

Thursday, October 14, 2021

TRANSPLAN Committee Meeting - 6:40*

TRANSPLAN/TRANSPAC Joint Meeting- 7:00*

* Start times for these meetings are estimates. The TRANSPLAN, TRANSPLAN/TRANSPAC Joint meetings will begin after the State Route 4 Bypass Authority and East Contra Costa Regional Fee and Financing Authority meetings adjourn. Meeting start times may be later than the estimates above but will not be earlier.

To slow the spread of COVID-19, the Contra Costa County Health Officer's most recent order of March 31, 2020, continues to prevent public gatherings. In lieu of a public gathering, the TRANSPLAN meeting will be accessible via Zoom Meeting to all members of the public, as permitted by the Governor's Executive Order 29-20. Members of the public may participate in the meeting online, or by telephone. To participate in the meeting please use the information below:

When: Oct 14, 2021 06:45 PM Pacific Time (US and Canada)

Please click the link below to join the webinar:

<https://cccounty-us.zoom.us/j/86756086500>

Meeting ID: 867 5608 6500

Or Telephone:

Dial:

USA 214 765 0478 US Toll

USA 888 278 0254 US Toll-free

Conference code: 198675

In lieu of making public comments at the meeting, members of the public also may submit public comments before or during the meeting by emailing comments to John Cunningham at john.cunningham@dcd.cccounty.us or at (925) 655-2915.

All comments submitted by email to the above email address before the conclusion of the meeting will be included in the record of the meeting. When feasible, the Board Chair, or designated staff, also will read the comments into the record at the meeting, subject to a two-minute time limit per comment.

The TRANSPLAN Chair may reduce the amount of time allotted to read comments at the beginning of each item or public comment period depending on the number of comments and the business of the day. Your patience is appreciated. A break may be called at the discretion of the Board Chair.

We will provide reasonable accommodations for persons with disabilities to participate in TRANSPLAN meetings if they contact staff at least 48 hours before the meeting. Please contact John Cunningham at john.cunningham@dcd.cccounty.us

AGENDA

Items may be taken out of order based on the business of the day and preferences of the Committee.

1. OPEN the meeting.

2. ACCEPT public comment on items not listed on agenda.

Consent Items (see attachments where noted [♦])

3. ADOPT minutes from 8/12/21 TRANSPLAN Meeting. ♦ **Page 3**

4. RECEIVE miscellaneous communication. ♦ **Page 9**

Action/Discussion Items (see attachments where noted [♦])

5. Consider ADOPTING a resolution authorizing TRANSPLAN to conduct teleconference meetings under Government Code section 54953(e) and make related findings (Assembly Bill 361-Open meetings: state and local agencies: teleconferences). ♦ Page 14

6. CONVENE Joint TRANSPLAN – TRANSPAC MEETING: Self Introductions

♦ = An attachment has been included for this agenda item.

Aaron Meadows, Chair
Oakley
City Council

Diane Burgis, Vice-Chair
Contra Costa County
Board of Supervisors

Joel Bryant
Brentwood
City Council

Holland White
Pittsburg
City Council

Lamar Thorpe
Antioch
City Council

Kerry Motts
Antioch
Planning Commission

Anita Roberts
Brentwood
Planning Commission

Anissa Williams
Oakley City Council

Sarah Foster
Pittsburg
Planning Commission

Bob Mankin
Contra Costa
Planning Commission

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7. Joint Meeting: ACCEPT public comment on items not listed on agenda.

Discussion Items

8. RECEIVE Contra Costa Transportation Authority (CCTA) Presentation: CCTA staff will be providing information to the TRANSPLAN and TRANSPAC Committees on CCTA's current projects and programs and planned activities over the next few years including an update on proposed improvements and associated planning efforts on State Route 4 Corridor, status update on the Interstate 680/4 Interchange construction project, status update on the overall Measure J Program, and upcoming process of updating the Action Plans in preparation for the update to the Countywide Transportation Plan. (Information Only)

CURRENT ACTIVITIES / PROJECTS

- 8A.** State Route 4 Corridor Proposed Improvements and Planning Efforts
- 8B.** 680/4 Interchange Project

UPCOMING PLANNING ACTIVITIES

- 8C.** Status of Measure J Program
- 8D.** Action Plan/Countywide Transportation Plan (CTP) Updates

9. ADJOURN to next meeting on Thursday, November 11, 2021, at 6:30 p.m. or other day/time as deemed appropriate by the Committee.

