not reported for the 2022 benchmarking requirements and had recently received their third citation. Staff continues to work with Touchstone to set up software and prepare for Beyond requirements.

SUBCOMMITTEE REPORTS

- Climate Action Plan (Becker, Ebel, Fieldman) – main focus discussed under item C
- Events (Rogers, Salmon, Nunan) – Etherton noted staff discussed holding the Earth Day Habitat Restoration event on the holiday itself, Saturday April 22nd
- Education and Outreach (Fieldman, **Rogers**) – Rogers suggested updating library display
- *Open Space Plan Update (Calmes, Rogers, Salmon) – Salmon noted working with an owner to consider a dedication and suggested a spring meeting to review the overall Open Space Plan to determine any other areas to address. Kinser confirmed letters had been sent to the six parcels recently added to the Priority Preservation Area
- *Crocker Trail Frog Habitat (Rogers, Salmon, Calmes) – expecting to receive the scope from the RCD soon. Nunan noted he has been working on the area with Paul Bouscal and expressed interest in joining this subcommittee and Salmon was willing to step off; we will assign committee assignments for the January meeting

- *Invasive Species Ordinance (Becker, Fieldman, Nunan) – Kinser gathering quotes to assess cost of implementing recommendations on City properties
- *Dark Skies Ordinance (Becker, **Ebel**, Salmon) – Ebel reported meeting with Planning staff who will be providing additional feedback; OSEC staff has received that input and will pass along in advance of a scheduled subcommittee meeting on Dec 14
- *Tree Issues (Calmes, Ebel, Salmon) – Kinser noted street trees in town are being replaced two at a time, deep root watering is continuing, and information was sent out in the blast about caring for trees. Salmon requested a meeting in January, after 5pm.
 - Calmes asked about planting of the Douglas Fir grove; Kinser reported maintenance staff has been unable to find any 6-10' tall in the Western US. We may need to purchase 3-4' trees and keep them at the Corp Yard until they are large enough. Salmon asked about the Creekside Farm option; their only Douglas Firs are 15'+ so not suitable for moving.
- *Sierra Point Park Planning (Ebel) – Ebel missed the meeting
- *Lipman Science Fair Judging (Ebel, **Rogers**) – Rogers will contact school staff

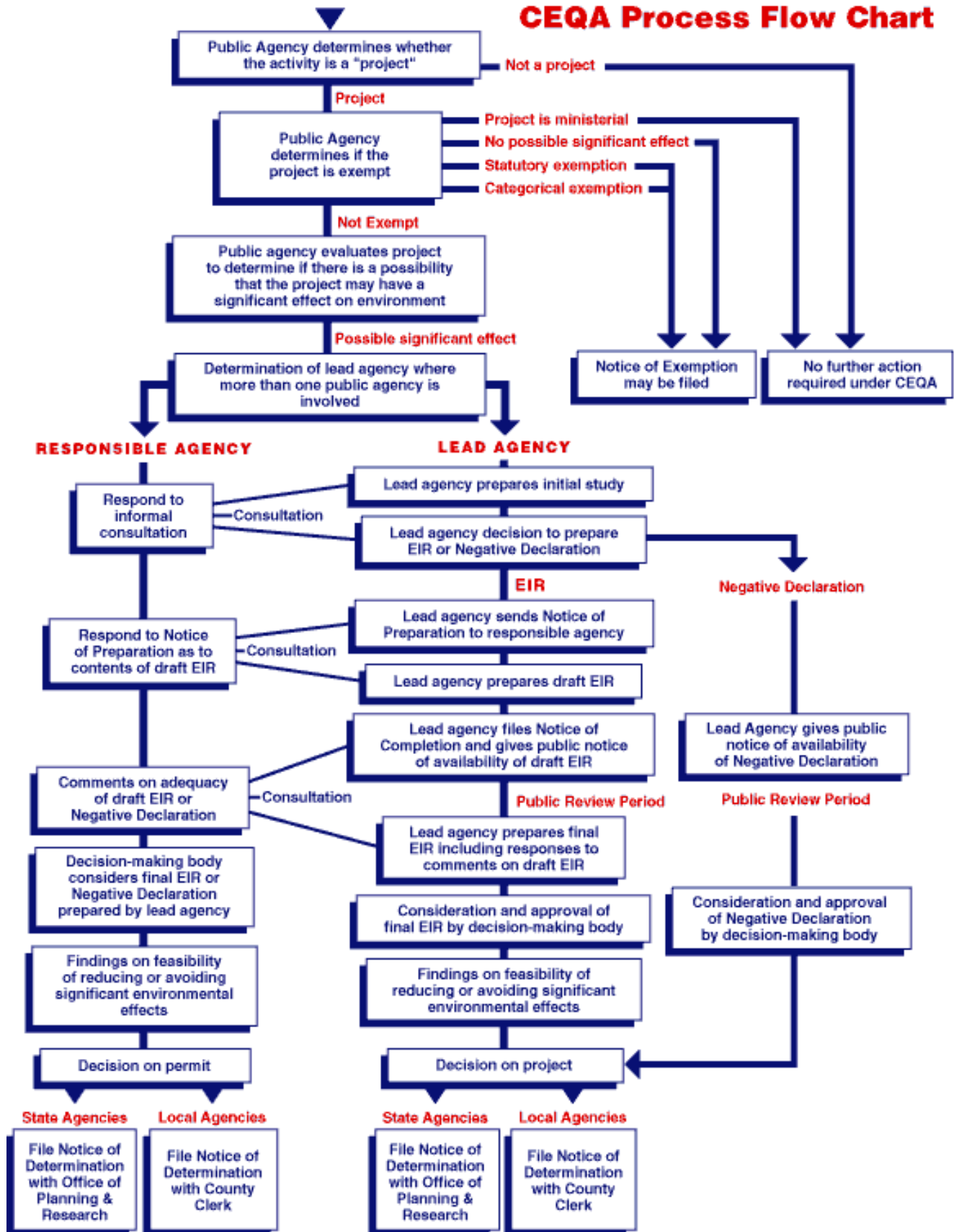
CALENDAR ITEMS – Etherton shared the preliminary 2023 calendar.

CHAIR AND COMMITTEE MEMBER MATTERS – none.

NEXT MEETING: January 25, 2023

ADJOURNMENT – 8:24 PM

CEQA Process Flow Chart



B.

File Attachments for Item:

B. Discuss Revised 2023 Draft Work Plan

2023 OSEC Work Plan

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

Priority projects:

- Advance draft Dark Skies/Outdoor Lighting ordinance recommendation
- Consider reach codes for existing buildings
- Study and draft invasive species ordinance
- Study and recommend plans to restore and protect the Crocker Trail Frog Habitat
- Support the health and growth of the urban tree canopy through a Tree Inventory / Urban Forestry Plan, education and outreach, and/or formation of an urban tree group

Routine/ongoing efforts:

- Review and approve annual vegetation management plan for Brisbane Acres
- Annually receive status on and/or review Open Space Plan implementation
- Review and recommend plans to meet Climate Emergency Declaration goals
- Provide input on three to four habitat restoration days per year
- Education and Outreach
 - Day in the Park community festival
 - Bike to Work Day
 - Lipman Science Fair
 - Library display
 - Publications through City e-blast, Star, website, social media sites and MCTV

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

- Coordinate 2030 Climate Action Plan update with Baylands Specific Plan
- Provide input on design of Baylands open space upon Council approval of land use
- General Plan - Review of future proposed updates to Open Space Element

D.

File Attachments for Item:

D. Review of New Brown Act Provisions



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MEMO

To: Mayor and Members of the City Council

From: Michael Roush, Legal Counsel

Date: January 6, 2023

Subject: **Conduct of Meetings Through February 28, 2003 and Thereafter; New Brown Act Provisions Allowing Remote Meeting Attendance**

In the wake of the COVID-19 pandemic in March 2020, Governor Newsom issued an Executive Order permitting local legislative bodies, which includes the City Council, to meet remotely, via video and teleconference provided the City had the technological capacity to provide interactive video and teleconference. The City purchased the required technological capacity.

