



RTA BOARD AGENDA

***** VIA ZOOM WEBINAR *****

Wednesday, October 6, 2021 at 11:00 AM (following SLOCOG adjournment)

The AGENDA is available/posted at: <http://www.slorta.org>

President: John Peschong

Vice President: Ed Waage

Board Members:

John Peschong (First District – SLO County)
Bruce Gibson (Second District – SLO County)
Dawn Ortiz-Legg (Third District – SLO County)
Lynn Compton (Fourth District – SLO County)
Debbie Arnold (Fifth District – SLO County)
Jimmy Paulding (Arroyo Grande)

Heather Moreno (Atascadero)
Karen Bright (Grover Beach)
John Headding (Morro Bay)
Fred Strong (Paso Robles)
Ed Waage (Pismo Beach)
Andy Pease (San Luis Obispo)

Individuals wishing accessibility accommodations at this meeting under the Americans with Disabilities Act (ADA) may request such accommodations to aid hearing, visual, or mobility impairment (including Limited English Proficiency [LEP]) by contacting the RTA offices at 781-4833. Please note that 48 hours advance notice will be necessary to honor a request.

Important Notice Regarding COVID-19

Due to the continuing increase of Coronavirus (COVID-19) cases and in accordance with AB 361, which amends Government Code §54953 to allow local legislative bodies to hold virtual meetings after September 30, 2021, if certain criteria is met, the RTA Board meeting for October 6, 2021 will be virtual meetings held via Zoom webinar.

HOW TO WATCH:

1. **To Watch:** To watch the meeting online via livestream (on your computer or mobile device), go to: www.slo-span.org, or watch the meeting via Cable TV Public Access Channel 21.
2. **To Watch and Participate in Live Public Comment:** To provide public comment during the meeting, use the Zoom webinar link below. Please use the following link to register in advance of the webinar. After registering, you will receive a confirmation email with details about joining the webinar:

https://us02web.zoom.us/webinar/register/WN_NvnNEI2vTU-XfscE39EIhA

HOW TO COMMENT:

The RTA is accepting general public comments for items on the RTA Board agenda as well as items of interest not on the agenda within the jurisdiction of the RTA Board.

Members of the public can submit comments by:

Zoom webinar – Verbal Public Comments

- See details on page 1 of this agenda under ‘How to Watch.’
- Phone – Verbal Public Comments – Call: (805) 781-4833 – State and spell your name, state the agenda item number you are calling about and leave your comment/s. Verbal comments must be received no later than 5:00 p.m. on October 5, 2021 (the day before the meeting) and will be limited to three (3) minutes.

Email – Written Public Comments to: info@slorta.org with the subject line “public comment.”

- Include the agenda item number you are referencing or type “general comment,” if it is about an item not on the agenda.
- **Emailed written comments must be submitted no later than 5:00 p.m. on Tuesday, October 5, 2021.**

Mail – Written Public Comments

- Mail to: Clerk of the Board, RTA
179 Cross Street
San Luis Obispo, CA 93401
- **Mailed written comments must be received by the RTA no later than 5:00 p.m. on Tuesday, October 5, 2021.**

CALL MEETING TO ORDER, ROLL CALL

TELECONFERENCED PUBLIC MEETINGS: Submittal of a Resolution authorizing the Executive Director to implement teleconferenced public meetings during the proclaimed local emergency related to COVID-19 pursuant to AB-361. (ROLL CALL - ADOPT RESOLUTION).

PUBLIC COMMENT: The Board reserves this portion of the agenda for members of the public to address the San Luis Obispo Regional Transit Authority Board on any items not on the agenda and within the jurisdiction of the Board. Comments are limited to three minutes per speaker. The Board will listen to all communication, but in compliance with the Brown Act, will not take any action on items that are not on the agenda.

CLOSED SESSION ITEMS

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.) It is the intention of the RTA Board to meet in closed session to have a conference with its Real Property Negotiator, Geoff Straw, concerning the following:

- a. Property Description: 179 Cross Street, City of San Luis Obispo.
- b. Parties with Whom Negotiating: LTC/SLO, LTD. L.P., a California limited partnership.
- c. Instructions to Negotiator: Price, Terms and Conditions.

