



**Meeting Date:** February 23, 2022  
**Agenda Item:** C.4

## AGENDA SUMMARY REPORT

### **SUBJECT:**

Discussion and Possible Adoption of Resolution No. 2022-03 Authorizing Remote Teleconference Meetings of the Board of Directors of Mendocino Transit Authority for the period of February 23, 2022, through March 23, 2022 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 has adopted the following Resolutions related to AB 361:

- Resolution 2021-18 on September 30, 2021, which authorized virtual Board meetings through October 30, 2021.
- Resolution 2021-19 on October 27, 2021 which authorized virtual Board meetings through November 27, 2021.
- Resolution 2021-21 on November 18, 2021 which authorized virtual Board meetings through December 18, 2021.
- Resolution 2021-22 on December 8, 2021 which authorized virtual Board meetings through January 8, 2022.
- Resolution 2022-01 on January 6, 2022 which authorized virtual Board meetings through February 5, 2022.
- Resolution 2022-01 on January 26, 2022 which authorized virtual Board meetings through February 26, 2022.

The next Regular Board Meeting is scheduled for March 30, 2022. If the Board declines approval of the attached resolution, staff will begin preparations for an in-person meeting on March 30, 2022. If the Board would like to conduct the March 30, 2022 meeting virtually, a Special Meeting will need to be scheduled in early March.

### **STAFF RECOMMENDATION:**

1. Adopt Resolution 2022-03 Authorizing virtual Board Meetings for the period of February 23, 2022 through March 23, 2022 and authorize staff to schedule a Special Board meeting in early March to extend the AB 361 Resolution beyond March 23, 2022.

### **ATTACHMENTS**

**Resolution 2022-03** Authorizing Remote Teleconference Meetings of the Board of Directors of Mendocino Transit Authority for the period of February 23, 2022 through March 23, 2022, Pursuant to Brown Act Provisions.



**RESOLUTION NO. 2022-03**

**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 FEBRUARY 23, 2022 THROUGH MARCH 23, 2022 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-persons 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) March 23, 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 23th day of February, 2022 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Attest:

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MTA Board Chair, Saprina Rodriquez