◆ = An attachment has been included for this agenda item.

ITEM 3
ADOPT MINUTES FROM AUGUST 2021 MEETING

TRANSPLAN COMMITTEE
Antioch - Brentwood - Oakley - Pittsburg and Contra Costa County

MINUTES

August 12, 2021

The regular meeting of the TRANSPLAN Committee was convened via a web-based platform in locations not open to the public to provide the safest environment for staff and the public consistent with Contra Costa County Health Officer's most recent order of March 31, 2020, continuing to prevent public gatherings. In lieu of a public gathering, the Board of Directors was accessible via Zoom Meeting to all members of the public as permitted by the Governor's Executive Order 29-20. Members of the public were allowed to participate in the meeting online, or by telephone.

Chair Meadows opened the meeting at 6:31 P.M.

ROLL CALL / CALL TO ORDER

PRESENT: Joel Bryant (Brentwood), Diane Burgis (Contra Costa County), Sarah Foster (Pittsburg), Kerry Motts (Antioch), Anita Roberts* (Brentwood), Lamar Thorpe (Antioch), Holland White (Pittsburg), and Chair Aaron Meadows (Oakley)
*Arrived after Roll Call

ABSENT: Bob Mankin (Contra Costa Planning Commission), and Anissa Williams (Oakley)

STAFF: John Cunningham, TRANSPLAN Staff, Contra Costa County Department of Conservation and Development

PUBLIC COMMENTS

No written comments were submitted, or oral comments made, by any member of the public.

CONSENT ITEMS

On motion by Lamar Thorpe, seconded by Diane Burgis, TRANSPLAN Committee members adopted the Consent Calendar, as follows, which carried by the following Roll Call vote:

- ADOPTED Minutes from the June 10, 2021 TRANSPLAN Meeting (*July 2021 meeting cancelled*).
- RECEIVED Miscellaneous Communications.
- RECEIVED Information on 511 Contra Costa's *Pass2Class: 2 Months of Free Bus Rides to School Program*: The program allows students to receive two FREE 20-ride Tri Delta Transit Bus Passes through 511 Contra Costa's Pass2Class program (formerly called SchoolPool).

Ayes: Bryant, Burgis, Foster, Motts, Thorpe, White, Meadows
Noes: None
Abstain: None
Absent: Mankin, Roberts, Williams

With respect to the information on 511 Contra Costa's *Pass2Class: 2 Months of Free Bus Rides to School Program*, Mr. Cunningham advised that the material had been distributed to staff and through TRANSPLAN member agency social media and other channels.

RECEIVE PRESENTATION ON THE STUDY OF A DYNAMIC PERSONAL MICRO TRANSIT (DPMT) NETWORK: The Contra Costa Transportation Authority is leading an effort to study a DPMT system in East Contra Costa. The system would consist of a fleet of driverless electric vehicles operating on demand in elevated or at-grade paved pathways.

JACK HALL, ITS CV/AV (Connected/Autonomous) Program Manager, Contra Costa Transportation Authority (CCTA), referred to the East Contra Costa County Dynamic Personal Micro Transit (DPMT) demonstration project from Advance Mobility Group where the Glydways system had been built at the Gomentum Station in the former Concord Naval Weapons Station (CNWS).

HABIB SHAMSKHOU, President of Advance Mobility Group, advised that a presentation had previously been provided in East County. His slide presentation identified the proposal and what the pod system would look like, emphasized the importance of safety and the operation in a closed corridor with a fence separating people from the operation of the units, pointed out other built-in safety features with real time monitoring, and explained that the DPMT was intended primarily for first mile/last mile for BART and other destinations. He noted that the proof of concept demonstration at the Gomentum station had been completed a few weeks ago, and he invited TRANSPLAN members to take a ride. He reported that the Feasibility Study of the Glydways system had now been completed.

