



**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT (METRO)  
BOARD OF DIRECTORS SPECIAL MEETING AGENDA  
JULY 22, 2022 – 9:00 AM**

**DUE TO COVID-19, THE JULY 22, 2022 SANTA CRUZ METRO BOARD OF DIRECTORS SPECIAL MEETING WILL BE CONDUCTED AS A TELECONFERENCE ONLY (NO PHYSICAL LOCATION) PURSUANT TO ASSEMBLY BILL 361 (GOVERNMENT CODE SECTION 54953)**

**MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON**

The public may participate remotely via the Zoom website [at this link](#) and following the instructions or by calling 1-669-900-9128. Meeting ID 812 8092 0739. Passcode 392694.

Public comment may be submitted via email to [boardinquiries@scmttd.com](mailto:boardinquiries@scmttd.com). Please indicate in your email the agenda item to which your comment applies. Comments submitted before the meeting will be provided to the Directors before or during the meeting. Comments submitted after the meeting is called to order will be included in the Board's correspondence that is posted online at the Board meeting packet link. Oral public comments will also be accepted during the meeting through Zoom. Should Zoom not be operational, please check online at: [www.scmttd.com](http://www.scmttd.com) for any updates or further instruction.

The Board of Directors Special Meeting Agenda Packet can be found online at [www.SCMTD.com](http://www.SCMTD.com).

The Board may take action on each item on the agenda. The action may consist of the recommended action, a related action or no action. Staff recommendations are subject to action and/or change by the Board of Directors.

**BOARD ROSTER**

Director Kristen Brown	City of Capitola
Director Rebecca Downing	County of Santa Cruz
Director Jimmy Dutra	City of Watsonville
Director Shebreh Kalantari-Johnson	City of Santa Cruz
Director Manu Koenig	County of Santa Cruz
Director Donna Lind	City of Scotts Valley
Director Bruce McPherson	County of Santa Cruz
Director Donna Meyers	City of Santa Cruz
Director Larry Pageler	County of Santa Cruz
Director Ari Parker	City of Watsonville
Director Mike Rotkin	County of Santa Cruz
Ex-Officio Director Dan Henderson	UC Santa Cruz
Ex-Officio Director Alta Northcutt	Cabrillo College
Michael Tree	METRO CEO/General Manager
Julie Sherman	METRO General Counsel

**TITLE 6 - INTERPRETATION SERVICES / TÍTULO 6 - SERVICIOS DE TRADUCCIÓN**

Spanish language interpretation and Spanish language copies of the agenda packet are available on an as-needed basis. Please make advance arrangements with the Executive Assistant at 831-426-6080. Interpretación en español y traducciones en español del paquete de la agenda están disponibles sobre una base como-necesaria. Por favor, hacer arreglos por adelantado con Coordinador de Servicios Administrativos al numero 831-426-6080.

## SECTION I: OPEN SESSION

1 CALL TO ORDER

2 ROLL CALL

### REGULAR AGENDA

3 CONSIDERATION OF A RESOLUTION MAKING CERTAIN FINDINGS AND DIRECTING THAT THE BOARD AND ITS COMMITTEE MEETINGS WILL CONTINUE TO BE HELD VIA TELECONFERENCE

Michael Tree, CEO/General Manager

4 ADJOURNMENT

Larry Pageler, Board Chair

#### **Accessibility for Individuals with Disabilities**

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#### **Public Comment**

If you wish to address the Board, please follow the directions at the top of the agenda. If you have anything that you wish distributed to the Board and included for the official record, please include it in your email. Comments that require a response may be deferred for staff reply.



**DATE:** July 22, 2022  
**TO:** Board of Directors  
**FROM:** Michael Tree, CEO/General Manager  
**SUBJECT: CONSIDERATION OF A RESOLUTION MAKING CERTAIN FINDINGS  
AND DIRECTING THAT THE BOARD AND ITS COMMITTEE  
MEETINGS WILL CONTINUE TO BE HELD VIA TELECONFERENCE**

**I. RECOMMENDED ACTION**

**That the Board of Directors approve a resolution making certain findings and directing that the Board and its committee meetings will continue to be held via teleconference**

**II. SUMMARY**

Due to the ongoing COVID-19 pandemic, the CEO/General Manager and General Counsel recommend the Board adopt a resolution making certain findings and directing that Board meetings and Board committee meetings will continue to be held via teleconference because the proclaimed COVID-19 pandemic State of Emergency continues to impact the ability of the Santa Cruz Metropolitan Transit District (METRO) Board of Directors (Board) and its committees to meet safely in person.

**III. DISCUSSION/BACKGROUND**

On September 16, 2021, Governor Newsom signed into law Assembly Bill (AB) 361 amending Government Code Section 54953 to allow local agencies to use teleconferencing for public meetings without requiring teleconference locations to be included on published agendas or accessible to the public, and without requiring a quorum of the members of the legislative body of the agency to participate from locations within the boundaries of the agency's jurisdiction, during proclaimed states of emergencies.

Local agency determinations to meet using the modified teleconferencing rules under AB 361 must be reviewed every 30 days following the first teleconferenced meeting held pursuant to this law, which as an urgency statute, came into effect on October 1. The legislative body must reconsider the circumstances of the state of emergency and find that they directly impact the ability to meet safely in person. These findings can be relied upon for up to 30 days, so the Board will need to consider the circumstances of the state of emergency at each subsequent Board meeting in order to continue meeting remotely under the modified teleconference rules.

The Governor's State of Emergency related to the COVID-19 pandemic remains active and the Santa Cruz County Health Officer, the California Department of Public Health, and the Department of Industrial Relations have imposed or recommended measures to promote social distancing. Compliance with these measures directly impacts the ability of the public to meet safely in person, and METRO cannot ensure social distancing recommendations are met in circumstances of in-person public meetings.

Furthermore, there is a continuing threat of COVID-19 to the community, and Board and committee meetings have characteristics that give rise to risks to health and safety of meeting participants. Consequently, it is recommended that METRO continue to use remote teleconferencing for public meetings as permitted under AB 361 and to reconsider its determination (and make the necessary findings) every 30 days.

#### **IV. STRATEGIC PLAN PRIORITIES ALIGNMENT**

This report pertains to METRO's Safety First Culture priority.

#### **V. FINANCIAL CONSIDERATIONS/IMPACT**

There is no financial impact.

#### **VI. CHANGES FROM COMMITTEE**

N/A

#### **VII. ALTERNATIVES CONSIDERED**

The Board could decide to no longer meet via teleconference. Due to the ongoing COVID-19 pandemic, this is not recommended.

#### **VIII. ATTACHMENTS**

**Attachment A:** Authorizing Resolution

Prepared by: Donna Bauer, Executive Assistant

**IX. APPROVALS**

Michael Tree, CEO/General Manager



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# Attachment A



Resolution No. \_\_\_\_\_  
On the Motion of Director: \_\_\_\_\_  
Duly Seconded by Director: \_\_\_\_\_  
The Following Resolution is Adopted:

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT FINDING THAT THE PROCLAIMED  
STATE OF EMERGENCY FOR THE COVID-19 PANDEMIC  
CONTINUES TO IMPACT THE ABILITY FOR THE BOARD OF DIRECTORS AND ITS  
COMMITTEES TO MEET SAFELY IN PERSON, AND DIRECTING THAT  
VIRTUAL BOARD AND COMMITTEE MEETINGS CONTINUE**

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency to exist in California as a result of the threat of the COVID-19 pandemic, which declaration remains in effect; and

**WHEREAS**, the Santa Cruz County Board of Supervisors subsequently declared a local emergency related to COVID-19, which declaration also remains in effect; and

**WHEREAS**, on March 17 and June 11, 2020, the Governor issued Executive Orders N-29-20 and N-08-21, respectively, suspending certain provisions of the Ralph M. Brown Act related to teleconferencing through September 30, 2021 to facilitate legislative bodies conducting public meetings remotely to help protect against the spread of COVID-19 and to protect the health and safety of the public; and

**WHEREAS**, on September 16, 2021, the Governor signed Assembly Bill (AB) 361 into law, amending Government Code Section 54953, effective immediately, to allow legislative bodies to continue to meet remotely under less restrictive requirements during a proclaimed State of Emergency provided that (1) state or local officials have imposed or recommended measures to promote social distancing, or (2) the legislative bodies determine that meeting in person would present imminent risks to the health or safety of attendees, and (3) the legislative bodies make such findings at least every thirty days during the term of the declared state of emergency; and

**WHEREAS**, on November 19, 2021, pursuant to Resolution 21-11-01, Board of Directors (Board) made the requisite findings to allow teleconferencing under AB 361 for 30 days; and

# Attachment A

Resolution #

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**WHEREAS**, the Board has reviewed its previous findings and again concludes that there is a continuing threat of COVID-19 to the community, and that Board and committee meetings have characteristics that continue to give rise to risks to health and safety of meeting participants; and

**WHEREAS**, to help protect against the spread of COVID-19 and its variants, and to protect the health and safety of the public, the Board desires to take the actions necessary to continue to hold its Board and committee meetings remotely as authorized by AB 361.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Santa Cruz Metropolitan Transit District (METRO) has reconsidered the circumstances of the COVID-19 State of Emergency, and finds and determines that the state of emergency continues to directly impact its ability to meet safely in person; and

**BE IT FURTHER RESOLVED**, that in light of these findings, the Board directs the CEO/General Manager and Board Secretary to continue to agendize public meetings of the Board, and all METRO committees that are subject to the Brown Act, only as online teleconference meetings; and

**BE IT FURTHER RESOLVED**, that METRO will comply with the requirements of Government Code Section 54953(e)(2) when holding Board and committee meetings pursuant to this Resolution; and

**BE IT FURTHER RESOLVED**, that this Resolution will be in effect for the maximum period of time permitted under AB 361 (30 days), and the Board will consider the findings in this Resolution each month and may, by motion, reaffirm these findings.

**PASSED AND ADOPTED** by the Board of Directors of the Santa Cruz Metropolitan Transit District this 22nd Day of July 2022 by the following vote:

**AYES:** Directors -

**NOES:** Directors -

**ABSTAIN:** Directors -

**ABSENT:** Directors –

**APPROVED:**

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LARRY PAGELER, Board Chair



# Attachment A

Resolution #  
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## **ATTEST:**

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MICHAEL TREE,  
CEO/General Manager

## **APPROVED AS TO FORM:**

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JULIE SHERMAN  
General Counsel