

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 21-038**

**A RESOLUTION AUTHORIZING THE AC TRANSIT BOARD OF DIRECTORS AND ALL DISTRICT
ADVISORY, OVERSIGHT, STEERING AND INTER-AGENCY LIAISON COMMITTEES TO CONTINUE
TO MEET REMOTELY DURING A DECLARED STATE OF EMERGENCY, SUBJECT TO THE
REQUIREMENTS OF ASSEMBLY BILL 361**

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, Alameda and Contra Costa Counties have a high vaccination rate among the portion of the population that is eligible to be vaccinated; however, Alameda County continues to experience a "substantial" rate of transmission for the highly transmissible Covid-19 Delta Variant, while Contra Costa County continues to experience a "high" rate of transmission according to the Centers for Disease Control; 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 continues to caution against in-person meetings at this time due to an uptick in positive cases among employees and the high transmissibility of the Covid-19 Delta Variant; and

WHEREAS, Assembly Bill 361 (Rivas) was signed into law by Governor Newsom on September 16, 2021, as an urgency measure that would 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, to continue using the more flexible teleconferencing rules under AB 361, 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 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 AB 361, the Board of Directors acknowledges Governor Newsom's Proclaimed State of Emergency and finds that the State of Emergency 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 due to the high transmissibility of the Covid-19 Delta Variant in Alameda and Contra Costa Counties and the vulnerability of AC Transit's riders and employees.

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, steering 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.

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 22nd day of September 2021.

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 22nd day of September, 2021, 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