Mr. Shamskhrou emphasized that the project was both a transportation and an economic development project for East County, the project and design was in a contained environment to take advantage of the private financing in collaboration with others, and the public and private financing would mean the system would be no cost to East County cities. Those cities and the County had provided input on the proposed routing plan, which was subject to change when moving from planning to design. He added that other transportation assets parallel to the DPMT complimented existing services with BART as well as State Route 4.

Mr. Shamskhrou identified the demand analysis to verify that there was a potential for the ridership. The existing census models used by Tri Delta Transit had identified a potential 10 million trips per year and applying the most conservative criteria could create a 7 million annual DPMT ridership by 2030. He pointed out that the system could have an impact on Tri Delta Transit ridership, BART ridership, help with parking for BART, and reduce the burden on State Route 4. The emission reduction benefit of the project should also qualify the DPMT for Bay Area Air Quality Management District (BAAQMD) funding.

Other benefits associated with the project were identified as sustainable jobs creation, a speedy deployment through a public/private partnership, congestion relief, and increased access for underserved communities in East County.

With respect to the financial plan, Mr. Shamskhou advised that potential funding sources were being monitored and it was most important to ensure that the DPMT was reflected in the Regional Transportation Plan (RTP) and each city's Climate Action Plan for infrastructure. He added that funding would be aggressively pursued, particularly with respect to the American Rescue Plan Act of 2021 (ARPA), which included a number of transit-related initiatives. The CCTA was taking the lead in the funding.

Mr. Shamskhou explained that the final Feasibility Study had been submitted to all four city councils and Tri Delta Transit, and all had approved the document with resolutions of support and proof of concept. The next phase would be to open agreement discussions, to include a Request for Proposal (RFP) and to pursue potential funding.

The TRANSPLAN Committee requested copies of the Feasibility Study, and Mr. Shamskhou advised that he would provide the information to Mr. Cunningham for distribution to the Committee.

Mr. Cunningham reported that Bruce Ohlson had submitted the following written comments for the public record:

Good evening TRANSPLAN committee members, staff, and fellow residents of East County. I am Bruce Ohlson, "Mister Bicycle" of East and Central Contra Costa County, a thorn in the side of staff everywhere.

Bicyclists and pedestrians throughout East County are concerned that the autonomous vehicles of the Dynamic Personal Micro Transit system will gratuitously and autonomously run over bicyclists and pedestrians as these driverless electric vehicles make their way around our communities and through our neighborhoods.

These vehicles are planned to be operated on at-grade and elevated pathways. In our culture, the "normal" way that transportation options have developed in the past is for the private sector to own and maintain the vehicles and for the public sector to build, own, and maintain the pavement upon which these vehicles operate. You have probably noticed, also, that our existing transportation corridors are STUFFED with cars, buses, and trucks. Where are we going to find the space for another system?

Assuming for discussion that we feel that we have sufficient space in our transportation corridors to build these at-grade pathways, and that we also feel we have sufficient money to build the at-grade and elevated pathways for these vehicles, I am forced to ask you, our elected leaders, why we don't have pathways in our existing transportation corridors for existing bicycle technology.

Bicycles are not pie-in-the-sky dreams, they are solid, existing technology that needs only a connected network of lanes, similar to, though much smaller and less expensive than,

the infrastructure needed for this autonomous Dynamic Personal Micro Transit system to work. Electric bicycles are poised to take off over the next couple of years. Electric bicycles are the perfect "last mile" transit option.

Electric bicycles are not a dream; the technology already exists. Let's get our ducks in a row. Let's build the necessary infrastructure for our existing bicycle transportation system BEFORE we experiment with something that may or may not pan out and which will, in my opinion, probably become a Bullet Train-like stone around our necks. If autonomous vehicles are so great, why don't our current personal automobiles incorporate the technology?

Thank you for your thorough consideration of all the aspects of the project that you are hearing about tonight.

BRUCE OHLSON, Pittsburg, representing Bike East Bay and Delta Pedalers Bicycle Club, present through Zoom, clarified that his only concern had to do with where the trackway would be built. If built beside existing traffic ways where bicyclists currently operated their bicycles, he asked where the bicyclists would go. He would support the project if there was a promise that wherever Glydways was built there would be a bicycle lane in each direction on that street. He did not want to see the bicycle lanes be sacrificed for the experiment.

