

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 22-006**

**A RESOLUTION MAKING THE NECESSARY FINDINGS AND RE-AUTHORIZING THE AC TRANSIT
BOARD OF DIRECTORS 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
MARCH 11, 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, On November 26, 2021, the World Health Organization announced the discovery of a new Covid-19 variant, Omicron, which it has designated as a "variant of concern", with the first case of the Omicron variant being detected in San Francisco on December 1, 2021; and

WHEREAS, Alameda and Contra Costa Counties have a high vaccination rate among the portion of the population that is eligible to be vaccinated; however, Alameda and Contra Costa Counties are experiencing a "High" rate of transmission for the highly transmissible Covid-19 Delta and Omicron Variants according to the Centers for Disease Control; and

WHEREAS, Alameda and Contra Costa Counties continue to enforce strict mask mandates for all residents to slow the spread of the Covid-19 Delta and Omicron Variants; and

WHEREAS, COVID-19 cases are rising at a significant rate and will continue to rise in the weeks ahead this winter; and

WHEREAS, the populations most reliant on AC Transit bus service are seniors, students and disabled persons; populations that reportedly have substantially greater vulnerability to Covid-19 and its variants; and

WHEREAS, AC Transit's Safety Department cautions against in-person meetings at this time due to the number of positive cases among employees and the high transmissibility of the

Covid-19 Delta and Omicron variants and the continued uptick in cases during the winter months; and

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.

WHEREAS, the Board of Directors previously adopted Resolution No. 22-001 on January 12, 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.

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 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. 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 March 11, 2022.

PASSED AND ADOPTED this 9th day of February 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 9th day of February, 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