

**NOTICE OF SPECIAL MEETING
PLEASANT HILL BART STATION LEASING AUTHORITY**

**December 8, 2022, at 9:00 AM
AGENDA**

Meeting will be held remotely

<https://cccouny-us.zoom.us/j/87498029360?pwd=ZGVvM1ZvSHdFU2dsVWlvenFsWW1NQOT09>
Meeting ID: 874 9802 9360
Password: 932096

1. Call to Order and Roll Call
2. Action on Resolution 33 - Resolution Authorizing Teleconference Meetings (AB 361, Government Code § 54953(e)) for the Pleasant Hill BART Station Leasing Authority (“Authority”).
3. Public Comment on Items in Notice

The Board shall provide the public with an opportunity to address the Board on any item described in the notice of special meeting before or during consideration of such item. Persons who wish to address the Board with respect to an item that is on the agenda will be limited to three minutes.

4. Accept the Record of the Meeting of June 20, 2022
5. Consideration of Resolution - 34, naming the Village Green in honor of Jim Kennedy.

CLOSED SESSION

Citizens may address the Board regarding a Closed Session item prior to the Board adjourning into the Closed Session, by first providing a speaker card to the Secretary.

6. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Pursuant to Government Code §54956.8
Property Location: Block D of the Pleasant Hill/Contra Costa Centre BART Station Transit Village, APN No. 148-221-043
Authority Negotiator: Maureen Toms and Abigail Thorne-Lyman
Negotiating Parties: Pleasant Hill BART Station Leasing Authority
Pleasant Hill Transit Village Associates, LLC
Harvest Properties

Under Negotiation: Price and Terms of Payment

RECONVENE IN OPEN SESSION

7. Adjourn



PLEASANT HILL BART LEASING AUTHORITY

• Contra Costa County
• San Francisco Bay Area Rapid Transit District
30 Muir Road
Martinez, CA 94553
Telephone: (925) 655-2895

Fax: (925) 674-7251

TO: Pleasant Hill BART Station Leasing Authority Governing Board

FROM: Maureen Toms, Co-Executive Director

DATE: December 8, 2022

SUBJECT: Agenda Item 2 –Authorizing Teleconference Meetings (AB 361, Government Code § 54953(e))

Action on Resolution 33 - Resolution Authorizing Teleconference Meetings (AB 361, Government Code § 54953(e)) for the Pleasant Hill BART Station Leasing Authority (“Authority”).

RECOMMENDATION

Consider the following actions related to the authorization of teleconference meetings consistent with AB 361, Government Code § 54953(e):

- i. ADOPT Resolution 33 to authorize the Pleasant Hill BART Station Leasing Authority to conduct teleconference meetings under Government Code section 54953(e) and make related findings;
- ii. DETERMINE that the bodies will hold virtual meetings for the next 30 days or until the next regularly scheduled meeting; and
- iii. DIRECT the Secretary to take actions as needed to implement the intent and return this matter to the Pleasant Hill BART Station Leasing Authority within 30 days or at the next scheduled meeting if the Board meets less frequently for reconsideration.

DISCUSSION

When the COVID-19 pandemic began, Governor Newsom issued an executive order that allowed local agencies to meet remotely without complying with the strict teleconferencing requirements of the Brown Act. Executive Order N-29-20 suspended the Brown Act’s non-emergency teleconferencing rules, including the requirements that each teleconference location must be physically accessible to the public and that the public must be given an opportunity to comment at each teleconference location. The Pleasant Hill BART Station Leasing Authority has been meeting virtually since their April 2021, as authorized by Executive Order N-29-20 and subsequent orders. This authority expired September 30, 2021.

Assembly Bill 361 amended the teleconferencing provisions of the Brown Act, Government Code section 54953. Effective October 1, 2021, subsection (e) of Government Code section 54953 authorizes a local agency to use special teleconferencing rules when the legislative body of the local agency holds a meeting during a state of emergency declared by the state, and either (a) state or local officials have imposed or

recommended measures to promote social distancing, or (b) the legislative body is meeting to determine, or has determined, that meeting in person would present imminent risks to the health or safety of meeting attendees.

The following rules apply to teleconferencing meetings held under Government Code section 54953(e):

- The Board must provide notice of the meeting and post an agenda as required by the Brown Act, but the agenda does not need to list each teleconference location or be physically posted at each teleconference location.
- The agenda must state how members of the public can access the meeting and provide public comment.
- The agenda must include an option for all persons to attend via a call-in or internet-based service option.
- The legislative body must conduct the meeting in a manner that protects the constitutional and statutory rights of the public.
- If there is a disruption in the public broadcast of the call-in or internet-based meeting service, the legislative body must stop and take no further action on agenda items until public access is restored.
- The Board may not require public comments to be submitted in advance of the meeting and must allow virtual comments to be submitted in real time.
- The legislative body must allow a reasonable amount of time per agenda item to permit members of the public to comment, including time to register or otherwise be recognized for the purposes of comment.
- If the legislative body provides a timed period for all public comment on an item, it may not close that period before the time has elapsed.
- The legislative body must reconsider the circumstances of the state of emergency and the findings in support of emergency teleconference meetings every 30 days or every time it meets.
- AB 361 sunsets on January 1, 2024.

A resolution authorizing teleconferencing under Government Code section 54953(e) is attached. It would determine that the state has declared a state of emergency related to COVID-19 and find that social distancing recommendations are in place and that there is an imminent risk of harm to the public, staff, and officials if live meetings are conducted. If adopted, the resolution would authorize the Conservancy to hold teleconference meetings consistent with the above rules.

If the Pleasant Hill BART Station Leasing Authority wishes to continue teleconferencing under Government Code section 54953(e), every 30 days after adopting the resolution or every time it meets if less frequently than 30 days, the Pleasant Hill BART Station Leasing Authority must reconsider the circumstances of the state of emergency and that one of the following circumstances exists: the emergency continues to directly impact the ability of members to safely meet in person, or state or local officials continue to impose or recommend measures to promote social distancing. If the state-declared emergency no longer exists, or if the Pleasant Hill BART Station Leasing Authority does not make these findings by majority vote, then the Pleasant Hill BART Station Leasing Authority will no longer be exempt from the Brown Act's non-emergency teleconferencing rules.

Attachments

Attachment A -- Resolution 33

THE PLEASANT HILL BART STATION LEASING AUTHORITY

Adopted this Order on December 8, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. 33

SUBJECT: Action on Resolution 33 - Resolution Authorizing Teleconference Meetings (AB 361, Government Code § 54953(e)) for the Pleasant Hill BART Station Leasing Authority (“Authority”).

Recitals

- A. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.
- B. On March 10, 2020, the Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout the County.
- C. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the Brown Act), provided certain requirements were met and followed.
- D. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Brown Act and further provided that those provisions would remain suspended through September 30, 2021.

- E. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing.
- F. On September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing.
- G. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
- H. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Pleasant Hill BART Station Leasing Authority intends to invoke the provisions of Assembly Bill 361 related to holding meetings by teleconference.

NOW, THEREFORE, the Pleasant Hill BART Station Leasing Authority resolves as follows:

1. The Pleasant Hill BART Station Leasing Authority finds that: the state of emergency proclaimed by Governor Newsom on March 4, 2020, is currently in effect; the Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; and meeting in person would present imminent risks to the health or safety of attendees.
2. As authorized by Assembly Bill 361, the Pleasant Hill BART Station Leasing Authority will use teleconferencing for its meetings in accordance with the provisions of Government Code section 54953(e).
3. The Secretary is authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.

PASSED AND ADOPTED on December 8, 2022, by the following vote:

CERTIFICATE OF SECRETARY

I certify that I am the duly appointed and acting Secretary of the Pleasant Hill BART Station Leasing Authority, and that the above resolution was approved by the Board of Directors of the Authority on December 8, 2022.

Executed on December 8, 2022.