MARY BRUNS also spoke in support of Diane Burgis' appointment to the ATS Plan Task Force.

APPROVE TOPICS AND SCHEDULE FOR TRANSPLAN-TRANSPAC JOINT MEETING:

The TRANSPLAN Board approved the FY 2021-2022 Work Plan which included coordination with TRANSPAC, the Central County Regional Transportation Planning Committee.

Mr. Cunningham reported that TRANSPAC staff had reached out to discuss issues of mutual concern as reflected in his staff report. He spoke to the history of mutual support between TRANSPLAN and TRANSPAC, specifically with respect to East County projects, and particularly related to funding requests. The only item on the proposed joint meeting agenda was the Concord Naval Weapons Station development and TRANSPAC's concerns related to that development. He added that City of Concord staff would also be invited to attend the joint meeting to respond to concerns.

Diane Burgis emphasized that what happened in Central County impacted the flow of traffic and the relationship between TRANSPLAN and TRANSPAC would have to consider regional impacts when considering any CNWS development, particularly since Concord was expediting that development.

Chair Meadows pointed out that in his opinion the *Concord Naval Weapons Station Development, 680/4 Interchange, and Highway 4 Corridor* were the most important topics identified in the staff report to discuss at the joint meeting.

Diane Burgis stated that *Subregional Action Plan Updates* would also be important to discuss.

Joel Bryant verified with Mr. Cunningham that the future SR 239 interchanges would be on the East County Project List included in the discussion of East County Action Plans, which were developed locally and which provided the foundation in the Countywide Transportation Plan (CTP).

Mr. Cunningham advised that he would coordinate with Matt Todd of TRANSPAC to set up a joint meeting to discuss the options identified in the staff report. The meeting would likely be at a normal TRANSPLAN meeting date and time, yet to be determined.

No written comments were submitted, or oral comments made, by any member of the public.

APPOINT TRANSPLAN REPRESENTATIVE TO THE TASK FORCE FOR THE CONTRA COSTA TRANSPORTATION AUTHORITY'S ACCESSIBLE TRANSPORTATION STRATEGIC (ATS) PLAN: The Contra Costa Transportation Authority (CCTA) has requested a TRANSPLAN member be appointed to their ATS Task Force.

Mr. Cunningham stated that a presentation on the CCTA's Accessible Transportation Strategic (ATS) plan had been made a few months ago. The ATS was a joint project between the CCTA and Contra Costa County, with the CCTA being the lead agency. The ATS had been in discussions for a number of years and had been approved earlier this year. It was intended to improve transportation for seniors, persons with disabilities and disabled veterans, and included a host of recommendations through the planning process. A task force had been developed to move on those recommendations and included the formation of a coordinated entity which would be an existing agency, a new Joint Powers Authority (JPA), an existing non-profit or a new non-profit. There was also a need to appoint a TRANSPLAN representative to the task force.

PUBLIC COMMENTS

DEBBIE TOTH, President of Choice in Aging, a non-profit organization serving Contra Costa County and surrounding areas since 1949, stated the issue of acceptable transportation had been a battle for the 19 years she had been working for Choice in Aging. She reported that seniors ended up in institutions because they could not go where they needed to go. She requested that Diane Burgis be appointed to the ATS Task Force given her service to seniors. She noted that the plan had been 30 years in the making and she wanted to see transformative change for elders, veterans, and people with disabilities.

CAITLYN SLY, Meals on Wheels Diablo Region, reported that Meals on Wheels had provided meals throughout Contra Costa County for 50 years. She agreed with the desire to appoint Diane Burgis to the ATS Task Force since she was an ally of the challenges faced by seniors in East Contra Costa County. As a provider of services to older adults she wanted to be involved in the process.

Anita Roberts was pleased to hear of the recommendation to appoint Diane Burgis to the ATS Task Force. She asked whether dedicated funding had been set aside to execute the initiative.

Mr. Cunningham advised that funding was one of the focus points of the task force, which would set up a coordinated entity to identify an ongoing identifiable funding stream. He noted that funding had been requested for implementation of the ATS, and while there was a host of options an ongoing funding stream would be a major goal of the task force.

