



Meeting Date: November 18, 2021

Agenda Item: C.2

AGENDA SUMMARY REPORT

SUBJECT:

Discussion and Possible Adoption of Resolution No. 2021-21 Authorizing Remote Teleconference Meetings of the Board of Directors of Mendocino Transit Authority for the period of November 18, 2021, through December 18, 2021, Pursuant to Brown Act Provisions.

SUMMARY:

The purpose of this item is to decide if Mendocino Transit Authority Board of Directors will continue virtual meetings or return to pre pandemic in-person meetings. In accordance with AB 361 the MTA Board must consider adoption of subsequent resolutions every 30 days to continue conducting virtual meetings during a declared State of Emergency in California.

The MTA Board of Directors adopted Resolution 2021-18 on September 30, 2021, which authorized virtual Board meetings through October 30, 2021.

The Board adopted a subsequent resolution (Resolution 2021-19) on October 27, 2021, which authorized virtual Board meetings through November 28, 2021. Additionally, the Board directed staff to schedule a Special Board Meeting within the 30-day period to consider a subsequent resolution which, if adopted, would be applicable for the December 8, 2021, Board Meeting.

MTA's December 2021 Board meeting is scheduled for December 8, 2021, which requires consideration of a new subsequent resolution for the period of November 18, 2021, through December 18, 2021, in order to conduct the December 8, 2021 Board meeting virtually and adhere to the 30-day requirement under AB 361. If the Board declines approval of the attached resolution, staff will begin preparations for an in-person meeting on December 8, 2021.

STAFF RECOMMENDATION:

1. Adopt Resolution 2021-21 Authorizing virtual Board Meetings for the period of November 18, 2021, through December 18, 2021; or
2. Do not adopt the attached Resolution 2021-21 and direct staff to prepare for in-person Board Meetings beginning December 8, 2021.

ATTACHMENTS

Resolution 2021-21 Authorizing Remote Teleconference Meetings of the Board of Directors of Mendocino Transit Authority for the period of November 18, 2021, through December 18, 2021, Pursuant to Brown Act Provisions.



RESOLUTION NO. 2021-21

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MENDOCINO TRANSIT AUTHORITY PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2021, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF MENDOCINO TRANSIT AUTHORITY FOR THE PERIOD NOVEMBER 18, 2021, THROUGH DECEMBER 18, 2021 PURSUANT TO BROWN ACT PROVISIONS.

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

WHEREAS, all meetings of Mendocino Transit Authority's Board of Directors 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 the Agency's Board conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of the Board of Directors, 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 the Agency'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 may present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 2021-18 on September 29, 2021, finding that the requisite conditions exist for the Board of Directors of Mendocino Transit Authority 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 the MTA Jurisdiction, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the MTA jurisdiction, specifically, a State of Emergency remains active related to the SARS-CoV-2 pandemic, and

WHEREAS, the Board of Directors of Mendocino Transit Authority does hereby find that the SARS-CoV-2 virus continues to impact our community, and, in-person meetings may create an environment

where transmission of SARS-CoV-2 could be spread and has caused, and will continue to cause, conditions of peril to the safety of persons within the Agency that are likely to be beyond the control of services, personnel, equipment, and facilities of the Agency, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the Board of Directors of Mendocino Transit Authority shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to 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, Mendocino Transit Authority Board of Directors will continue to post an Agenda online, in accordance with Brown Act requirements, make the meetings available and accessible online, and allow for public participation in the meetings of the Board of Directors.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF MENDOCINO TRANSIT AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the MTA jurisdiction and proclaims that a local emergency persists, and meeting in-person would create an imminent risk.

Section 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, 2021.

Section 4. Remote Teleconference Meetings. The MTA Executive Director and staff and Board of Directors of Mendocino Transit Authority are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 18, 2021, 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 the Board of Directors of Mendocino Transit Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Mendocino Transit Authority this 18th day of November 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

DRAFT