

**EAST CONTRA COSTA
REGIONAL FEE AND FINANCING AUTHORITY**

Antioch – Brentwood – Contra Costa County – Oakley – Pittsburg

A JOINT EXERCISE OF POWERS AGENCY

255 Glacier Drive, Martinez, CA 94553

**AGENDA
Board of Directors
Meeting
(No In-person Meeting)**

**Thursday, February 9, 2023
6:30 p.m.**

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

To slow the spread of COVID-19, in lieu of a public gathering, the East Contra Costa Regional Fee and Financing Authority Board of Directors meeting will be accessible via Zoom to all members of the public as permitted by Government Code Section 54953(e). 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 **+17207072699 US.**

The meeting ID is **862 9146 9029** Passcode: **526337**

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

[Join Zoom Meeting Here](#) Meeting ID: **862 9146 9029** (Passcode: **526337**).

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.

Board of Directors:

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

Authority Staff Office:

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

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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.

**Agenda
February 9, 2023**

1. Call to Order

2. Determination

A. Teleconference Meetings: CONSIDER and ADOPT Resolution No. 2023/01 to authorize the Board of Directors to conduct teleconference meetings under Government Code section 54953(e), and make related findings set forth in the resolution; **DETERMINE** that the Authority will hold virtual meetings through the end of February 28, 2023.

3. Election of Officers

4. Public Comment

5. Determination

A. Sand Creek Extension Project: CONSIDER reimbursement request from DeNova Homes, Inc., and timing and priority of ECCRFFA reimbursement of a principal amount of \$2,499,912, plus interest, for ECCRFFA's share of the Sand Creek Extension project cost for the Aviano Road Segments.

6. Consent Items

A. APPROVE minutes of the December 2022 Board of Directors meeting. (*January 2023 meeting cancelled*).

7. Boardmember Comments

8. Adjournment

The Authority will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the 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 East Contra Costa

Board of Directors:

Shanelle Scales-Preston, City of Pittsburg – Chair
Diane Burgis, Contra Costa County – Vice Chair
Lamar Thorpe, City of Antioch
Joel Bryant, City of Brentwood
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255 Glacier Drive, Martinez, CA 94553

Regional Fee and Finance 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.

Board of Directors:

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

Authority Staff Office:

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

**EAST CONTRA COSTA
REGIONAL FEE AND FINANCING AUTHORITY**

DATE: February 9, 2023

TO: Board of Directors
FROM: Dale Dennis, Program Manager *LD fox*
SUBJECT: Authorizing Teleconference Meetings (AB 361, Government Code § 54953(e))

Recommendation: Staff recommends the Board take the following actions:

1. **Consider and Adopt Resolution No. 2023/01** to authorize the Board of Directors to conduct teleconference meetings under Government Code section 54953(e), and make related findings set forth in the resolution;
2. **Determine** that the Authority will hold virtual meetings through the end of February 2023

Discussion:

When the COVID-19 pandemic began, Governor Newsom issued an executive order that allowed local agencies to meet remotely without complying with all teleconferencing requirements of the Brown Act. Executive Order N-29-20 suspended certain non-emergency teleconferencing rules, including the requirements that each teleconference location be listed on the agenda and be physically accessible to the public during the meeting and that the public must be given an opportunity to comment at each teleconference location. Since March 2020, the Board of Directors has met virtually, as authorized by Executive Orders N-29-20, N-35-20, N-08-21 and N-15-21. This authority expired September 30, 2021.

New legislation known as Assembly Bill 361, amended the teleconferencing provision of the Brown Act, Government Code section 54953. Effective October 1, 2021, section 54953, subsection (e), authorizes a local agency to use special teleconferencing rules

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

when a legislative body of a local agency holds a meeting during a state of emergency declared by the state and either A) state or local health officials have imposed or recommended measures to promote social distancing, or B) the legislative body is meeting to determine whether, or has determined, by majority vote, that meeting in person would present imminent risks to the health or safety of meeting attendees.

When a legislative body uses the emergency teleconferencing provisions under section 54953(e), the following rules apply:

- The agency 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 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 meeting or of the call-in or internet-based meeting service, the legislative body must stop the meeting and take no further action on agenda items until public access and ability to comment is restored.
- Local agencies 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 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 body provides a timed period for all public comment on an item, it may not close that period before the time has elapsed.
- The body must reconsider the circumstances of the state of emergency and the findings in support of emergency teleconference meetings every 30 days.
- AB 361 sunsets on January 1, 2024.