Diane Burgis explained that as a former non-profit leader she was aware of the challenge of raising awareness and agreed with the need to identify the funding and describe why the proposal had taken so long. She stated that all the transit agencies operated individually and next to each other as opposed to necessarily working together. She emphasized the need to provide transportation with dignity, comfort and hopefully joy and there was an effort to marry the agencies with the non-profits and get everyone to work together. She suggested the funding would come from multiple sources and she was confident that with the staff involved, the advocates, and the right political leaders it could happen. She expressed a desire to be appointed to the task force.

Holland White formally supported Diane Burgis as TRANSPLAN's representative to the ATS Task Force and emphasized the importance of appointing someone familiar with the issues.

On motion by Holland White, seconded by Joel Bryant, TRANSPLAN Committee members appointed Diane Burgis as the TRANSPLAN representative to the Task Force for the Contra Costa Transportation Authority's Accessible Transportation Strategic (ATS) Plan, which carried by the following Roll Call vote:

Ayes: Bryant, Burgis, Foster, Motts, Roberts, Thorpe, White, Meadows
Noes: None
Abstain: None
Absent: Mankin, Williams

BRUCE OHLSON, Pittsburg, stated that East County bicyclists also supported Diane Burgis and that the ATS Plan should include bicycle facilitates, a connected network for bicyclists, and encouragement.

ADJOURNMENT

Chair Meadows adjourned the meeting of the TRANSPLAN Committee at 7:26 P.M. to the next meeting on September 9, 2021 at 6:30 P.M. or other day/time as deemed appropriate by the Committee.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

ITEM 4

RECEIVE MISCELLANEOUS COMMUNICATION

MEMORANDUM

To: Matt Todd, TRANSPAC
Lisa Bobadilla, SWAT
John Cunningham, TRANSPLAN
Lisa Bobadilla, TVTC
John Nemeth, WCCTAC
Bret Swain, LPMC

From: Timothy Haile, Executive Director

Date: October 1, 2021

Re: Items of interest for circulation to the Regional Transportation Planning Committees (RTPCs)

At its September 15, 2021 meeting, the Authority discussed the following items, which may be of interests to the Regional Transportation Planning Committees:

A. 2022 State Transportation Improvement Program (STIP)

Recommendation: Staff sought Authority Board approval to 1) program \$25 million for the I-680 Coordinated Adaptive Ramp Metering (CARM) project, \$972,000 for Planning, Programming and Monitoring (PPM), and conditional upon the Metropolitan Transportation Commission's approval of the requested STIP loan, \$15 million for the I-680 Northbound Express Lane – Phase 1 project; 2) adopt Resolution 21-38-P, which indicates local support for the two projects; and 3) retain \$25 million unprogrammed for a later amendment in the 2022 STIP if the Project Study Report for I-680 CARM does not get completed by the required deadline.

Action: The Authority Board approved to 1) program \$25 million for the I-680 CARM project, \$972,000 for PPM, and conditional upon the Metropolitan Transportation Commission's approval of the requested STIP loan, \$15 million for the I-680 Northbound Express Lane – Phase 1

project; 2) adopt Resolution 21-38-P, which indicates local support for the two projects; and 3) retain \$25 million unprogrammed for a later amendment in the 2022 STIP if the Project Study Report for I-680 CARM does not get completed by the required deadline.

B. Approval of City of Hercules Calendar Years 2018 and 2019 Measure J Growth Management Program (GMP) Compliance Checklist

Recommendation: Staff sought approval of the City of Hercules' GMP Checklist and payment of \$400,110 in Fiscal Year (FY) 2019-20 Local Street Maintenance and Improvement funds, to the City of Hercules, with a second (off-year) payment of FY 2020-21 funds on the one-year anniversary of the first payment.

Action: The Authority Board approved the City of Hercules' GMP Checklist and payment of \$400,110 in FY 2019-20 Local Street Maintenance and Improvement funds, to the City of Hercules, with a second (off-year) payment of FY 2020-21 funds on the one-year anniversary of the first payment.

C. Approval of City of Lafayette Calendar Years 2018 and 2019 Measure J Growth Management Program (GMP) Compliance Checklist

Recommendation: Staff sought approval of the City of Lafayette's GMP Checklist and payment of \$474,628 in Fiscal Year (FY) 2019-20 Local Street Maintenance and Improvement funds, to the City of Lafayette, with a second (off-year) payment of FY 2020-21 funds on the one-year anniversary of the first payment.

Action: The Authority Board approved the City of Lafayette's GMP Checklist and payment of \$474,628 in FY 2019-20 Local Street Maintenance and Improvement funds, to the City of Lafayette, with a second (off-year) payment of FY 2020-21 funds on the one-year anniversary of the first payment.

D. 2022 Measure J Strategic Plan – Overall Approach and Development Schedule

Recommendation: Staff sought approval of the overall approach and schedule for the development of the 2022 Measure J Strategic Plan, which is targeted for adoption in July 2022.

Action: The Authority Board approved the overall approach and schedule for the development of the 2022 Measure J Strategic Plan, which is targeted for adoption in July 2022.

E. State Route 4 Mokelumne Bike Trail/Pedestrian Overcrossing (Project 5002b): Approval to Award Construction Contract No. 561 with Joseph J. Albanese (JJA) for Construction Services

Recommendation: Staff sought approval of Resolution 21-41-P, which will award Construction Contract No. 561 to JJA as the lowest responsible bidder submitting a responsive bid in the amount of \$7,716,899.30 for construction services, establish a total construction allotment amount of \$8,626,589.23, which includes a 10% contingency, and authorize the Executive Director or designee to shift funds between construction allotment categories as long as the total expenditures do not exceed the total amount for the construction allotment.

Action: The Authority Board approved Resolution 21-41-P, which will award Construction Contract No. 561 to JJA as the lowest responsible bidder submitting a responsive bid in the amount of \$7,716,899.30 for construction services, establish a total construction allotment amount of \$8,626,589.23, which included a 10% contingency, and authorize the Executive Director or designee to shift funds between construction allotment categories as long as the total expenditures do not exceed the total amount for the construction allotment.

F. Approval of Draft Final Contra Costa Countywide Transportation Safety Policy and Implementation Guide (Guide) for Local Agencies

Recommendation: Staff sought approval of Resolution 21-40-G to adopt the draft final Contra Costa Countywide Transportation Safety Policy and Guide for Local Agencies to help local staff use a “Safe Systems” approach to work towards eliminating fatalities and severe injuries.

Action: The Authority Board approved Resolution 21-40-G to adopt the final Contra Costa Countywide Transportation Safety Policy and Guide for Local Agencies to help local staff use a “Safe Systems” approach to work towards eliminating fatalities and severe injuries.

- G.** Update on the Implementation of the Contra Costa Accessible Transportation Strategic Plan (ATSP) and Final ATSP Task Force (TF) Representation

Recommendation: Staff sought approval of the representative composition of the TF as provided in Table A of the [staff report](#).

Action: The Authority Board approved the representative composition of the ATSP TF as provided in Table A of the staff report.

ITEM 5

**CONSIDER ADOPTING A RESOLUTION AUTHORIZING TRANSPLAN TO
CONDUCT TELECONFERENCE MEETINGS UNDER GOVERNMENT
CODE SECTION 54953(E) AND MAKE RELATED FINDINGS (ASSEMBLY
BILL 361-OPEN MEETINGS: STATE AND LOCAL AGENCIES:
TELECONFERENCES).**

TRANSPLAN COMMITTEE

EAST COUNTY TRANSPORTATION PLANNING

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County
30 Muir Road, Martinez, CA 94553

TO: TRANSPLAN Committee
FROM: John Cunningham, TRANSPLAN Staff
DATE: October 14, 2021
SUBJECT: TRANSPLAN Committee Teleconference Meetings

Recommendation

ADOPT Resolution 21-01 authorizing TRANSPLAN to hold teleconference meetings under Government Code Section 54953(e) (Assembly Bill 361).

Background

When the COVID-19 pandemic began, Governor Newsom issued an executive order that allowed local agencies to meet remotely without complying with the strict teleconferencing requirements of the Brown Act. Executive Order N-29-20 suspended the Brown Act's non-emergency teleconferencing rules, including the requirements that each teleconference location must be physically accessible to the public and that the public must be given an opportunity to comment at each teleconference location. Since March 2020, TRANSPLAN has been meeting virtually, as authorized by Executive Order N-29-20 and subsequent orders. This authority expired September 30, 2021.