Maureen Toms, Secretary

RECORD OF SPECIAL MEETING

**PLEASANT HILL BART STATION
LEASING AUTHORITY**

1:00 PM on June 20, 2022

Persons who wish to address the board during public comment or with respect to an item on the agenda may comment in person or may call in during the meeting by dialing **888-278-0254** followed by the access code 198675#. A caller should indicate they wish to speak on an agenda item, by pushing "#2" on their phone. Access via Zoom is also available using the following link: <https://cccouny-us.zoom.us/j/86466710380?pwd=NHZnSzRIUkxDUHQ1bHNFWXZLVFNpdz09> Those participating via Zoom should indicate they wish to speak on an agenda item by using the “raise your hand” feature in the Zoom app. To provide contact information, please contact the Authority Secretary at maureen.toms@dcd.cccounty.us or 925-655-2895.

1. Call to Order and Roll Call **The meeting was called to order by Chair Allen. Board members Allen, Anderson, Foley, and Mitchoff were present. Staff in attendance included Maureen Toms (County), Abigail Thorne-Lyman (BART), and Deb Castles (BART),**
 - a. Action on Resolution 32 - Resolution Authorizing Teleconference Meetings (AB 361, Government Code § 54953(e)) for the Pleasant Hill BART Station Leasing Authority (“Authority”). **Resolution 32 was approved (M/S Mitchoff/Foley, 4-0-0)**
2. Action on Resolution 30 - Resolution designating Chair of the Pleasant Hill BART Station Leasing Authority. **Resolution 30 Appointing Director Anderson Chair was approved (M/S Allen/Mitchoff 4-0-0)**
3. Public Comment on Items in Notice – **No public comments**

The Board shall provide the public with an opportunity to address the Board on any item described in the notice of special meeting before or during consideration of such item. Persons who wish to address the Board with respect to an item that is on the agenda will be limited to three minutes.

4. Accept the Record of the Meeting of April 19, 2021 The record of the meeting was approved **(M/S Mitchoff/Allen 4-0-0)**

5. Action on Resolution 31 - Resolution adopting a budget July 1, 2022 – June 30, 2025 for the Pleasant Hill BART Station Leasing Authority. **Resolution 31 was approved (M/S Foley/Allen 4-0-0)**
6. Adjourn **The meeting was adjourned at 1:12 pm**



PLEASANT HILL BART LEASING AUTHORITY

- Contra Costa County
- San Francisco Bay Area Rapid Transit District

30 Muir Road
Martinez, CA 94553
Telephone: (925) 655-2895

Fax: (925) 674-7251

TO: Pleasant Hill BART Station Leasing Authority Governing Board (JPA)

FROM: Maureen Toms, Co-Executive Director

DATE: December 8, 2022

SUBJECT: Agenda Item 5 – Naming of the Village Green in Honor of Jim Kennedy.

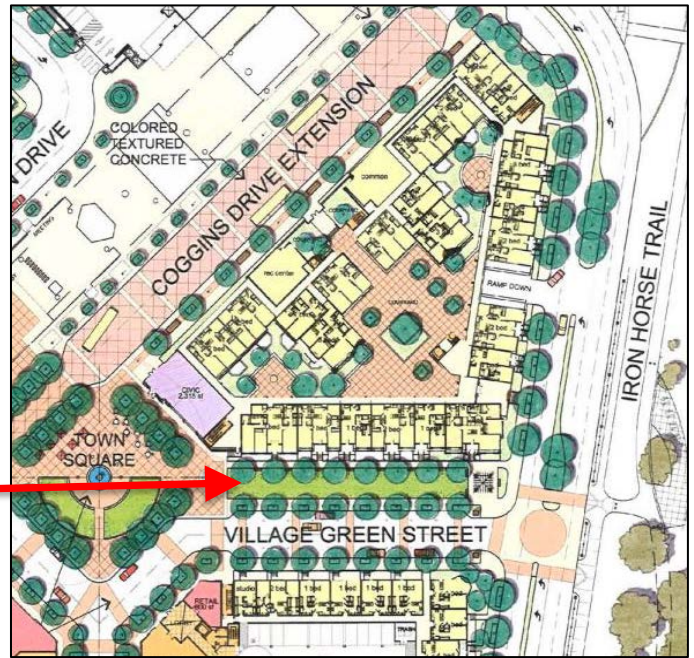
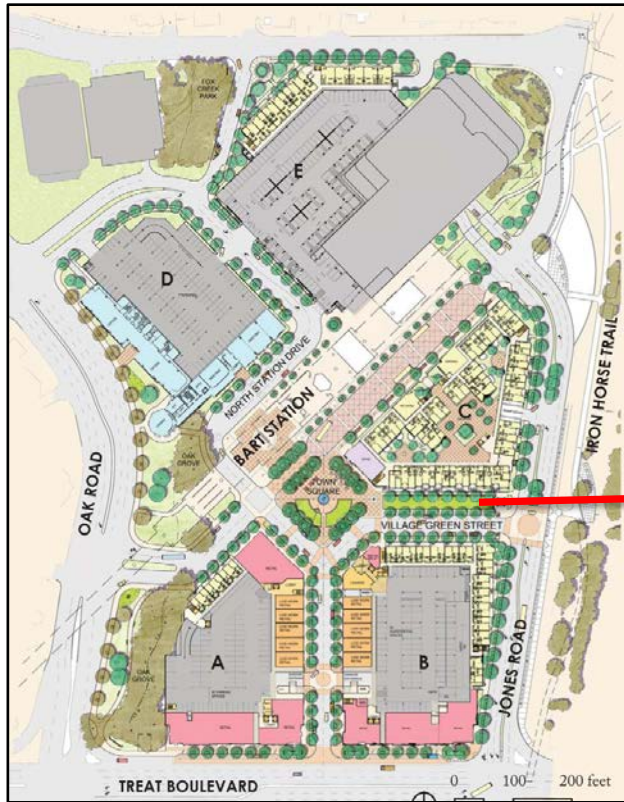
RECOMMENDATION