- A. CONSENT AGENDA:** None
- B. INFORMATION AGENDA:** None
- C. ACTION AGENDA:** None
- D. BOARD MEMBER COMMENTS**

Next regularly-scheduled RTA Board meeting on November 3, 2021

**SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
OCTOBER 6, 2021
STAFF REPORT**

TOPIC: Teleconferenced Public Meetings

PRESENTED BY: Geoff Straw

STAFF RECOMMENDATION: Adopt Resolution

SUMMARY:

On March 4, 2020, California State Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That proclamation remains in effect to date. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting Law, the Brown Act (Government Code Section 54950 et seq.). On June 11, 2021, Governor Newsom issued Executive Order N-08-21, clarifying the suspension of the teleconferencing rules set forth in the Brown Act, noting that those provisions would remain suspended through September 30, 2021.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which allows legislative bodies subject to the Brown Act to continue meeting by teleconference, provided they make certain findings, including that meeting in person would present imminent risks to the health or safety of attendees. AB 361 requires that certain findings be made by the legislative body every 30 days.

This staff report is presented today for the RTA Board to consider the finding that holding in person meetings would present imminent risks to the health or safety of Board members, staff and all attendees of RTA public meetings. Staff recommends that the Board invoke the provisions of AB 361 related to the holding of teleconferencing/virtual public meetings, which would apply to public meetings held by the RTA and RTA legislative bodies, including all Brown Act committees.

RECOMMENDATION:

Adopt Resolution approving the following:

- a) Based on the recitals in the resolution, the RTA Board finds that holding in person meetings would present imminent risks to the health or safety of attendees; and
- b) RTA staff is directed to return at the next regularly scheduled Board meeting after adoption of this resolution with an item for the RTA Board to review and, if appropriate, renew, the findings required by AB 361 to continue to hold public meetings under its provisions.

BACKGROUND:

The RTA Board is asked to consider whether to approve the finding that holding in person public meetings would present imminent risks to the health or safety of attendees. As outlined in the summary above, the COVID-19 pandemic is still continuing, and the California Department of Public Health and the Federal Centers for Disease Control (CDC) and Prevention's guidance states that the Delta variant of COVID-19 is currently the dominant strain of the virus in the country, and that this variant is more transmissible than prior variants, may cause more severe illness, that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID1-19 cases and hospitalizations.

The CDC has established a "Community Transmission" metric with four (4) tiers designed to reflect a community's COVID-19 case rate and percent positivity. Currently, the County of San Luis Obispo has community transmission metric of "high" which is the most serious of the tiers (<https://www.cdc.gov/TemplatePackage/contrib/widgets/covidcountycheck/>).

**SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
RESOLUTION NO. 21- __**

**A RESOLUTION OF SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
ACKNOWLEDGING GOVERNOR NEWSOM'S PROCLAMATION OF A STATE OF
EMERGENCY AND AUTHORIZING VIRTUAL PUBLIC MEETINGS BY TELECONFERENCE
FOR A PERIOD OF THIRTY DAYS PURSUANT TO THE RALPH M. BROWN ACT**

The following resolution is now offered and read:

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and

WHEREAS, the proclaimed state of emergency remains in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, allowing legislative bodies subject to the Brown Act to continue meeting by teleconference if the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and

WHEREAS, California Department of Public Health and the federal Centers for Disease Control and Prevention ("CDC") caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and

WHEREAS, the CDC has established a "Community Transmission" metric with 4 tiers designed to reflect a community's COVID-19 case rate and percent positivity; and

WHEREAS, the County of San Luis Obispo currently has a Community Transmission metric of "high" which is the most serious of the tiers; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Luis Obispo Regional Transit Authority (RTA) deems it necessary to find holding in person meetings would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to

teleconferencing.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the San Luis Obispo Regional Transit Authority that:

1. The recitals set forth above are true and correct.
2. The Proclamation of State of Emergency in response to the COVID-19 pandemic issued by Governor Newsom on March 4, 2020, remains in effect.
3. Based on the recitals above, the San Luis Obispo Regional Transit Authority (RTA) finds that meeting in person would present imminent risks to the health or safety of attendees.
4. These findings shall apply to all public meetings held by the RTA and its legislative bodies, including all Brown Act Committees.
5. Staff is directed to return at the next regularly scheduled Board meeting after the adoption of this resolution with an item for the RTA Board to consider and renew, if appropriate, the findings required by AB 361 to continue meeting under its provisions.

BE IT FURTHER RESOLVED, that the San Luis Obispo Regional Transit Authority does hereby adopt this resolution upon motion by Board Member _____, seconded by Board Member _____, and on the following roll call vote, the foregoing resolution is hereby adopted this 6th day of October 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

John Peschong, President
San Luis Obispo Regional Transit Authority

ATTEST:

Geoff Straw, Executive Director
San Luis Obispo Regional Transit Authority

APPROVED AS TO FORM AND LEGAL EFFECT:

Nina Negranti, RTA Legal Counsel

Date: _____