



Joint Exercise of Powers Agency

City of Antioch City of Brentwood County of Contra Costa City of Oakley

AGENDA Board of Directors

Special Meeting (No In-person Meeting)

Friday, January 22, 2021

5:00 p.m.

Tri-Delta Transit Meeting Room
801 Wilbur Avenue
Antioch, California

To slow the spread of COVID-19, the Contra Costa County Health Officer's order of March 31, 2020, continues to prevent public gatherings. In lieu of a public gathering, the Board of Directors meeting will be accessible via Zoom Meeting to all members of the public, as permitted by the Governor's Executive Order 29-20. Members of the public may participate in the meeting online, or by telephone. To participate in the meeting please use the information.

To participate by phone, dial (669) 900-9128, and meeting ID is 960 539 5757.

To participate online using Zoom, hold down CTRL + click the following:

Join Zoom Meeting Meeting ID: 960 0539 5757.

In lieu of making public comments at the meeting, members of the public also may submit public comments before or during the meeting by emailing comments to Program Manager Dale Dennis at dodennis@thecyberjungle.com. If you have difficulty emailing a public comment, please contact Nancy Wein, Contra Costa County Public Works Department, at (925) 313-2275.

All comments submitted by email to the above email address before the conclusion of the meeting will be included in the record of the meeting. When feasible, the Board Chair, or designated staff, also will read the comments into the record at the meeting, subject to a two-minute time limit per comment.

The Board Chair may reduce the amount of time allotted to read comments at the beginning of each item or public comment period depending on the number of comments and the business of the day. Your patience is appreciated.

A break may be called at the discretion of the Board Chair.

To obtain a copy of a staff report or other written materials related to an open session item on the agenda, please contact Nancy Wein, at the Contra Costa County Public Works Department, by phone at (925) 313-2275, or by email to Nancy.Wein@pw.cccounty.us.

Board of Directors:

Joel Bryant, City of Brentwood – Chair
Aaron Meadows City of Oakley – Vice Chair
Diane Burgis, Contra Costa County
Lamar Thorpe, City of Antioch

Authority Staff Office:

Contra Costa County
255 Glacier Drive
Martinez, CA 94553
(925) 313-2000

AGENDA
January 22, 2021

1. Call to Order
2. Public Comment
3. Election of Officers
4. Consent Items
 - A. **APPROVE** minutes of the November 12, 2020 meeting (*December 2020 meeting cancelled*).
 - B. **APPROVE** and **AUTHORIZE** the County Counsel, or designee, to execute, on behalf of the State Route 4 Bypass Authority, a contract for legal services with Wendel Rosen, LLP, effective January 1, 2021, for specialized condemnation legal services.
5. Determination
6. Boardmember Comments
7. Adjournment

The Authority will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact Staff at least 24 hours before the meeting, at (925) 595-4587. Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the State Route 4 Bypass Authority to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspection at 255 Glacier Drive, Martinez, CA during normal business hours.

STATE ROUTE 4 BYPASS AUTHORITY
Antioch - Brentwood - Oakley and Contra Costa County

JOINT EXERCISE OF POWERS AGENCY

November 12, 2020

The Regular Meeting of the STATE ROUTE 4 BYPASS AUTHORITY was convened via a web-based platform in locations not open to the public to provide the safest environment for staff and the public consistent with Contra Costa County Health Officer's most recent order of March 31, 2020, continuing to prevent public gatherings. In lieu of a public gathering, the Board of Directors was accessible via Zoom Meeting to all members of the public as permitted by the Governor's Executive Order 29-20. Members of the public were allowed to participate in the meeting online, or by telephone.

Chair Robert (Bob) Taylor called the meeting to order at 7:05 P.M.

ROLL CALL

PRESENT: Diane Burgis (Contra Costa County), Kevin Romick (Oakley), and Chair Robert (Bob) Taylor (Brentwood)

ABSENT: Sean Wright (Antioch)

STAFF: Dale Dennis, Program Manager
Stephen Siptroth, Deputy County Counsel

PUBLIC COMMENT

No written comments were submitted, or oral comments made, by any member of the public.

The Board moved the Closed Session to the end of the meeting agenda.

CONSENT ITEM

On motion by Director Romick, seconded by Director Burgis, the Authority APPROVED the Consent Item, as submitted, which carried by the following Roll Call vote:

- A. APPROVED minutes of the September 10, 2020 Board of Directors meeting
(October 2020 meeting cancelled).

AYES: Burgis, Romick, Taylor
NOES: None
ABSTAIN: None
ABSENT: Wright

DETERMINATION

There were no determination items on the agenda.

BOARDMEMBER COMMENTS

There were no comments from the Board.

CLOSED SESSION

Chair Taylor adjourned into closed session at 7:06 P.M. to consider the following:

CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Government Code §54956.9(d)(1))

State Route 4 Bypass Authority v. Nunn Family (No. 2) Limited Partnership, Contra Costa County Superior Court Case No. C19-02428

State Route 4 Bypass Authority v. Ronald E. Nunn and Shirley A. Nunn, Contra Costa County Superior Court Case No. C19-02427

State Route 4 Bypass Authority v. Ronald E. Nunn, dba Ron Nunn Farms, et al, Contra Costa County Superior Court Case No. C20-00777

Chair Taylor reconvened into open session at 7:15 P.M. and advised that there was nothing to report from closed session.

ADJOURNMENT

Chair Taylor adjourned the meeting of the State Route 4 Bypass Authority at 7:16 P.M. to Thursday, December 10, 2020 at 6:30 P.M. or other day/time deemed appropriate.


Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

**STATE ROUTE 4
BYPASS AUTHORITY**

DATE: January 22, 2021

TO: Board of Directors

FROM: Dale Dennis, Program Manager 

SUBJECT: Approve Contract with the law firm Wendel Rosen, LLP

Recommendation: **APPROVE** and **AUTHORIZE** the County Counsel, or designee, to execute, on behalf of the State Route 4 Bypass Authority, a contract for legal services with Wendel Rosen, LLP, effective January 1, 2021, for specialized condemnation legal services.

Discussion:

From time to time, the State Route 4 Bypass Authority requires specialized condemnation (eminent domain) legal services from outside law firms. Under this contract for legal services, when determined to be necessary by the County Counsel, or designee, Wendel Rosen, LLP, will provide the Bypass Authority specialized condemnation legal services on a case-by-case basis. Attorney Robin L. Thornton will be designated as the primary attorney handling matters under the contract. Other attorneys may be designated to assist with representing the Bypass Authority. The firm will charge the Bypass Authority \$325 per hour for attorneys, and \$185-225 per hour for paralegals. The firm will be entitled to reimbursement for out-of-pocket costs specified in the contract.

Staff recommends approving the contract with the firm to insure uninterrupted specialized legal services.

ACTION OF BOARD ON _____

APPROVED AS RECOMMENDED ___ OTHER___

VOTE OF DIRECTORS

_____ UNANIMOUS (ABSENT _____)

AYES: _____ NOES: _____

ABSENT: _____ ABSTAIN: _____

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Directors on the date shown.

ATTESTED _____
Secretary to the Authority