On February 1, 2023, the Contra Costa County Health Officer issued the attached recommendations for safely holding public meetings that include recommended measures to promote social distancing. Among other things, the Health Officer continues to encourage, where practical, teleconference meetings as those meetings present the lowest risk of transmission.

A Board resolution authorizing teleconferencing under 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, for the next 30 days the resolution would require the Board of Directors to hold teleconference meetings consistent with the above-described rules until February 28, 2023, when the State COVID-19 emergency proclamation expires.

Because the State COVID-19 emergency is expiring February 28, 2023, the ECCRFFA Authority Board will be required to resume in-person meetings in March 2023. However, individual Board members may participate remotely for “just cause” or due to “emergency circumstances,” as permitted under AB 2449, which became effective January 1, 2023. To participate in meetings this way, a virtual meeting platform (e.g., Zoom) will be required to enable the public to see and hear the Board members. Additionally, the Board may rely on the traditional Brown Act teleconferencing requirements.

RESOLUTION NO. 2023/01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY AUTHORIZING TELECONFERENCE MEETINGS UNDER ASSEMBLY BILL 361

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 February 1, 2023, 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 encouraged, where practical, 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 an/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. The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Omicron variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations.
- I. As of January 25, 2023, the CDC-reported seven-day rolling average of new cases in the County was 50.02 cases per day, per 100,000 of population – a case rate that remains in the “substantial” community transmission tier, the second most serious of the CDC’s community transmission tiers. According to the Contra Costa County Health Officer, the predominant variant of COVID-19 being identified continues to be the Omicron variant and its subvariants, which have been shown to dramatically increase COVID-19 transmission.
- J. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the East Contra Costa Regional Fee and Financing Authority Board of Directors intends to invoke the provisions of Assembly Bill 361 related to teleconferencing.

NOW, THEREFORE, the Board of Directors of the East Contra Costa Regional Fee and Financing Authority resolves as follows:

1. The Board of Directors finds that the Contra Costa County Health Officer continues to recommend 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.
2. The Board of Directors finds that meeting in person for meetings of the ECCRFFA Board of Directors would present imminent risks to the health or safety of attendees because (a) as of January 25, 2023, the County remains in the “substantial” community transmission tier, with a case rate of 50.02 cases per day, per 100,000 of population, and (b) the Omicron variant and its subvariants have been shown to dramatically increase COVID-19 transmission.
3. As authorized by Assembly Bill 361, the East Contra Costa Regional Fee and Financing Authority Board of Directors will use teleconferencing for its meetings in accordance with the provisions of Government Code section 54953(e).
4. The Program Manager and/or 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.

5. The Program Manager and/or Secretary is directed to return no later than 30 days after this resolution is adopted with an item for the Board of Directors to consider whether to continue meeting under the provisions of Assembly Bill 361.
6. Notwithstanding the foregoing, this resolution shall no longer be effective following the expiration of the Governor's emergency proclamation, which is currently anticipated to expire on February 28, 2023.

PASSED AND ADOPTED on February 9, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the above vote of the East Contra Costa Regional Fee and Financing Authority Board of Directors, at a meeting of said Board of Directors on the date indicated above.

Date: _____

Brian Balbas, Secretary
East Contra Costa Regional Fee and
Financing Authority

By: _____



Recommendations for safely holding public meetings

Each local government agency is authorized to determine whether to hold public meetings in person, on-line (teleconferencing only), or via a combination of methods. The following are recommendations from the Contra Costa County Health Officer to minimize the risk of COVID 19 transmission during a public meeting.

1. Online meetings (i.e. teleconferencing meetings) are encouraged, where practical, as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important when community prevalence rates are high. Our current trends as of February 1, 2023 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and Covid-19 wastewater surveillance are decreasing, but there continues to be COVID-19 in the community and changes in case rate, test positivity, COVID-19 hospitalization and wastewater surveillance may change or increase rapidly. In addition to this, the predominant variant of Covid-19 being identified continues to be the Omicron variant and it's subvariants the impact of which on the spread of Covid-19 has shown to dramatically increase COVID-19 transmission.
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. It is recommended that the protocol require social distancing, where feasible – i.e. six feet of separation between attendees; and consider requiring or strongly encouraging face masking of all attendees and encouraging attendees to be up-to-date on their COVID-19 vaccine.
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.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least 6 feet apart. If unable to host outdoors, consider ways to increase ventilation and flow of the indoor space to reduce the risk of COVID-19 while indoors.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with other Covid-19 symptoms besides fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Revised 2-1-2023

