



El Cerrito

## SPECIAL MEETING NOTICE AND AGENDA

Hercules

**DATE & TIME:** August 31, 2022 • 8:00 AM – 8:15 AM

**REMOTE ACCESS:**

<https://us02web.zoom.us/j/7321058840?pwd=c1dMVjJyd1BoYk0yYWVlZWVlWHZ4Zz09>

Pinole

**MEETING ID#:** 732 105 8840      **PASSWORD (if requested):** WCCTAC2020

**Remote Participation Only**

Richmond

As a result of the COVID-19 public health emergency, and consistent with AB 361, **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.**

San Pablo

Pursuant to the AB 361, Board members: Chris Kelley, Norma Martinez-Rubin, Rita Xavier, Tom Butt, Demnlus Johnson, Eduardo Martinez, Paul Fadelli, John Gioia, Jovanka Beckles, Maureen Powers, and Lateefah Simon may be attending this meeting via teleconference, as may WCCTAC Alternate Board Members. Any votes conducted during the teleconferencing session will be conducted by roll call.

Contra Costa County

The public may observe and address the WCCTAC Board in the following ways:

**Remote Viewing/Listening**

Webinar:

AC Transit

To observe the meeting by video conference, utilizing the Zoom platform, please click on this link (same link as shown above) to join the webinar at the noticed meeting time: <https://us02web.zoom.us/j/7321058840?pwd=c1dMVjJyd1BoYk0yYWVlZWVlWHZ4Zz09>

Phone:

Dial the following number, enter the participant PIN followed by # to confirm:

+1 669 900 6833

BART

Meeting ID: 732 105 8840

Password: 066620

**Public Comment via Teleconference**

WestCAT

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 indicate if they wish to speak on a particular item.

**Written Comment** (accepted until the start of the meeting, unless otherwise noted on the meeting agenda). Public comments received by 5:00 p.m. on the evening before the Board meeting date will be provided to the WCCTAC Board and heard before Board action. Comments may be submitted by email to [vjenkins@wcctac.org](mailto:vjenkins@wcctac.org).

Comments may also be submitted via e-mail to [vjenkins@wcctac.org](mailto:vjenkins@wcctac.org) at any time prior to closure of the public comment portion of the item(s) under consideration. All written comments will be included in the record.

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1. **Call to Order and Board Member Roll Call.** (*Demnlus Johnson III – Chair*)
  2. **Public Comment.** The public is welcome to address the Board on any item that is not listed on the agenda.

#### **REGULAR AGENDA ITEMS**

3. **AB 361 Resolution to Conduct Teleconferenced Meetings.** AB 361 allows the Board to conduct teleconferenced meetings without complying with the normal Brown Act requirements during a State of Emergency upon the Board making certain findings that meeting in person would present imminent risks to the health or safety of attendees. Resolution No 22-17 provides the necessary findings for the Board of Directors and TAC to conduct teleconferenced meetings pursuant to AB 361. (*Attachment; Recommended Action: Adopt Resolution 22-17*)
4. **Adjourn.** The next regular meeting will be held on Sept. 23, 2022 @ 8:00 AM  
The meeting will be held remotely (see next agenda for details)

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- In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in the WCCTAC Board meeting, or if you need a copy of the agenda and/or agenda packet materials in an alternative format, please contact Valerie Jenkins at 510.210.5930 prior to the meeting.
  - If you have special transportation requirements and would like to attend the meeting, please call the phone number above at least 48 hours in advance to make arrangements.
  - Handouts provided at the meeting are available upon request and may also be viewed at WCCTAC's offices.

- Please refrain from wearing scented products to the meeting, as there may be attendees susceptible to environmental illnesses. Please also put cellular phones on silent mode during the meeting.
- A meeting sign-in sheet will be circulated at the meeting. Sign-in is optional.

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**WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE  
RESOLUTION NO. 22-17**

**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  
WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE FOR  
THE 30 DAY PERIOD BEGINNING AUGUST 31, 2022 PURSUANT TO AB 361**

**WHEREAS**, the West Contra Costa Transportation Advisory Committee ("WCCTAC") is a joint exercise of powers authority formed pursuant to Government Code Section 6500, et. seq. by and between the City of El Cerrito, the City of Hercules, the City of Pinole, the City of Richmond, the City of San Pablo, Contra Costa County, Alameda-Contra Costa Transit District ("AC Transit"), San Francisco Bay Area Rapid Transit ("BART"), and West Contra Costa Transit Authority ("WestCAT"); and

**WHEREAS**, all WCCTAC 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 WCCTAC'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 WCCTAC Board meetings and meetings of all WCCTAC 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 WCCTAC Board make specified findings. AB 361 (2021) took effect immediately; and

**WHEREAS**, the WCCTAC Board of Directors previously made the finding 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 at WCCTAC Board meetings and meetings of WCCTAC's other legislative bodies, including the Board and staff, should the Board hold and permit in person meetings; 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 WCCTAC'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**, 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 the Contra Costa County Health Officer strongly recommends online meetings and distancing; and

**WHEREAS**, the highly contagious Omicron variant and sub-variants have resulted in the greatest nationwide infection rate since the beginning of the COVID-19 pandemic; and

**WHEREAS**, because of the rise in cases due to the Omicron variant and sub-variants of COVID-19, the WCCTAC Board of Directors are concerned about the health and safety of all individuals who intend to attend WCCTAC Board meetings and meetings of WCCTAC's other legislative bodies; and

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

**WHEREAS**, WCCTAC shall ensure that it's 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 West Contra Costa Transportation Advisory Committee 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 conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the WCCTAC Board of Directors makes the following findings:

- a) The WCCTAC 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 WCCTAC Board of Directors and WCCTAC'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 the Contra Costa County Health Officer strongly recommends online meetings and distancing. As a result of the presence of COVID-19 and the increase of cases due to the Delta and Omicron variants, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies and staff.

3. The WCCTAC Board of Directors and WCCTAC's legislative bodies may meet remotely in compliance with AB 361, in order to better ensure the health and safety of the public.

AYES:

NOES:

ABSTAIN:

ABSENT:

By: \_\_\_\_\_  
Demnlus Johnson III, Chair

Attest:

\_\_\_\_\_  
John Nemeth, Executive Director

Approved as to Form:

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Kristopher J. Kokotaylo, General Counsel

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