

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 22-040**

A RESOLUTION MAKING THE NECESSARY FINDINGS AND RE-AUTHORIZING THE AC TRANSIT BOARD OF DIRECTORS, INDIVIDUALLY OR JOINTLY WITH ANOTHER MEETING BODY, AND ALL DISTRICT ADVISORY, OVERSIGHT, AND INTER-AGENCY LIAISON COMMITTEES TO HOLD REMOTE TELECONFERENCE MEETINGS DURING A DECLARED STATE OF EMERGENCY, SUBJECT TO THE REQUIREMENTS OF THE BROWN ACT, THROUGH OCTOBER 28, 2022

WHEREAS, at the onset of the Covid-19 Pandemic, Governor Newsom issued Executive Order N-29-20 which permitted local governments to meet remotely without having to comply with the Brown Act's teleconference rules; and

WHEREAS, throughout the Pandemic, the AC Transit Board of Directors and the various committees established by the Board have held remote meetings using a videoconference platform in order to comply with existing health orders which prevented in-person/indoor gatherings, and as a result, experienced greater public participation at District meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, suspended the Brown Act teleconference requirements through September 30, 2021; and

WHEREAS, while Alameda and Contra Costa Counties have a high vaccination rate, both counties are experiencing a "Substantial" rate of transmission for the highly transmissible Covid-19 variants according to the Centers for Disease Control; and

WHEREAS, the populations that reportedly have substantially greater vulnerability to Covid-19 variants are those who are most reliant on AC Transit bus service such as seniors, students and disabled persons; and the rates of transmission of COVID-19 and its variants continue to pose risks for the health of attendees at indoor gatherings involving individuals from different households; and

WHEREAS, facemasks continue to be highly recommended for indoor activities by local, state and federal health authorities, and masks continue to be required at AC Transit facilities;

WHEREAS, Assembly Bill 361 (Rivas) was signed into law by Governor Newsom on September 16, 2021, as an urgency measure to amend the Brown Act to allow local legislative bodies, subject to certain requirements, the ability to continue holding remote teleconference meetings without complying with the Brown Act teleconferencing requirements during a proclaimed state of emergency; and

WHEREAS, to continue using the more flexible teleconferencing rules afforded under the Brown Act, local legislative bodies must reconsider the circumstances of the emergency every thirty (30) days and adopt findings by majority vote that either (1) the state of emergency

continues to directly impact the ability of members to meet safely in person, or (2) state or local officials continue to impose or recommend social distancing measures; and

WHEREAS, the Board of Directors previously adopted Resolution No. 22-034 on August 31, 2022, finding that the requisite conditions exist for the legislative bodies of the Alameda-Contra Costa Transit District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953 of the Brown Act; and

WHEREAS, as condition of in extending the use of the provisions found in Section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District; and the Board of Directors has done so; and

WHEREAS, the State of California continues to operate in a proclaimed State of Emergency due to the Covid-19 Pandemic.

NOW THEREFORE, the Board of Directors of the Alameda-Contra Costa Transit District does resolve as follows:

Section 1. Pursuant to the Brown Act, the Board of Directors recognizes Governor Newsom's Proclaimed State of Emergency, has reconsidered the circumstances of the State of Emergency as outlined in the whereas clauses stated herein, and finds that a local state of emergency persists throughout the District and continues to directly impact the ability of members to meet safely in person and would present imminent risks to the health and safety of attendees.

Section 2. The findings of this resolution shall apply to this Board of Directors as the legislative body of the District, individually or jointly with another meeting body, and to all District advisory, oversight, and inter-agency liaison committees.

Section 3. In permitting the legislative bodies outlined in Section 2 to continue to meet remotely, each body shall fully comply with the public participation requirements imposed by AB 361 and the Brown Act.

Section 4. The District Secretary is directed to agendize public meetings of the Board, both individually or jointly with another meeting body, and District advisory, oversight and inter-agency liaison committees that are subject to the Brown Act, as remote teleconference meetings with the understanding that Board meetings will also be open for in-person attendance effective on October 26, 2022. The following COVID-19 protocols shall be observed for in-person attendance:

- A. Visitors experiencing the following symptoms of COVID-19 may not enter the meeting venue: cough, chills, sore throat, shortness of breath, muscle pain, loss of taste or smell, fever;
- B. Visitors must use the temperature scanners upon entry to the building. Entrance will be prohibited if a temperature is measured at 100.4 or above; and

- C. Visitors must show proof of Covid-19 vaccination and masks will be required for all visitors.

Section 6. The District's various advisory, oversight and inter-agency liaison committees may exercise discretion in determining whether to meet in person with advance notice to the District Secretary and provided that the meeting location, if other than a District facility, is in substantial compliance with the protocols provided in Section 5.

Section 7. This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors and shall remain in effect for 30 days through October 28, 2022.

PASSED AND ADOPTED this 28th day of September, 2022.

Elsa Ortiz, President

Attest:

Linda A. Nemeroff, District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors held on the 28th day of September, 2022, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda A. Nemeroff, District Secretary

Approved as to Form and Content:

Jill A. Sprague, General Counsel