

SAN JOAQUIN REGIONAL TRANSIT DISTRICT
SPECIAL BOARD OF DIRECTORS MEETING – NOTICE AND AGENDA
1:00 P.M. ON TUESDAY, DECEMBER 14, 2021

PLEASE TAKE NOTICE that the Chairman of the Board of Directors of the San Joaquin Regional Transit District RTD has called a Special Meeting of the Board of Directors for Tuesday, December 14, 2021 at 1:00 P.M.

This meeting is being held in accordance with Assembly Bill (AB) 361 signed by California Governor Gavin Newsom on September 16, 2021. The Board of Directors meeting on December 14, 2021 will not have a physical location. This will be a remote-only meeting, telephonically via Zoom Video Communications.

Members of the public can attend and participate in the RTD Board of Directors Meeting either by phone or via Zoom.

Meeting by phone:

- To join the meeting, dial (669) 900-6833 and entering the meeting ID: 817 9526 6168 then press ##.
- To alert the host of your desire to speak, press *9.
- To unmute/mute after you have been called upon, press *6.

Meeting via Zoom:

- To view a live broadcast of the meeting online, visit <https://us06web.zoom.us/j/81795266168>.
- To comment via the chat feature, select Chat from the bottom menu, type message in the box, select Everyone, and hit enter.
- To be called upon to speak, select Reactions and click Raise Hand. The host will unmute you when it is your turn to speak. Lower your hand after you have spoken by clicking Raise Hand again.

RTD is committed to ensuring that all meetings are accessible regardless of an individual's ability or access method. If you need a reasonable accommodation, please contact RTD's Chief Executive Office at (209) 467-6613. *For language assistance, interpreter services, please contact (209) 943-1111. Para información en Español, por favor llame al (209) 943-1111.*

1. CALL MEETING TO ORDER
2. MOMENT OF SILENCE/REFLECTION
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. ROLL CALL
5. PUBLIC COMMENT

Each person who addresses the Board shall not make slanderous or profane remarks to or about any member of the Board, staff, or general public. Any person who utters loud, threatening, personal, or abusive language, who is unduly repetitious or engages in extended discussion of irrelevancies, or who engages in any disorderly conduct which disrupts, disturbs, or impedes the orderly conduct of any Board meeting shall, at the discretion of the presiding officer or a majority of the Board, be barred from further audience before the Board during that meeting. All public comments shall be limited to no more than FIVE MINUTES. In addition, applause, loud noises, or any other outbursts or disruptions from the audience are not allowed during or after a public comment. At the discretion of the presiding officer, those who are in violation of this protocol

may be disconnected from the meeting.

6. CONSENT CALENDAR

- A. RESOLUTION: PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE COVID-19 STATE OF EMERGENCY, AND REAUTHORIZING REMOTE TELECONFERENCE MEETINGS OF RTD PURSUANT TO THE RALPH M. BROWN ACT
Board approval of remote board meetings.

7. QUESTIONS AND COMMENTS FROM DIRECTORS AND STAFF

8. CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATOR
Agency Negotiator: Gloria Salazar, CEO
Employee Organization: Amalgamated Transit Union, Local 256
- B. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
[Paragraph (1) of subdivision (d) of Government Code, Section 54956.9]:
1. San Joaquin Regional Transit District vs. DSS-2731 Myrtle LLC, et al., San Joaquin Superior Court Case No. 39-2010-00252684-CU-EI-STK
 2. Armando Pina vs. San Joaquin Regional Transit District, WCAB: ADJ10256392
Claim No. SJSL-549241
- C. PUBLIC EMPLOYMENT
Title: Chief Executive Officer

9. ADJOURNMENT

NOTE: THE NEXT REGULARLY SCHEDULED BOARD MEETING WILL BE HELD ON FRIDAY, JANUARY 21, 2022 AT 10:00 A.M.

DATE POSTED: DECEMBER 13, 2021

RECOMMENDATION: **PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE COVID-19 STATE OF EMERGENCY, AND REAUTHORIZING REMOTE TELECONFERENCE MEETINGS OF RTD PURSUANT TO THE RALPH M. BROWN ACT**

LEAD STAFF: **AL WARREN HOSLETT
LEGAL COUNSEL**

FINANCIAL IMPACT: **NONE**

BACKGROUND:

When the COVID-19 pandemic began, California Governor Gavin Newsom signed an Executive Order that allowed public agencies to meet virtually. The most recent Executive Order, N-33-20, expired on September 30, 2021.

On September 16, Governor Newsom signed Assembly Bill (AB) 361. AB 361 gives the option for public agencies to continue meeting virtually until January 1, 2024. This bill allows local agencies to use teleconferencing in compliance with the Ralph M. Brown Act. The RTD Board of Directors must reconsider the continuing need for virtual meetings every thirty (30) days.

DISCUSSION:

Virtual meetings are permitted presently because Governor Newsom has proclaimed a state of emergency. The State of California and many local officials have recommended measures to promote social distancing. If those conditions change, the local agency can still meet virtually if it has determined that physical presence at meetings would present imminent risks to the health and safety of attendees.

Attached is a form of resolution, which if adopted by the RTD Board, would permit the Board to continue to meet remotely so long as the Board met and considered the need to continue to meet remotely.

RESOLUTION NO. _____
DATED DECEMBER 14, 2021

RESOLUTION PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE COVID-19 STATE OF EMERGENCY, AND REAUTHORIZING REMOTE TELECONFERENCE MEETINGS OF RTD PURSUANT TO THE RALPH M. BROWN ACT

WHEREAS, RTD is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of RTD are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) ("Brown Act"), so that any member of the public may attend, participate, and watch the RTD's legislative body conduct its business; and

WHEREAS, Assembly Bill 361 added Government Code section 54953(e) to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within RTD's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, number 6015 on November 19, 2021, finding that the requisite conditions exist for RTD to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in RTD, and the Board of Directors has done so; and

WHEREAS, the Board of Directors does hereby find that the ongoing risk posed by the highly transmissible COVID-19 virus has caused, and will continue to cause, conditions of peril to the safety of persons within RTD that are likely to be beyond the control of services, personnel, equipment, and facilities of RTD; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that RTD shall continue to conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all meeting agendas, meeting dates, times, and manner in which the public may participate in the public meetings of RTD and offer public comment by telephone or internet-based service options including video conference will continue to be posted on the RTD website and physically outside of the RTD office.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of San Joaquin RTD, as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. Affirmation that Local Emergency Exists. The Board has reconsidered the conditions of the state of emergency and proclaims that a local emergency persists throughout RTD because the high risk of transmissibility of COVID-19 continues to pose an imminent risk to the safety of persons in RTD.
3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.
4. Remote Teleconference Meetings. RTD 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.
5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 13, 2022, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which RTD may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.