Sefanit Mekuria

Sefanit Mekuria, MD, MPH
Deputy Health Officer, Contra Costa County



**EAST CONTRA COSTA
REGIONAL FEE AND FINANCING AUTHORITY**

DATE: February 9, 2023

TO: Board of Directors

FROM: Dale Dennis, Program Manager *LD for*

SUBJECT: Consider reimbursement request from DeNova Homes, Inc., for ECCRFFA's share of the Sand Creek Extension project cost for the Aviano Road Segments

Recommendation: Staff recommends the Board consider the following options regarding a request from DeNova Homes, Inc. for reimbursement of \$2,499,912, plus interest, in costs associated with the Sand Creek Extension Project, and provide direction to staff. Either option would require the item coming back to the Board for final approval at the next Board Meeting:

- A. **OPTION 1: DIRECT** staff to prepare a reimbursement agreement with DeNova Homes, Inc., whereby reimbursement will follow the completion of, or the set aside of ECCRFFA funding share for, the James Donlan Extension Project, resulting in accrual of interest on the above amount during the period that payment is delayed. (NOTE: City of Pittsburg has recently notified ECCRFFA staff in writing that the current construction cost estimate has increased to \$300 million. ECCRFFA staff will be working with City staff to evaluate the James Donlon Extension Project construction cost estimate to determine whether the cost estimate can be reduced.)

- B. **OPTION 2: DIRECT** staff to prepare a reimbursement agreement with DeNova Homes, Inc., whereby the Sand Creek Extension Project would be approved as the Third Priority for the ECCRFFA Fee Program, in advance of the James Donlan Extension Project, to allow reimbursement to be made from ECCRFFA funds collected since the effective date of the Fourth Amendment to the ECCRFFA Joint Exercise of Powers Agreement (Fourth Amendment). (NOTE: This would constitute a

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

change in project and funding priorities that were established in the Fourth Amendment and would require the following conditions be met: (1) the Board would need to find that there are extenuating circumstances regarding regional priorities or difficulties in implementing one of the priority projects listed above, and (2) there would need to be a unanimous vote by the full Authority Board, with all Board members present, to change the above priority order.)

Discussion:

ECCRFFA has received a request from DeNova Homes, Inc. (Developer) for reimbursement for the ECCRFFA share of the portion of the Sand Creek Road Extension Project that the Developer is constructing.

Background for Sand Creek Extension Project

ECCRFFA approved the September 2020 East Contra Costa County Regional Fee Program Update in October 2020, which added the Sand Creek Extension project into the ECCRFFA Program. Then, effective February 16, 2021, the Member Agencies entered into a fourth amendment to the JEPA to add the SCR Extension to the ECCRFFA project list. The SCR Extension will extend Sand Creek Road westerly, from a point near State Route 4 (“SR 4”), to the road’s intersection with Deer Valley Road, in Antioch. Subsequently, in July 2022, ECCRFFA’s Board of Directors approved an updated Strategic Plan that prioritizes the SCR Extension for funding, as the Fourth Priority after the James Donlan Extension Project (Third Priority).

The nexus study for the SCR Extension determined that, for the project as a whole, 69% of the cost of the SCR Extension would be the responsibility of local developers, and the remaining 31% of the project cost would be attributable to regional vehicle trips. As further described in the nexus study, the SCR Extension includes seven segments: 1) Western End; 2) Aviano – Phase II; 3) Aviano – Phase III; 4) Promenade – Segment 1; 5) Promenade – Segment 2; 6) Promenade – Segment 3; and 7) Brentwood Bridle Gate. The nexus study determined, for each of those segments, the proportion of the segment cost that would be the responsibility of local developers, and the proportion of the segment cost that would be attributable to regional vehicle trips.

The Developer is constructing its “Aviano” residential development, in Antioch (“Development”). Under the conditions of approval for the Development, the Developer is required to construct two segments of the SCR Extension, the Aviano – Phase II and Aviano – Phase III segments between an extension of Dozier-Libbey Road to the west and an extension of Hillcrest Avenue to the east (together, the two segments are referred to collectively as the “Roadway Segment”). The Developer has paid and will continue to pay RTDIM fees for all 533 single-family residential units within the Development, in addition to constructing the two segments of the SCR Extension. When the Roadway Segment is completed, the City of Antioch (“City”) will consider accepting the roadway into the City’s road system.