Assembly Bill 361 amended the teleconferencing provisions of the Brown Act, Government Code section 54953. Effective October 1, 2021, subsection (e) of Government Code section 54953 authorizes a local agency to use special teleconferencing rules when the legislative body of the local agency holds a meeting during a state of emergency declared by the state, and either (a) state or local officials have imposed or recommended measures to promote social distancing, or (b) the legislative body is meeting to determine, or has determined, that meeting in person would present imminent risks to the health or safety of meeting attendees.

The following rules apply to teleconferencing meetings held under Government Code section 54953(e):

- The agency must provide notice of the meeting and post an agenda as required by the Brown Act, but the agenda does not need to list each teleconference location or be physically posted at each teleconference location.
- The agenda must state how members of the public can access the meeting and provide public comment.
- The agenda must include an option for all persons to attend via a call-in or internet-based service option.
- The legislative body must conduct the meeting in a manner that protects the constitutional and statutory rights of the public.

- If there is a disruption in the public broadcast of the call-in or internet-based meeting service, the legislative body must stop and take no further action on agenda items until public access is restored.
- The agency may not require public comments to be submitted in advance of the meeting and must allow virtual comments to be submitted in real time.
- The legislative body must allow a reasonable amount of time per agenda item to permit members of the public to comment, including time to register or otherwise be recognized for the purposes of comment.
- If the legislative body provides a timed period for all public comment on an item, it may not close that period before the time has elapsed.
- The legislative body must reconsider the circumstances of the state of emergency and the findings in support of emergency teleconference meetings every 30 days or every time it meets.
- AB 361 sunsets on January 1, 2024.

A resolution authorizing teleconferencing under Government Code section 54953(e) is attached. It would determine that the state has declared a state of emergency related to COVID-19 and find that social distancing recommendations are in place and that there is an imminent risk of harm to the public, staff, and officials if live meetings are conducted. If adopted, the resolution would authorize TRANSPLAN to hold teleconference meetings consistent with the above rules.

If TRANSPLAN wishes to continue teleconferencing under Government Code section 54953(e), every 30 days after adopting the resolution or every time it meets, TRANSPLAN must reconsider the circumstances of the state of emergency and that one of the following circumstances exists: the emergency continues to directly impact the ability of members to safely meet in person, or state or local officials continue to impose or recommend measures to promote social distancing. If the state-declared emergency no longer exists, or if TRANSPLAN does not make these findings by majority vote, then TRANSPLAN will no longer be exempt from the Brown Act's non-emergency teleconferencing rules.

att: Draft Resolution 21-01
cc: TRANSPLAN TAC

RESOLUTION NO. 21-01

A RESOLUTION OF THE TRANSPLAN COMMITTEE AUTHORIZING
TELECONFERENCE MEETINGS UNDER GOVERNMENT CODE SECTION 54953(e)
(ASSEMBLY BILL 361)

Recitals

- A. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.
- B. On March 10, 2020, the Contra Costa County Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board of Supervisors adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout the County.
- C. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which 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.
- D. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which 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.
- E. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing.
- F. On September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing.
- G. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees; (4) seating

arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.

- H. The California Department of Public Health (CDPH) 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 even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations.
- I. As of October 6, 2021, the COVID-19 case rate in Contra Costa County was in the “substantial” community transmission tier, the second-highest tier of the CDC’s four community transmission tiers.
- J. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the TRANSPLAN Committee intends to invoke the provisions of Assembly Bill 361 related to teleconferencing.

NOW, THEREFORE, the TRANSPLAN Committee resolves as follows:

1. The TRANSPLAN Committee finds that: the state of emergency proclaimed by Governor Newsom on March 4, 2020, is currently in effect; the Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; and meeting in person would present imminent risks to the health or safety of attendees because the case rate of COVID-19 infections in the County is in the “substantial” community transmission tier, the second-highest of the CDC’s four community transmission tiers.
2. As authorized by Assembly Bill 361, the TRANSPLAN Committee will use teleconferencing for its meetings in accordance with the provisions of Government Code section 54953(e).
3. TRANSPLAN Staff is authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.

PASSED AND ADOPTED on _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: