

INTER OFFICE MEMO

To: Board of Directors

Date: October 21, 2021

From: Rick Ramacier
General Manager

SUBJECT: Declaring that the Board and Its Committee Meetings Will Continue to be Held via Teleconference

SUMMARY OF ISSUES:

Due to the ongoing COVID-19 pandemic, the General Manager and Legal Counsel recommend the Board adopt a resolution declaring that Board and its committees' meetings will continue to be held via teleconference because the proclaimed COVID-19 pandemic State of Emergency continues to impact the ability of the Central Contra Costa Transit Authority (CCCTA) Board of Directors (Board) and its committees to meet safely in person.

On September 16, 2021, Governor Newsom signed into law Assembly Bill (AB) 361 amending Government Code Section 54953 to allow local agencies to use teleconferencing for public meetings without requiring teleconference locations to be included on published agendas or accessible to the public, and without requiring a quorum of the members of the legislative body of the agency to participate from locations within the boundaries of the agency's jurisdiction, during proclaimed states of emergencies.

Local agency determinations to meet using the modified teleconferencing rules under AB 361 must be reviewed every 30 days following the first teleconferenced meeting held pursuant to this law, which as an urgency statute, came into effect on October 1. The legislative body must reconsider the circumstances of the state of emergency and find that they directly impact the ability to meet safely in person. These findings can be relied upon for up to 30 days, so the Board will need to consider the circumstances of the state of emergency at each subsequent Board meeting in order to continue to meet remotely under the modified teleconference rules.

The Governor's State of Emergency related to the COVID-19 pandemic remains active and the Contra Costa County Health Officer, the California Department of Public Health, and the Department of Industrial Relations have imposed or recommended measures to promote social distancing. Compliance with these measures directly impacts the ability of the public to meet safely in person, and CCCTA cannot ensure social distancing recommendations are met in circumstances of in-person public meetings. Furthermore, there is a continuing threat of COVID-19 to the community, and Board and committee meetings have characteristics that give rise to risks to health and safety of meeting participants. Consequently, it is recommended that CCCTA continue to use remote teleconferencing for public meetings as permitted under AB 361 and to reconsider its determination (and make the necessary findings) every 30 days.

FINANCIAL IMPLICATIONS: There is no impact on the budget.

ACTION REQUESTED: Adopt resolution declaring that the proclaimed state of emergency for the COVID-19 pandemic continues to impact the ability of the Board of Directors and its committees to meet safely in person, and directing that virtual Board and committee meetings continue.

ATTACHMENT: Contra Costa County Health Department recommendations for safely holding public meetings.



RECOMMENDATIONS FOR SAFELY HOLDING PUBLIC MEETINGS

Each local government agency is authorized to determine whether to hold public meetings in person, online (teleconferencing only), or via a combination of methods. The following are recommendations from Contra Costa County Health Services to minimize the risk of COVID-19 transmission during a public meeting:

1. Online meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. A written safety protocol should be developed and followed. It is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees.
4. Seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least six feet apart.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with symptoms but no fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Chris Farnitano, MD
Health Officer, Contra Costa County
Revised 9.20.2021



RESOLUTION NO. 2022-012

**BOARD OF DIRECTORS CENTRAL CONTRA COSTA TRANSIT AUTHORITY
STATE OF CALIFORNIA**

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**DECLARING THAT THE PROCLAIMED STATE OF EMERGENCY FOR THE COVID-19
PANDEMIC CONTINUES TO IMPACT THE ABILITY FOR THE BOARD OF DIRECTORS AND ITS
COMMITTEES TO MEET SAFELY IN PERSON, AND DIRECTING THAT VIRTUAL BOARD AND
COMMITTEE MEETINGS CONTINUE**

WHEREAS, the County of Contra Costa, the Cities of Clayton, Concord, Lafayette, Martinez, Orinda, Pleasant Hill, San Ramon and Walnut Creek, and the Towns of Danville and Moraga (hereinafter "Member Jurisdictions") have formed the Central Contra Costa Transit Authority ("CCCTA"), a joint exercise of powers agency created under California Government Code Section 6500 *et seq.*, for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions ("Service Area");

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to exist in California as a result of the threat of the COVID-19 pandemic, which declaration remains in effect;

WHEREAS, the Contra Costa County Board of Supervisors subsequently declared a local emergency related to COVID-19, which declaration also remains in effect;

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act related to teleconferencing to facilitate legislative bodies conducting public meetings remotely to help protect against the spread of COVID-19 and to protect the health and safety of the public;

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which specified that Executive Order N-29-20 remains in effect through September 30, 2021, and then expires;

WHEREAS, on September 16, 2021, the Governor signed urgency legislation Assembly Bill (AB) 361 into law, causing it to go into effect immediately, thereby amending Government Code Section 54953 to allow legislative bodies to continue to meet remotely under less restrictive requirements during a proclaimed State of Emergency;

WHEREAS, pursuant to AB 361, legislative bodies may meet remotely when there is a continuing State of Emergency and state or local officials have imposed or recommended measures to promote social distancing;

WHEREAS, federal, state and local officials, including the Contra Costa County Health Officer, the California Department of Public Health (CDPH), and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing, as evidenced by:

- The federal Centers for Disease Control and Prevention (CDC) website, which includes August 5, 2021 Guidance, stating that "[i]n general, CDC recommends people who are not fully vaccinated maintain physical distance of at least 6 feet from other people who are not in their household"; and
- The California Department of Industrial Relations' COVID-19 Prevention Emergency Temporary Standards, which continue to recommend social distancing and also require employers to train employees that "physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19" and should be used in combination (Title 8, § 3205(c)(5)(D));
- Contra Costa County Health Department recommendations for safely holding public meetings, available at: <https://cchealth.org/covid19/pdf/recommendations-for-safe-public-meetings.pdf>;

WHEREAS, AB 361 requires a legislative body to consider the circumstances of the state of emergency and

find that they continue to directly impact the ability of the Board to meet safely in person, not later than 30 days after the first teleconferenced meeting held pursuant to AB 361, and to make those findings every 30 days thereafter, in order to continue to meet under abbreviated teleconferencing procedures;

WHEREAS, the CDPH and the CDC have cautioned that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, that it may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others, resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>);

WHEREAS, the Board of Directors concludes that there is a continuing threat of COVID-19 to the community, and that Board and committee meetings held in person have characteristics that give rise to risks to health and safety of meeting participants;

WHEREAS, the Board of Directors desires to enable those who are immunocompromised or unvaccinated to be able to safely continue to participate fully in public governmental meetings, and recognizes the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at in person meetings; and

WHEREAS, to help protect against the spread of COVID-19 and its variants, and to protect the health and safety of the public, the Board of Directors desires to continue to hold its Board and committee meetings remotely.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Central Contra Costa Transit Authority has reconsidered the circumstances of the COVID-19 State of Emergency, and finds and determines that the state of emergency continues to directly impact its ability to meet safely in person;

BE IT FURTHER RESOLVED, that the Board of Directors directs the General Manager/CEO and Clerk to the Board to continue to agendaize public meetings of the Board, and all CCCTA committees that are subject to the Brown Act, only as online teleconference meetings;

BE IT FURTHER RESOLVED, that CCCTA will comply with the requirements of Government Code Section 54953(e)(2) when holding Board and committee meetings pursuant to this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution will be in effect for the maximum period of time permitted under AB 361 (30 days), and the Board will consider the required AB 361 findings each month and may adopt said findings in order to continue agendaize public meetings of the Board, and all CCCTA committees that are subject to the Brown Act, only as online teleconference meetings.

Regularly passed and adopted this 21st day of October, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dave Hudson, Chair, Board of Directors

ATTEST: _____
Lathina Hill, Clerk to the Board