The SCR Extension nexus study determined that ECCRFFA RTDIM fee revenues can be used to fund 28.2% of the cost of the Roadway Segment. Consistent with the SCR Extension nexus study, the JEPA, and the Strategic Plan, the portion of the Roadway Segment costs that are eligible for funding from ECCRFFA RTDIM fees amounts to \$2,499,912 (the “Reimbursable Costs”). The amount includes 28.2% of the Developer’s cost for soft costs and construction of the Roadway Segment.

Options for Board Consideration

The Board has two options to consider with respect to the Developer’s request for reimbursement for the ECCRFFA share of the portion of the Sand Creek Road Extension Project that the Developer is constructing, as discussed below.

Option 1: ECCRFFA could move forward with preparation of a reimbursement agreement with Developer, whereby reimbursement to Developer will follow the completion of, or the set aside of ECCRFFA funding share for, the James Donlan Extension Project, the Third Priority Project. City of Pittsburg has recently notified ECCRFFA staff in writing that the current James Donlon Extension construction cost estimate has increased to \$300 million.

If the Board directs staff to proceed with Option 1, the current project priority would remain unchanged and reimbursement to the Developer would follow ECCRFFA setting aside sufficient funds to satisfy ECCRFFA’s share of the James Donlon Extension Project costs. During that time, interest would accrue on the amount of the Reimbursable Costs remaining unreimbursed to Developer until full reimbursement is made. ECCRFFA staff will work with City staff to further evaluate James Donlon Extension Project costs to determine whether the project cost estimate can be reduced or refined. Under this option, it is uncertain when ECCRFFA would be in a position to begin reimbursing the Developer for the Reimbursable Costs (plus interest).

OPTION 2: ECCRFFA could move forward with preparation of a reimbursement agreement with Developer, whereby the Sand Creek Extension Project would be approved as the Third Priority for the ECCRFFA Fee Program, in advance of the James Donlan Extension Project, to allow reimbursement to be made to the Developer from revenue collected since the effective date of the Fourth Amendment.

If the Board directs staff to proceed with Option 2, at the next meeting the Board would need to consider approving a change in project and funding priorities that were established in the Fourth Amendment. That change would require the following conditions to be met: (1) the Board would need to find that there are extenuating circumstances regarding regional priorities or difficulties in implementing James Donlon Extension as the Third Priority project, and (2) there would need to be a unanimous vote by the full Authority Board, with all Board members present, to change the priority order to prioritize the Sand Creek Extension Project (currently, Fourth Priority) ahead of James Donlon Extension Project (currently, Third Priority). Cost increases associated with the James

Donlon Extension Project, and the longer timeline for delivering that project based on those increases, could be relied on to support the required finding.

ECCRFFA staff recommends that the Board consider both options and direct staff of the Board's preferred option.

**EAST CONTRA COSTA
REGIONAL FEE AND FINANCING AUTHORITY
Antioch - Brentwood - Oakley - Pittsburg and Contra Costa County**

JOINT EXERCISE OF POWERS AGENCY

December 8, 2022

To slow the spread of COVID-19, in lieu of a public gathering, the EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY (ECCRFFA) Board of Directors meeting was accessible via Zoom to all members of the public as permitted by Government Code Section 54953(e). Members of the public were permitted to participate in the meeting online, or by telephone, and in lieu of making public comments at the meeting, members of the public could submit public comments before or during the meeting through dodennis@theycyberjungle.com.

Vice Chair Burgis called the meeting to order at 6:49 P.M.

ROLL CALL

PRESENT: Joel Bryant (Brentwood), Aaron Meadows (Oakley), and Vice Chair Diane Burgis (Contra Costa County)

ABSENT: Lamar Thorpe (Antioch) and Chair Holland White (Pittsburg)

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

DETERMINATION

Teleconference Meetings: CONSIDER and ADOPT Resolution No. 2022/03 to authorize the Board of Directors to conduct teleconference meetings under Government Code Section 54953(e) and make related findings set forth in the resolution; DETERMINE that the Authority will hold virtual meetings for the next 30 days; and DIRECT the Program Manager or Secretary of the Board to return this matter to the Board within 30 days for reconsideration.