In September 2021, Newsom signed Assembly Bill 361 into law, which amended the Brown Act to permit legislative bodies to continue to hold public meetings via video and teleconference under specified circumstances, including that remote meetings may only be held during a declared state of emergency. The City Council, its Commissions and Committees, have met “remotely” under the Brown Act exemption since AB 361 took effect.

Governor Newsom has announced that he intends to lift the proclaimed COVID-19 statewide state of emergency effective February 28, 2023 and the City, therefore, intends to return to primarily in person meetings at that time. This memo addresses how meetings will be conducted through February 28, 2023 and thereafter, and provides information about new Brown Act provisions that, under limited circumstances, may permit a Council, Commission or Committee member to attend a meeting remotely.

Meetings Through February 28, 2023

Beginning with meetings on or after January 12, 2023, through February 28, 2023, the Council, its Commissions and Committees will conduct their meetings remotely or in a “hybrid” fashion. That is, Council, Commission and Committee members, and members of the public, may attend meetings either remotely (e.g., via videoconference) or in person.

Meetings after February 28, 2023

After February 28, 2023, Council, Commission and Committee members will need to attend meetings in person. Members of the public may attend meetings either in person or remotely, so long as there is City technology that will allow members of the public to observe and participate in the meeting in essentially the same fashion as if they were in person. The City has the required technology.

Methods for Members to Participate Remotely.

Aside from the provisions above that will expire February 28, 2023, under the Brown Act, local legislative body members are permitted to attend a meeting remotely if certain requirements of the Brown Act are followed. These requirements include that a quorum of the legislative body must be within the jurisdiction of the local agency, the agenda must reflect where any “remote” Councilmember will actually be (*e.g.*, the address of a hotel), the member must post the agenda at that location (*e.g.*, on the door of the hotel room), the location must be accessible by the public, and all votes must be done by roll call. Councilmembers have used these procedures from time-to-time, for example when attending out of town conferences or when on vacation.

A new law, Senate Bill 2449, that takes effect January 1, 2023, amends the Brown Act to provide additional procedures that will allow members of legislative bodies to attend meetings remotely under limited circumstances. Specifically, so long as a quorum of the legislative body participates in person from a physical location open to the public, other members may participate in the meeting remotely under specified conditions if they have either just cause or there are emergency circumstances.

Just Cause

Just cause is defined as any one of the following: child care or caregiving of a child, parent, grandchild, grandparent, sibling, spouse or domestic partner; a contagious illness; a need related to physical or mental disability; or travel on business of the local agency. The member must notify the legislative body at the earliest opportunity and provide a general description of the circumstances above. Significantly, a member may only participate remotely under the just cause provisions twice per calendar year. (Of course, the other provisions of the Brown Act remain applicable.)

Emergency Circumstances

Emergency circumstances means a physical or family medical emergency that prevents a member from attending a meeting in person. To utilize this provision, the member must request (not just notify) the legislative body as soon as possible and the legislative body must consider the request at the earliest possible time and must approve the request if the member is to be allowed to participate remotely. If the member has not already done so, the legislative body must request a general description of the emergency circumstances but the description need not be more than 20 words and need not disclose any private personal or medical information.

Additional Requirements

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

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

Conclusion

As of March 1, 2023, the general rule is that public meetings will be conducted as they were prior to March 2020, with the notable exception that members of the public may continue to attend remotely. Although the Brown Act will allow remote attendance without otherwise complying with the technological requirements of the Act as described above, given the limitations and other requirements, Council, Commission and Committee members' attending meetings remotely will not be a common occurrence. The City Clerk and the City Attorney/Legal Counsel will work with any Council, Commission or Committee member who wishes to avail him/herself of these new provisions. In the interim, if there are questions about the conduct of meetings in the new year or about the new Brown Act provisions, please let us know.

cc: All Commissions and Committees