

## **Supplemental Agenda Item No. 31**

### **Board of Directors Meeting**

**October 6, 2021**

**10:30 a.m.**

#### **LOCATION:**

San Bernardino County Transportation Authority  
*First Floor Lobby Board Room*  
Santa Fe Depot, 1170 W. 3<sup>rd</sup> Street  
San Bernardino, CA 92410

### **DISCUSSION ITEMS**

#### **Discussion - Administrative Matters**

##### **31. Discussion of In-Person and Virtual Board and Committee Meetings**

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Associated Governments (SBCOG):

Consider the appropriate format for Board and committee meetings and provide direction to staff.

*This agenda item was made available after the posting of the agenda.*

## ***Minute Action***

### SUPPLEMENTAL AGENDA ITEM: 31

***Date: October 6, 2021***

***Subject:***

Discussion of In-Person and Virtual Board and Committee Meetings

***Recommendation:***

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Associated Governments (SBCOG):

Consider the appropriate format for Board and committee meetings and provide direction to staff.

***Background:***

Since a state of emergency was declared in response to the COVID-19 pandemic and since Governor Newsom issued Executive Order N-29-20 allowing for meetings of public agencies to be conducted virtually through Zoom and similar platforms, San Bernardino County Transportation Authority (SBCTA) has been conducting its meetings virtually. Now that Executive Order N-29-20 is expiring at the end of September 2021 and Assembly Bill (AB) 361 has been signed into law to cover circumstances under which government agencies may conduct meetings virtually, our Board has an opportunity to discuss its options for conducting meetings going forward.

AB 361 allows for a public agency to conduct meetings virtually under the following circumstances:

- The legislative body holds a meeting during a proclaimed state of emergency. *(This condition is met as the current emergency proclamation is still in effect.)*

AND either:

- State or local officials have imposed or recommended measures to promote social distancing. *(San Bernardino County has not imposed social distancing measures, and has not clearly recommended such measures. While social distancing is encouraged, the latest information on the County of San Bernardino website for COVID-19 states “Physical Distancing: No restrictions for attendees, customers and guests.” This statement is consistent with the guidance from the California Department of Public Health.)*

OR:

- The legislative body determines by a majority vote that as a result of the existing proclaimed state of emergency, meeting in person would present imminent risks to the health and safety of attendees.

Based on our interpretation of AB 361 and current health guidelines, the only way for SBCTA to continue meeting virtually is for the Board to determine by a majority vote that meeting in person would present imminent risks to the health and safety of the attendees. Without that vote

*Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority*

and finding, SBCTA needs to revert to holding meetings as they have done in the past under the provisions of the Brown Act.

Without clear recommendations for social distancing, it is in the Board's discretion to make the necessary findings to allow for the continuation of virtual meetings.

***Financial Impact:***

This item is consistent with the Fiscal Year 2021/2022 Budget.

***Reviewed By:***

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel has reviewed this item.

***Responsible Staff:***

Duane Baker, Deputy Executive Director

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Approved  
Board of Directors  
Date: October 6, 2021

Witnessed By: