



Western Contra Costa
Transit Authority

NOTICE OF SPECIAL MEETING

A Special Meeting of the WCCTA Board of Directors
will be held:

DATE: December 9, 2021 (Thursday)
TIME: 6:30 PM
PLACE: Via Zoom conference call (access details
below)

Remote Participation

As a result of the COVID-19 public health emergency and pursuant to Assembly Bill 361 (2021), there will be no physical location for the Board Meeting. Board members will attend via teleconference and members of the public are invited to attend the meeting and participate remotely. Pursuant to Assembly Bill 361 (2021), Board members: Aleida Andrino- Chavez, Dion Bailey, Chris Kelley, Tom Hansen, Norma Martinez- Rubin, Maureen Toms, and Maureen Powers may be attending this meeting via teleconference, as may WCCTA Alternate Board Members. Any votes conducted during the teleconferencing session will be conducted by roll call.

The public may observe and address the WCCTA Board in the following ways.

Remote Viewing/Listening Webinar

To observe the meeting by video conference, utilizing the Zoom platform, please click on this link to join the webinar at the noticed meeting time:

[Topic: December Special Board Meeting](#)

Time: Dec 9, 2021 06:30 PM Pacific Time (US and Canada)

<https://us02web.zoom.us/j/89494391231>

Meeting ID: 894 9439 1231
One tap mobile
+16699006833,,89494391231# US (San Jose)

Dial by your location
+1 669 900 6833 US (San Jose)

Meeting ID: 894 9439 1231
Find your local number: <https://us02web.zoom.us/j/89494391231>

Public Comment via Teleconference

Members of the public may address the Board during the initial public comment portion of the meeting or during the comment period for agenda items. Participants may use the chat function on Zoom or physically raise their hands to be recognized.

Public comments may be submitted via email to info@westcat.org. Please indicate in your email the agenda item to which your comment applies. Comments submitted before the meeting will be provided to the committee Directors before or during the meeting. Comments submitted after the meeting is called to order will be included in correspondence that will be provided to the full Board.

Americans With Disabilities Act: In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a WCCTA Board Meeting or you need a copy of the agenda or the agenda packet in an appropriate alternative format, please contact the WestCAT Administrative Office at (510) 724-3331. Notification at least 48 hours before the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangement can be made to provide accessibility to the meeting or service.

AGENDA

A. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

B. APPROVAL OF AGENDA

C. PUBLIC COMMUNICATIONS

This is the time for members of the public to bring up with the Board of Directors matters of general interest that are not on the agenda. In accordance with provisions of the Brown Act, the Board will automatically refer to staff any matters that are brought before them at this time, and the matter may be placed on a future agenda. The time limit is 3 minutes and is subject to modification by the Chair.

1.0 ITEMS FOR BOARD ACTION / DISCUSSION

- 1.1 Adoption of Resolution 2021-07, Finding that there is a Proclaimed State of Emergency, Finding that Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency, and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the Western Contra Costa Transit Authority for the 30-Day Period Beginning December 12, 2021, Pursuant to AB 361.
[Action Requested: Formal Adoption of Resolution 2021-07] *

2.0 COMMITTEE REPORTS

- 2.1 General Manager's Report. **[No Action: Information Only]**

3.0 CORRESPONDENCE

4.0 BOARD COMMUNICATION

5.0 ADJOURNMENT

* Enclosures
^ To Be Distributed Separately

Documents provided to a majority of the Board of Directors after distribution of the packet, regarding any item on this agenda will be made available for public inspection at the Administration Counter at WCCTA located at 601 Walter Avenue, during normal business hours (Pursuant to SB 343 or California Government Code Section 54957.5 -effective July 1, 2008). This information will also be uploaded and posted to the website before the meeting and made available at this link <https://www.westcat.org/Home/InsBoard>. The posting of SB 343 information on this website is in addition to the posting of the information at the legally required locations specified above.

Next Board Meeting January 13, 2022

WCCTA Board meetings are prerecorded and posted for public viewing on the Authority's website at this link: <https://www.westcat.org/Home/InsBoard>.

**WESTERN CONTRA COSTA TRANSIT AUTHORITY
RESOLUTION NO. 2021-07**

RESOLUTION FINDING THAT THERE IS A PROCLAIMED STATE OF EMERGENCY; FINDING THAT MEETING IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES AS A RESULT OF THE STATE OF EMERGENCY; AND AUTHORIZING REMOTE TELECONFERENCED MEETINGS OF THE LEGISLATIVE BODIES OF THE WESTERN CONTRA COSTA TRANSIT AUTHORITY FOR THE 30-DAY PERIOD BEGINNING DECEMBER 12, 2021 PURSUANT TO AB 361

WHEREAS, the Western Contra Costa Transit Authority ("WCCTA") is a joint exercise of powers authority formed pursuant to Government Code Section 6500, et. seq. by and between the City of Pinole, the City of Hercules, and the County of Contra Costa); and

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

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up virtual meetings for all WCCTA Board meetings and meetings of all WCCTA legislative bodies; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ends the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (2021) which allows for local legislative bodies and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the WCCTA Board make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, AB 361 (2021) requires that the Governor declare a State of Emergency pursuant to Government Code section 8625; and

WHEREAS, AB 361 (2021) further requires that state or local officials have imposed or recommended measures to promote social distancing, or, requires that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in WCCTA's jurisdiction, specifically, Governor Newsom has declared a State of Emergency due to COVID-19; and

WHEREAS, since issuing Executive Order N-08-21, the highly contagious Delta and Omicron variants of COVID-19 have emerged, causing an increase in COVID-19 cases throughout the State and Contra Costa County; and

WHEREAS, on August 2, 2021, in response to the Delta variant of COVID-19, the Contra Costa County Health Officer issued an order for nearly all individuals to wear masks when inside public spaces and on September 14, 2021, issued an order requiring operators of specified dining establishments, entertainment venues and fitness facilities to restrict entry based on COVID-19 vaccination status or testing; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, because of the rise in cases due to the Delta variant of COVID-19, the WCCTA Board of Directors is concerned about the health and safety of all individuals who intend to attend WCCTA Board meetings and meetings of WCCTA’s other legislative bodies; and

WHEREAS, the WCCTA Board of Directors hereby finds that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, including the legislative bodies and staff, should WCCTA’s legislative bodies hold in person meetings; and

WHEREAS, WCCTA shall ensure that its meetings comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Western Contra Costa Transit Authority as follows:

1. The above recitals are true and correct, and incorporated into this Resolution.
2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the WCCTA Board of Directors makes the following findings:
 - a) The WCCTA Board of Directors has considered the circumstances of the state of emergency; and
 - b) The state of emergency, as declared by the Governor, continues to directly impact the ability of the WCCTA Board of Directors and WCCTA’s legislative bodies, as well as staff and members of the public, from meeting safely in person; and
 - c) The CDC continues to recommend physical distancing of at least six feet due to COVID-19 and as a result of the presence of COVID-19 and the increase of cases due to the Delta variant, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies and staff.
3. The WCCTA Board of Directors and WCCTA’s legislative bodies may continue to meet remotely in compliance with AB 361, in order to better ensure the health and safety of the public.

4. The WCCTA Board of Directors will revisit the need to conduct meetings remotely within 30 days of the effective date of this resolution.

Regularly passed and adopted this 9th day of December, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Aleida Andrino-Chavez, Chair, Board of Directors

ATTEST: _____
Clerk to the Board