

**AC TRANSIT FINANCING CORPORATION
RESOLUTION NO. 22-004**

**A RESOLUTION AUTHORIZING THE AC TRANSIT FINANCING CORPORATION BOARD OF
DIRECTORS TO HOLD REMOTE TELECONFERENCE MEETINGS DURING A DECLARED STATE OF
EMERGENCY, SUBJECT TO THE REQUIREMENTS OF THE BROWN ACT**

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 Financing Corporation Board of Directors has 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 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 as a precaution in preventing the spread of Covid-19, and masks continue to be required at AC Transit facilities; 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 meetings without complying with the Brown Act teleconferencing requirements during a proclaimed state of emergency; 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 AC Transit Financing Corporation does resolve as follows:

Section 1. Pursuant to the Brown Act, the Financing Corporation 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 only apply to the Financing Corporation Board of Directors who shall fully comply with the public participation requirements imposed by AB 361 and the Brown Act in order to meet remotely.

Section 3. The Corporation Secretary is directed to agendize public meetings of the Financing Corporation Board of Directors as remote teleconference meetings with the understanding that Board meetings will also be open for in-person attendance until such time the Board deems otherwise. 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 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.

PASSED AND ADOPTED this 9th day of November, 2022.

Elsa Ortiz, Chair

Attest:

Linda A. Nemeroff, Corporation Secretary

I, Linda A. Nemeroff, Corporation Secretary for the AC Transit Financing Corporation, 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 November, 2022, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Linda A. Nemeroff, Corporation Secretary

Approved as to Form and Content:

Jill A. Sprague, Corporation Legal Counsel