Action on Resolution 34 - Resolution Approving the naming of the Village Green in honor of Jim Kennedy

BACKGROUND

Director Mitchoff requested staff to explore honoring former Redevelopment Director Jim Kennedy by naming an area of the transit village in his honor. Mr. Kennedy, a 35-year employee of Contra Costa County, was instrumental in the development of the award-winning project around the Pleasant Hill/Contra Costa Centre BART Station. He led the effort to plan and implement the vision of smart growth in Contra Costa County as both the Redevelopment Director for Contra Costa County and one of two of the original co-executive directors of the JPA.

The village green was selected because it is the connection between the Iron Horse Trail, a regional trail, and the town square and station fare gates. The village green element of the plan arose from the planning charette from a member of the community, the championed through the implementation of the plan by Mr. Kennedy.



Attachments

Attachment A — Resolution 34

THE PLEASANT HILL BART STATION LEASING AUTHORITY

Adopted this Order on December 8, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. 34

SUBJECT: Action on Resolution 34 – Naming the Village Green and the Transit Village in Honor of Jim Kennedy.

Recitals

- A. The Transit Village concept at the Pleasant Hill BART Station was initiated by Contra Costa County and the Redevelopment Agency with a Specific Plan adoption in 1983 and a Redevelopment Plan in 1984. The area provides an example of how growth can be accommodated within our urban areas through the creation of high quality neighborhoods near transit.
- B. James (Jim) Kennedy was the Redevelopment Director who worked on the formation of the Redevelopment Plan for the area and implementation of both the Specific Plan and Redevelopment Plan.
- C. Pleasant Hill BART Leasing Authority (the “JPA”) was formed in 2004. The JPA is the critical operational link between the property owner (BART) and the Developer. The JPA leases the BART-owned property from BART, and then sub-leases to the Developer.
- D. James (Jim) Kennedy was one of the two original Co-Executive Directors of the JPA. The other Co-Executive Director was Jeff Ordway from BART.

NOW, THEREFORE, the Pleasant Hill BART Station Leasing Authority resolves as follows:

In recognition of Jim Kennedy’s work to bring forward Contra Costa Centre, an award-winning transit village, the area known as the Village Green located between Jones Road and the Village Square, fronting Block C, shall be known as the “Jim Kennedy Village Green”.

PASSED AND ADOPTED on December 8, 2022, by the following vote:

CERTIFICATE OF SECRETARY

I certify that I am the duly appointed and acting Secretary of the Pleasant Hill BART Station Leasing Authority, and that the above resolution was approved by the Board of Directors of the Authority on December 8, 2022.

Executed on December 8, 2022.

Maureen Toms, Secretary