

## **Policy Regarding Remote Participation in Meetings of the Board of Directors of the Peninsula Corridor Joint Powers Board**

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### **Principles and Purpose**

The Board of Directors of the Peninsula Corridor Joint Powers Board (“Board”) is committed to the principles of government transparency and the promotion of public participation. The purpose of this policy is to establish clear guidance for members of the Board and Committees, staff of the JPB, and the public regarding remote participation in Board and Committee meetings by members and the public. This policy applies to all Regular and Special Board, Committee, and Advisory Committee Meetings.

### **I. In-Person Participation in Meetings**

- A. Members of the Board and Committees may participate in public meetings from the auditorium at 1250 San Carlos Ave, subject to the health and safety policies of the San Mateo County Transportation District.
- B. Members of the public may participate in Board and Committee meetings from the auditorium at 1250 San Carlos Ave., subject to the health and safety policies of the San Mateo County Transportation District, or from any location that is noticed on the agenda for the meeting.

### **II. Remote Participation Under the Brown Act**

- A. Members of the Board and Committees may participate remotely in Board and Committee meetings provided that the members:
  - 1. Provide the address for the location from which they will be participating in the meeting to the Board Secretary at least four days in advance of the scheduled meeting.
  - 2. Ensure that the location is accessible to the public throughout the meeting.
- B. Members of the public may participate remotely via a teleconferencing link provided on the Board or Committee Agenda.

### **III. Remote Participation Due to Just Cause or Emergency Circumstances**

- A. **Just Cause:** A member of the Board or a Committee may participate remotely in a meeting of the Board or Committee without noticing the location from which they are participating or making the location accessible to the public if the member notifies the Board or Committee Chair and the Board Secretary of the member’s need to participate remotely due to just cause and provides a general description of the circumstances relating to the member’s need to appear remotely in the meeting.
  - 1. “Just cause” is defined as: childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires remote

participation; a contagious illness that prevents a member from attending in person; a need related to a physical or mental disability; and travel while on official business of the legislative body or another state or local agency. Government Code § 54953(j).

- B. Emergency Circumstances:** A member of the Board or a Committee may participate remotely in a meeting of the Board or Committee without noticing the location from which they are participating or making the location accessible to the public if the member submits a request to participate remotely due to emergency circumstances to the Board or Committee Chair and Board Secretary in advance of the meeting, and the Board or Committee approves the request.
1. "Emergency circumstances" is defined as a physical or family medical emergency that prevents a member from attending in person. Government Code § 54953(j).
  2. Members shall notify the Board Chair or Committee Chair and Board Secretary as soon as practicable if requesting to participate in a meeting remotely due to emergency circumstances and provide a general description of the emergency circumstances related to the need to appear remotely. The member's general description need not exceed 20 words nor need it disclose any medical diagnosis or disability, or any personal identifying medical information regarding a patient's medical history, mental or physical condition, or treatment already exempt from disclosure under existing law.
  3. Members requesting permission to participate remotely due to emergency circumstances must make separate requests for each meeting in which they seek to participate remotely
  4. The Board or Committee may act on a request to participate remotely due to emergency circumstances at the beginning of the meeting before considering other items of business even if the proposed action on the request is not placed on the posted agenda for the meeting.
  5. When the Board or Committee votes to approve the request at a noticed public meeting held prior to the meeting for which the member has requested to participate remotely due to emergency circumstances, the Board Secretary shall post an updated agenda that notes the Board or Committee approved the member's request and that the meeting is a hybrid remote meeting for emergency circumstances in compliance with Government Code § 54953(j).
- C.** The Board Secretary shall alert the Chair of the Board or Committee and members if it appears that a quorum of members will not be physically present at a meeting for which a member or members have provided notice of their intent to participate remotely for just cause, in which case the meeting shall be cancelled, or in the event of a meeting for which a member or members have requested approval to participate remotely due to emergency circumstances, the Board or Committee shall either deny the request(s) or cancel the meeting.
- D.** Immediately upon receipt of a notification or request for remote participation due to just cause or emergency circumstances, the Board Secretary shall post a revised agenda including a link to a teleconferencing platform to allow the public and the board

member to participate remotely. The revised agenda will also include the proposed action to permit a member to meet remotely for emergency circumstances if there is sufficient time to do so given the nature and timing of the emergency request. It is the intent of the JPB in adopting this policy to provide notice of remote participation due to just cause or emergency circumstances as soon as practicable.

- E. Limits on the Remote Participation Due to Just Cause or Emergency Circumstances:
1. A member may rely on the just cause exception to participate remotely in no more than two meetings of a legislative body per calendar year. Government Code § 54953(f)(2)(A)(i). For purposes of these limits, the Board and each Committee are considered separate legislative bodies.
  2. A member may rely on both the emergency circumstances and just cause exceptions for no more than three months in a row or 20 percent of the Board or a Committee's regular meetings in a calendar year. Government Code § 54953(f)(3).
  3. Should the Board or a Committee ever regularly meet less than 10 times in a given calendar year, a member may not rely on either exception more than 2 times total in that year. Government Code § 54953(f)(3).

#### **IV. Voting on a Request to Meet Remotely Due to Emergency Circumstances**

- A. When the Board or a Committee receives a member's request to participate remotely due to emergency circumstances, the Board or Committee shall vote on whether to approve the request.
1. The Board or Committee may act on a request to participate remotely at the beginning of the meeting before considering other items of business even if the proposed action on the request is not placed on the posted agenda for the meeting.
  2. When the Board or Committee votes to approve the request at a noticed public meeting held prior to the meeting for which the member has requested to participate remotely due to emergency circumstances, the Board Secretary shall post an updated agenda that notes the Board or Committee approved the member's request and that the meeting is a hybrid remote meeting for just cause or emergency circumstances in compliance with Government Code § 54953(j).
- B. In the event that a quorum of members will not be physically present at the Board or Committee meeting, the Board or Committee will be barred from approving requests to participate remotely due to emergency circumstances and must either deny the request(s) or cancel the meeting.

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Public comments may be sent via email to [publiccomment@caltrain.com](mailto:publiccomment@caltrain.com). Please indicate in your email the agenda item to which your comment applies. Public comments received will be included in the board's weekly correspondence, which is posted to the Caltrain website.