

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

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**MEETING DATE:** 5/26/2021

**Staff Report No. 21-272**

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**TO:** AC Transit Board of Directors  
**FROM:** Linda A. Nemeroff, District Secretary  
**SUBJECT:** Resumption of In-Person Board Meetings

### ACTION ITEM

#### **RECOMMENDED ACTION(S):**

Consider receiving a report on plans to resume in-person public Board meetings as of the June 15, 2021 State reopening, subject to forthcoming state and local guidance; and provide direction to staff with respect to piloting "Hybrid" Board meetings. [Requested by Director Young - 4/14/21]

#### **STRATEGIC IMPORTANCE:**

There is no strategic importance associated with this report.

#### **BUDGETARY/FISCAL IMPACT:**

Holding public meetings are a cost of doing business. However, if the Board wishes to combine virtual and in-person meetings in a "hybrid" setting, this will require additional staffing (facility maintenance, safety, technological support) and the Board Room will need to be augmented from a technology standpoint to provide a seamless interface. Language translation will also need to be made available in both settings. At the time of this writing, staff is investigating the technological options, secure and reliable, that might be available at a reasonable cost.

#### **BACKGROUND/RATIONALE:**

On March 19, 2020, Governor Gavin Newsom issued a State-wide Shelter in Place Order in response to the COVID-19 Pandemic. The Governor's Executive Order (N-29-20) also suspended some public meeting requirements under the Brown Act, including:

- The requirement to identify the physical location of members participating by teleconference;
- The requirement to post agendas at all teleconference locations; and
- The requirement that a quorum of the legislative body's members be within the jurisdiction when the meeting is taking place.

Essentially, all in-person attendance at public meetings was banned and the District quickly adapted to a virtual meeting setting, which is how public meetings have been conducted since the onset of the Pandemic.

Governor Newsom has now signaled that California is poised to fully reopen on June 15, 2021. This report will

discuss AC Transit's plans to resume in-person public meetings following the reopening.

### **Brown Act Requirements**

It is anticipated that with reopening will come the reinstitution of the Brown Act requirements that have been suspended for over a year. Board members wishing to teleconference (audio/video) will be expected to meet the following requirements:

- Include their teleconference address on the agenda and allow the public to participate in the meeting from that address;
- Post an agenda at their meeting location 72 hours in advance for regular meetings and 24 hours in advance for special meetings;
- Ensure their meeting location is accessible to attendees, including people with disabilities;
- The Board member must be on a speaker/speakerphone so that anyone attending from their location can participate in the meeting; and
- A majority of the Board must participate in the meeting from within the District's jurisdictional boundary.

In order for Board members to participate in meetings remotely, all of these requirements must be met once Brown Act requirements are reinstituted.

### **Board Room Reactivation Measures**

Since the announcement came in April that California was poised to reopen on June 15<sup>th</sup>, the District Secretary's Office has been working to get the Board Room ready for in-person meetings. A punch list was developed and is on track to be fully complete by early June. The list includes everything from maintenance items such as carpet cleaning, touch-up painting, and a deep cleaning of all surfaces to the restocking of supplies for desks and the kitchenette as well as an inspection of all equipment.

### **Board Room Safety Measures**

In preparation for in-person Board meetings, staff is ensuring that ample steps are being taken to protect Board members, staff and the public. Clear barriers will be installed between Board members and staff who will be working in close proximity to one another. The public will be required to have their temperature checked as they enter the building. As of the writing of this report, face masks are required and will be available free of charge to anyone who needs one as will hand sanitizer, which will be conveniently stationed at the second-floor elevator and other public spaces in and around the Board Room. Staff is still working out the details of how things like microphones will be shared but expects that a cleansing process will be carried out between users by a member of staff.

As for social distance, staff plans to implement a six-foot distance for members of the public assuming that current Cal/OSHA requires six-foot social distance in the Occupational Health This will greatly reduce the seating capacity in the Board Room to approximately 15 public participants (excluding the Board, Board Officers, and a few staff). Of course, if social distancing is reduced in the coming weeks, capacity in the Board Room will increase.

### **Hybrid Meetings**

Staff is seeking direction from the Board on whether to implement “hybrid” meetings. Hybrid meetings are a combination of in-person meetings with some sort of technological feature that will allow the public to offer public comment or Board members and staff to participate in the meeting virtually/remotely. Like many public agencies, AC Transit staff is grappling with the prospect of combining the two meeting scenarios and determining what technology is available that can be implemented quickly, easily and cost effectively. To that end, the District Secretary’s Office is working with the Innovation and Technology Department to determine the best technology to deploy in the short-term.

In addition, the District Secretary’s Office has reached out to a number of transit agencies and the general consensus is that all are supportive of the hybrid meeting structure; however, most are struggling with effective implementation. If the Board decides to implement the hybrid meeting structure, staff recommends that it be done as a courtesy to the public for a pilot period of six-months during which time staff can evaluate the effectiveness of the technology to ensure a seamless integration into the in-person meeting setting, before requiring hybrid meetings as a matter of policy. In doing so, the Board and the public need to have realistic expectations. Initial meetings may be a little rocky, just as they were when virtual meetings were implemented. There also needs to be an understanding that technology is not perfect; technical failures, while rare, can generally be mitigated but not in every situation. The Board and public also need to understand that should a technical failure occur, the meeting would not stop while attempting to correct the problem. This situation could result in a lost opportunity to provide public comment as the District is under no legal obligation to provide remote access to meetings at this time.

As always, the District Secretary’s Office is committed to providing the very best opportunity to hold meetings that are open and accessible to the public and the Board is urged to consider all factors when deliberating the idea of hybrid meetings.

### **ADVANTAGES/DISADVANTAGES:**

The reopening of California and the resumption of in-person public meetings signals a positive step forward in the overall recovery from the Pandemic. Over the past year, a lot has been learned and a lot has changed. The necessity of transitioning to virtual public meetings at the onset of the Pandemic provides new avenues for public engagement in ways previously underutilized by government agencies. However, these advancements also pose untested technological challenges when trying to merge them with pre-Pandemic meeting practices.

### **ALTERNATIVES ANALYSIS:**

State open meeting law dictates the requirements the District must adhere to in holding public meetings; therefore, no other alternatives were considered.

### **PRIOR RELEVANT BOARD ACTION/POLICIES:**

None

**ATTACHMENTS:**

None

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