

Resolution No. 2026-03

**Board of Directors, Peninsula Corridor Joint Powers Board
State of California**

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**Adopt Revised Policy Regarding Brown Act Remote Meetings Exceptions
for Board, Committee, and Advisory Committee Meetings**

Whereas, the Board of Directors (Board) of the Peninsula Corridor Joint Powers Board (JPB) is committed to the principles of government transparency and the promotion of public participation; and

Whereas, the Ralph M. Brown Act (Brown Act) permits members of legislative bodies to participate remotely in public meetings via teleconferencing, so long as: (1) the remote location is connected to the main meeting location by telephone, video, or both; (2) the notice and agenda of the meeting identify the remote location; (3) the remote location is accessible to the public; (4) all votes are conducted by roll call; and (5) the meeting otherwise complies with the Brown Act, including providing an opportunity for the public to address the legislative body and allowing participation by members of the public present in remote locations; and

Whereas, the California Legislature adopted Assembly Bill (AB) 2449 in August 2022, which permitted the remote meetings for members of a local agency legislative body who have just cause or are experiencing an emergency circumstance; and

Whereas, the Board adopted a remote meetings participation policy following the adoption of AB 2449 to (1) provide the Board and staff with clear guidelines to follow when a member notifies the Board or Committee that the member intends to participate in a meeting remotely under AB 2449, and (2) ensure the processes and procedures for meeting remotely

promote transparency, public participation, and efficiency in the administration of public meetings, including by allowing members of the public to participate remotely or in person; and

Whereas, the JPB has followed this policy for the past three years, and the members of the Board and its Committees have properly invoked the exceptions for remote meetings pursuant to the Brown Act; and

Whereas, the California Legislature has adopted revisions to the Brown Act's remote meetings provisions pursuant to Senate Bill (SB) 707, modifying the just cause exception, adding new remote meetings exceptions for subsidiary and multijurisdictional bodies, and clarifying that the Brown Act shall not operate to limit remote participation as a reasonable accommodation for a disability; and

Whereas, in light of these amendments to the Brown Act, the Board has considered the circumstances of its subsidiary bodies, including the Citizens Advisory Committee and the Bicycle and Active Transportation Advisory Committee, and has determined that teleconferencing meetings of these bodies would enhance public access and promote the attraction, retention, and diversity of the membership of these subsidiary bodies; and

Whereas, it is not clear whether the eligible subsidiary body exception applies to the Board's standing Committees. Accordingly, staff recommend that the Board not make the above findings with respect to the JPB's standing Committees until additional guidance is available; and

Whereas, the JPB made the public aware of the potential for fully remote meetings of subsidiary bodies at its February 5, 2026, meeting of the Board, and afforded the public the opportunity for comment; and

Whereas, the Board will reconsider renewing the above findings related to subsidiary bodies no later than six months from the date of adoption of this resolution; and

Whereas, the JPB is a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, and therefore is a multijurisdictional body for the purposes of the new remote meetings exception in SB 707; and

Whereas, staff recommends that the Board adopt the attached revised policy for all Regular and Special Board, Committee, and Advisory Committee meetings, and that the policy become effective on February 5, 2026.

Now, Therefore, Be It Resolved that the Board of Directors adopts the revised Policy Regarding Remote Meeting Participation for Board, Committee, and Advisory.

Be It Further Resolved that the Board of Directors authorizes its eligible subsidiary bodies to meet remotely for the next six months pursuant to the remote meetings exception in Government Code Section 54953.8.6 and in accord with the revised remote meetings policy.

Be It Further Resolved that the Board of Directors authorizes the use of teleconferencing pursuant to the multijurisdictional bodies exception under Government Code Section 54953.8.7 and in accord with the revised remote meetings policy.

Regularly passed and adopted this 5th day of February, 2026, by the following vote:

Ayes: Abe-Koga, Canepa, Cohen, Heminger, Wagner, Walton, Burt, Medina

Noes: None

Absent: Gee



Chair, Peninsula Corridor Joint Powers Board

Attest:



JPB Secretary

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

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 Caltrain’s headquarters (currently, 1250 San Carlos Ave., San Carlos, California), 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 Caltrain’s headquarters (1250 San Carlos Ave., San Carlos, California), 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 (as amended by SB 707)

A. Remote Public Participation

- 1. Members of the public may participate remotely via a teleconferencing link provided on the Board or Committee Agenda.
- 2. Caltrain will publish instructions on the agenda for remote access to the meeting and public comment, and in the event of a disruption preventing broadcasting the meeting or preventing remote public comment, will refrain from taking action until that disruption is resolved. Cal. Gov’t Code § 54953.8(b)(3).
- 3. The Board or Committee will not require public comments to be submitted in advance, and the public will be afforded the opportunity to address the Board or Committee in real time.

B. Traditional Teleconferencing from a Noticed and Publicly Accessible Location

- 1. Members of the Board and Committees may participate remotely in Board and Committee meetings provided that the members:
 - 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.
 - Ensure that the location is accessible to the public throughout the meeting.

C. Reasonable Accommodation

1. Members of the Board and Committees with a disability may attend a meeting remotely as a reasonable accommodation. Cal. Gov't Code § 54953(c)(1).
2. The member must participate through both audio and visual technology, unless the disability prevents video participation. *Id.* § 54953(c)(2)(A).
3. The member must announce at the meeting before the Board or Committee takes any action whether any adults are present in the room and the general nature of their relationship to one another. *Id.* § 54953(c)(2)(B).
4. Remote participation under this exception shall be treated as in-person attendance at the physical meeting location for all purposes, including any requirement that a quorum of the legislative body participate from any particular location. *Id.* § 54953(c)(3).
5. The provisions of Government Code § 54953(b) related to notice, agenda, and public accessibility of teleconference locations, as well as any additional requirements to attend a meeting remotely under other exceptions, shall not apply to remote participation under this exception. *Id.*

D. Just Cause (Cal. Gov't Code § 54953.8.3)

1. The Board and Committee members may participate remotely for just cause, including:
 - a. Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires remote participation.
 - b. A contagious illness that prevents the member from attending in person.
 - c. A need related to a physical or mental condition.
 - d. Travel while on official business of the legislative body or another state or local agency.
 - e. An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires remote participation.
 - f. A physical or family medical emergency that prevents a member from attending in person (formerly emergency circumstances under prior law).
 - g. Military service obligations that result in a member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency.

Cal. Gov't Code § 54953.8.3(c)

2. Members must notify the legislative body at the earliest opportunity possible,

including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. *Id.* § 54953.8.3 (a)(1).

3. The member shall participate through both audio and visual technology. *Id.* § 54953.8.3(a)(2).
4. The member must announce at the meeting before the Board or Committee takes any action whether any adults are present in the room and the general nature of their relationship to one another. *Id.* § 54953.8(e).
5. Meeting minutes must specify what specific subdivision each member relied upon to participate remotely, and a quorum of members of the body must participate from a single location identified on the agenda and within the boundaries of the local agency. *Id.* § 54953.8.3(a)(1) & (b).
6. Members may not rely upon just cause for more than two meetings per year if the body regularly meets once per month or less. These limitations apply separately for each legislative body (i.e., Board and standing committees). *Id.* § 54953.8.3(a)(3).
7. 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.

III. Remote Meeting Exception for Members of Multi-Jurisdictional Bodies (Cal. Gov't Code § 54953.8.7)

- A. If at a regular meeting, at least a quorum of members participate from one or more physical locations open to the public within the boundaries of the local agency, then a member may meet remotely for that meeting provided that they do not receive compensation for their service on the body and the location from which they participate remotely is 20 miles each way from the physical meeting location. Cal. Gov't Code § 54953.8.7(a)(1)-(5).
- B. The agenda must identify the names of all members who participate remotely, and the members must participate via audio and visual technology. *Id.* § 54953.8.7(a)(4). A member need not notice their location in the agenda or make their location accessible to the public. *Id.* § 54953.8.7(a).

- C. Members may not meet remotely more than two meetings per year under this section if the body meets only once per month or less. *Id.* § 54953.8.7 (a)(6).
- D. The member must also announce at the meeting before the Board or Committee takes any action whether any adults are present in the room and the general nature of their relationship to one another. *Id.* § 54953.8(e).
- E. 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.

IV. Remote Meetings Pursuant to a Declared State of Emergency (Cal. Gov't Code § 54953.8.2)

- A. The Board and Committees may meet remotely if the Board or Governor has proclaimed a local or statewide emergency, and the Board or Committee votes by a majority that meeting in person would present imminent risks to the health and safety of attendees.
- B. If the state of emergency or local emergency remains active, the Board and Committees must renew the above findings every 45 days in order for the Board and Committees to continue to meet remotely.
- C. If meeting pursuant to an emergency, the Board or Committee must provide a two-way audiovisual or telephonic service for public participation.
- D. The member must announce at the meeting before the Board or Committee takes any action whether any adults are present in the room and the general nature of their relationship to one another. Cal. Gov't Code § 54953.8(e).

V. Citizen's Advisory Committee and Bicycle and Active Transportation Committee

- A. If the Board has made findings in the last six months by majority vote that it has considered the circumstances of the Citizens Advisory Committee (CAC) and Bicycle and Active Transportation Committee (BATAC), and that: (1) teleconference meetings would enhance public access; (2) the agency has made the public aware of the opportunity for remote participation, and has afforded the public the opportunity to comment at an in-person meeting of the legislative body authorizing the subsidiary body to meet entirely remotely; and (3) teleconference meetings would promote the recruitment, retention, and diversity of subsidiary body members, these committees may meet remotely.

- B.** In order to meet remotely, the CAC and BATAC must designate a physical meeting location within the boundaries of the local agency for members who are not participating remotely and for in-person public attendance.
- C.** At least one staff member of the agency must be present at the physical meeting location during the meeting. The Committee must post the agenda at the physical location, but the remote locations need not comply with the standard agenda and public access requirements of the Brown Act.
- D.** Members meeting remotely must appear on camera unless not feasible due to internet connectivity issues or due to a disability. Elected officials who serve on the Committees must appear in-person or comply with the traditional Brown Act teleconferencing requirements.
- E.** There are no limits on the number of times a member of the CAC or BATAC may participate remotely under this exception.
- F.** Members must also announce at the meeting before the Committee takes any action whether any adults are present in the room and the general nature of their relationship to one another. Cal. Gov't Code § 54953.8(e).

Contact:

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Public comments may be sent via email to 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.