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

On motion by Director Bryant, seconded by Director Meadows, the Authority ADOPTED Resolution No. 2022/03 to authorize the Board of Directors to conduct teleconference meetings under Government Code Section 54953(e) and make related findings set forth in the resolution; DETERMINED that the Authority will hold virtual meetings for the next 30 days; and DIRECTED the Program Manager or Secretary of the Board to return this matter to the Board within 30 days for reconsideration. The motion carried by the following Roll Call vote:

AYES: Bryant, Meadows, Burgis

NOES: None

ABSTAIN: None

ABSENT: Thorpe, White

ECCRFFA Comprehensive Nexus Study Project List: Staff recommends the Board CONSIDER and APPROVE the List of Proposed Projects to be included in the new Comprehensive Nexus Study for the ECCRFFA Fee Program.

Program Manager Dale Dennis advised that staff and Julie Morgan of Fehr & Peers had been working for over a year to develop the List of Proposed Projects to be included in the new Comprehensive Nexus Study for the ECCRFFA Fee Program. That work had been completed in close coordination with member agency staff and had included the existing list of capital projects.

Julie Morgan, Fehr & Peers, identified the list of proposed projects to be considered for inclusion in the new Comprehensive Nexus Study for the ECCRFFA Fee Program as shown on Pages 14 and 15 in the Board packet along with the current list of projects shown on Pages 17 and 18.

Vice Chair Burgis referred to the proposed list for the new Nexus Study and specifically to the Kirker Pass Road Truck Climbing Lane, noted a prior discussion by the County Board of Supervisors to potentially change the name of Kirker Pass Road and sought information on the status of that potential change.

Mr. Dennis had no information available with respect to any name change at this time.

It was noted that the proposed list would add \$513 million in projects, and Mr. Dennis explained that the ECCRFFA Program was already oversubscribed and would be further oversubscribed as a result of the new list. The projects would be added to the list and the ECCRFFA Board would prioritize the projects within the list at a future point in time in that the Nexus Study did not prioritize projects.

Vice Chair Burgis clarified that the new projects on the list would offer an opportunity to leverage additional funding that could potentially elevate the priority of the projects.

Mr. Dennis recommended the Board approve the List of Proposed Projects and stated that once approved Fehr & Peers would move forward to analyze and prepare the Nexus Study.

After some research, Stephen Siptroth, Deputy County Counsel, confirmed that the Board of Supervisors had discussed the renaming of the unincorporated areas of Kirker Pass Road. The Direction from the Board of Supervisors to staff was to proceed and continue to rename Kirker Pass Road in the unincorporated areas, to work with the City of Pittsburg for the segment of Kirker Pass Road in that City, and to explore Railroad Avenue as the new name, although the actual renaming had not yet occurred.

BRUCE OHLSON stated that East Contra Costa's bicycle community wanted to be assured that the Standard Oil Utility Corridor, which was fairly narrow, would be made into two lanes and that bike lanes would also be provided. He understood a traffic signal would be installed and he urged consideration of bicycle lanes.

Mr. Dennis clarified that the Standard Oil Utility Corridor property was within Pittsburg city limits and Mr. Ohlson's comment would be shared with Pittsburg staff to see if bike lanes had been included with that project.

On motion by Director Bryant, seconded by Director Meadows, the Authority APPROVED the List of Proposed Projects to be included in the new Comprehensive Nexus Study for the ECCRFFA Fee Program. The motion carried by the following Roll Call vote:

AYES: Bryant, Meadows, Burgis
NOES: None
ABSTAIN: None
ABSENT: Thorpe, White

PUBLIC COMMENT

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

CONSENT ITEMS

- A. APPROVE minutes of the July 14, 2022 Board of Directors meeting. (*August 2022, September 2022 and October 2022 meetings cancelled.*)
- B. APPROVE the ECCRFFA AB1600 Report for period ending June 30, 2022.
- C. APPROVE an amendment to the Consulting Services Agreement with L. Lucy Owens to increase the payment limit by \$75,000 to a revised payment limit of \$174,900 for staff support services for ECCRFFA and extend the term to December 31, 2023, and AUTHORIZE the Secretary or designee to sign the amendment on behalf of the Authority.

On motion by Director Meadows, seconded by Director Bryant, the Authority APPROVED the Consent Items, as shown. The motion carried by the following Roll Call vote:

AYES: Bryant, Meadows, Burgis
NOES: None
ABSTAIN: None
ABSENT: Thorpe, White

BOARDMEMBER COMMENTS

The Board thanked staff for their outstanding work and offered best wishes for a wonderful holiday season.

ADJOURNMENT

The meeting was adjourned at 7:04 P.M. by Vice Chair Burgis to the next scheduled meeting on Thursday, January 12, 2023, at 6:30 P.M. or other date/time deemed appropriate by the Board.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk