

STANISLAUS REGIONAL TRANSIT AUTHORITY

SPECIAL BOARD OF DIRECTORS MEETING

VIA ZOOM

THURSDAY, JANUARY 20, 2022

1:00 P.M.

Important Notice Regarding COVID-19

In the interest of maintaining appropriate social distancing measures, members of the public may participate in the meeting electronically and shall have the right to observe and offer public comment in real time during the meeting.

The following options are available to members of the public to listen, observe and participate in real time in this meeting and provide comments to the Board of Directors during the meeting:

1. You are strongly encouraged to listen to the Board Meeting by joining the meeting from your computer or tablet.

Please register for the Stanislaus Regional Transit Authority Board Meeting on January 20, 2022 at:

Register in advance for this meeting:

<https://us06web.zoom.us/meeting/register/tZlqf-2grzovHtTb0xrcErv4mmEiSicVO2sX>

2. If you wish to make a comment on a specific agenda item, please wait for the Chair or Moderator to recognize you and you will be called on during the meeting.

If you are participating via telephone only you will still need to register on Zoom using the link above. You can submit your comments via email to info@stanrta.org or by calling 209-477-7011 by 3:00 pm on January 19, 2022.

Written Comments will be shared with Board Members and placed into the record at the meeting. Every effort will be made to read comments received during the meeting into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

Board Agendas and Minutes: Board agendas, minutes and copies of items to be considered by the Stanislaus Regional Transit Authority Board of Directors are available at least 72 hours prior to the meeting on the Authority's website www.stanrta.org and at the Authority office located at 912 11th Street, Modesto, CA during normal business hours. The documents are also available on the StanCOG website at www.stancog.org.

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection at the address listed above during normal business hours. These documents are also available on the StanCOG website, subject to staff's ability to post the documents before the meeting.

Reasonable Accommodations: This Agenda shall be made available upon request in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Phil McGuire at (209) 477-7011 during regular business hours at least 72 hours prior to the time of the meeting to enable the Stanislaus Regional Transit Authority to make reasonable arrangements to ensure accessibility to this meeting.

Notice Regarding Non-English Speakers: Stanislaus Regional Transit Authority Board meetings are conducted in English. Anyone wishing to address the Board of Directors is advised to have an interpreter or to contact Phil McGuire at (209) 477-7011 during regular business hours at least 72 hours prior to the time of the meeting so that the Stanislaus Regional Transit Authority can provide an interpreter.

Aviso con Respecto a Personas que no Hablan el Idioma de Inglés: Las reuniones de la Mesa Directiva del Consejo de Gobiernos de Stanislaus son conducidas en Inglés. Cualquier persona que desea dirigirse a la Mesa Directiva se le aconseja que traiga su propio intérprete o llame a Philip McGuire al (209) 477-7011 durante horas de oficina regulares o a lo menos 72 horas antes de la reunión, para proporcionarle con un intérprete.

NOTICE, CALL AND AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC COMMENTS

Members of the public may address the Board on any item not on the agenda. Comments shall be limited to three minutes unless the Chair of the Board sets a different time limit. The Board cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code.

5. DISCUSSION/ACTION ITEMS

- A. Motion to Adopt Resolution 2022-038 Making the Required AB 361 Findings for the Continuation of Teleconference Meetings for the StanRTA Board of Directors for the Period January 21, 2022 – February 20, 2022.

6. DIRECTOR REPORTS

7. ADJOURNMENT

STANISLAUS REGIONAL TRANSIT AUTHORITY

DISCUSSION & ACTION ITEMS

Ride the



STANISLAUS REGIONAL TRANSIT AUTHORITY

DATE: January 20, 2022
TO: Board of Directors
FROM: Monica Streeter, General Counsel
RE: AB 361 – Continuation of Teleconference Meetings

Agenda Item: [5A]

Background

On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency in response to the outbreak of COVID-19, which remains in effect. Throughout the State of Emergency, the Governor issued a series of Executive Orders to reduce the spread of COVID-19.

On March 12, 2020, the Governor issued Executive Order N-25-20 waiving certain requirements of the Ralph M. Brown Act (Brown Act) making it easier for local agencies to hold public meetings via teleconference. On March 17, 2020, the Governor issued Executive Order N-29-20 which superseded a portion of Executive Order N-25-20 and identified the ability of local agencies to continue with teleconferenced meetings provided certain requirements for public participation were met. On June 11, 2021, the Governor issued Executive Order N-08-21 which continued the waiver of the teleconference provisions in the Brown Act through September 30, 2021.

With the expiration of the Executive Orders, the Legislature introduced Assembly Bill 361 (AB 361), which allows the continued use of teleconferencing if specific requirements are met. On September 16, 2021, the Governor signed AB 361 into law. AB 361 amends section 54953 of the Brown Act and allows a local agency to use teleconferencing without complying with certain provisions of the Brown Act under certain circumstances and if certain findings are made.

AB 361 amends Section 54953 of the Government Code to allow a legislative body of a local agency to meet remotely without complying with the teleconference requirements imposed by the Brown Act such as agenda posting at teleconference locations, physical location access by the public, or establishing a quorum within the boundaries of the agency. The agency may do so in any of the following circumstances:

- (A) A legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

- (B) The legislative body holds a meeting during a proclaimed state of emergency, for the purpose of determine by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- (C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Any boards and committees that are required to comply with the Brown Act that holds a meeting under any of the scenarios identified above must continue to post an agenda within the time periods required by the Brown Act and ensure the public is able to address the board or committee directly through teleconference means. If a technological disruption prevents the board or committee from broadcasting the meeting or receiving public comments in real time, the board or committee cannot take further action until the technological function is restored.

If the proclaimed State of Emergency remains in effect, and if any boards or committees wish to continue meeting under the modified rules, then the board and/or committees must adopt a resolution containing the following findings: (1) the State of Emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing. The board and/or committees must reconsider and reconfirm the findings every thirty (30) days.

If consecutive regular meetings fall outside the 30-day window, the Board and/or committees should hold a special meeting to re-authorize the AB 361 findings. If the Board or committee does not adopt a resolution making the findings required under AB 361, or if the authorization lapses, it will be required to comply with the traditional teleconference rules contained in the Brown Act. In that scenario, StanRTA will be required to post an agenda at each teleconference location, teleconference locations will need to be identified on the agenda and accessible to the public, and a quorum of the Board or committee will need to be established within the boundaries of the agency.

Discussion

AB 361 requires every thirty days, the legislative body reconsider the circumstances of the State of Emergency and related findings and determine if meetings of StanRTA legislative bodies, as that term is defined in the Brown Act, will have the option to continue using teleconference means.

To assist in making the findings, the California Department of Public Health and the Centers for Disease Control and Prevention (CDC), caution the Delta and Omicron variants are more infectious and leading to increased transmissibility when compared with other COVID-19 variants, even in some vaccinated individuals. As a result, the CDC recommended that all individuals, regardless of vaccination status, wear face coverings in indoor public settings in areas of substantial or high COVID-19 transmission. The California Department of Public Health requires face coverings in indoor public settings, regardless of vaccination status. In addition, Cal/OSHA

adopted emergency regulations, including section 3205, identifying physical distancing, face coverings, increased ventilation and respiratory protection decrease the spread of COVID-19 but are most effective when used in combination.

It is recommended that the Board, by Resolution, find: (1) the state of emergency continues to directly impact the ability of members to meet safely in person; (2) state and local officials continue to recommend measures to promote social distancing; and (3) as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees.

The stated findings would apply to all regular and special meetings of the StanRTA Board. The circumstances of the state of emergency and the related findings will be reconsidered every thirty (30) days.

Recommendation

By Motion:

Adopt Resolution 2022-038 Making the Required AB 361 Findings for the Continuation of Teleconference Meetings for the StanRTA Board for the Period January 21, 2022 – February 20, 2022.

**STANISLAUS REGIONAL TRANSIT AUTHORITY
RESOLUTION 2022-038**

**RESOLUTION OF THE STANISLAUS REGIONAL TRANSIT AUTHORITY
MAKING THE REQUIRED AB 361 FINDINGS FOR THE CONTINUATION OF
TELECONFERENCE MEETINGS
FOR THE PERIOD JANUARY 21, 2022 – FEBRUARY 20, 2022**

WHEREAS, the Stanislaus Regional Transit Authority (StanRTA) is a joint powers agency whose members are the City of Modesto and the County of Stanislaus, and which was created to consolidate transit services countywide with the exception of the City of Turlock; and

WHEREAS, all meetings of StanRTA's legislative bodies are open and public as required by the Ralph M. Brown Act (Government Code §§ 54950 – 54963)(Brown Act) so members of the public may observe, attend, and participate as the StanRTA legislative bodies conduct their business; and

WHEREAS, section 54953(e) of the Brown Act, as amended by AB 361, allows legislative bodies to conduct meetings using teleconferencing without compliance with the provisions of Government Code section 54953(b)(3), subject to certain circumstances and the making of various findings; and

WHEREAS, in order to comply with AB 361, any of the following circumstances must exist: (a) there must be a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (b) the legislative body has determined, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, on March 4, 2020, the Governor issued a Proclamation of a State of Emergency in response to the outbreak of COVID-19 and the state of emergency remains in effect; and

WHEREAS, Cal/OSHA adopted emergency regulations, including section 3205, identifying physical distancing, face coverings, increased ventilation and respiratory protection decrease the spread of COVID-19 but are most effective when used in combination; and

WHEREAS, the Centers for Disease Control and Prevention (CDC), recommends that all individuals, regardless of vaccination status, wear face coverings in indoor public settings; and

WHEREAS, the California Department of Public Health requires that all individuals, regardless of vaccination status, wear face coverings in indoor settings; and

WHEREAS, an Order of the Health Officer of Stanislaus County acknowledges that close contact to other persons increases the risk of transmission of COVID-19; and

WHEREAS, the CDC has identified the Delta and Omicron variants as the dominant strains of COVID-19 in the country, are more infectious and more transmissible when compared with other COVID-19 variants, may cause more severe illness, and fully vaccinated individuals can spread the virus to others resulting in an alarming increase in the rates of COVID-19 cases and

hospitalizations, thereby presenting an imminent risk to the health or safety of attendees of meetings of StanRTA legislative bodies; and

WHEREAS, due to the recent increase in COVID-19 cases throughout Stanislaus County, the Board of Directors desires to allow the continuation of teleconference meetings.

NOW, THEREFORE BE IT RESOLVED, THE STANRTA BOARD OF DIRECTORS DOES HEREBY RESOLVE AND FIND AS FOLLOWS:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution as if set forth in full herein.
2. State of Emergency. Pursuant to the Governor's Proclamation of a State of Emergency, issued March 4, 2020, there is a proclaimed state of emergency in the State of California.
3. State or Local Measures. The Centers for Disease Control and Prevention, the California Department of Public Health, Cal/OSHA, and the Health Officer of Stanislaus County have recommended or imposed measures to promote social distancing and other measures to reduce the transmission of COVID-19.
4. Finding of Imminent Risk to the Health or Safety of Attendees. The Delta and Omicron variants are the dominant strains of COVID-19 in the country, are more infectious and more transmissible than prior variants of the virus, may cause more severe illness, and even fully vaccinated individuals can spread the virus to others resulting in a rapid and alarming increase in the rates of COVID-19 cases and hospitalizations which will continue to cause conditions of peril to the safety of persons, thereby presenting an imminent risk to the health and/or safety of members of the StanRTA legislative bodies, StanRTA employees and attendees of StanRTA's public meetings.
5. Teleconference Meetings. Due to the proclaimed State of Emergency and the state and local recommended measures to promote social distancing, the StanRTA Board of Directors finds the StanRTA Board may conduct their meetings, whether regular or special, without complying with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e)(1), and shall comply with the requirements to provide public access to the meetings as set forth in Government Code section 54953(e)(2).
6. Implementation of Resolution. The Chief Executive Officer and StanRTA staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act. The circumstances of the state of emergency and the related findings will be reconsidered every thirty (30) days.

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The foregoing Resolution was introduced at a special meeting of the Stanislaus Regional Transit Authority, on the 20th day of January, 2022. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

MEETING DATE: **January 20, 2022**

JENNY KENOYER, CHAIR

ATTEST:

ADAM BARTH, CHIEF EXECUTIVE OFFICER