



SunLine Transit Agency
January 26, 2022
11:25 a.m. – 11:50 a.m.

AGENDA

BOARD OPERATIONS COMMITTEE Regular Meeting

VIA VIDEOCONFERENCE

Pursuant to California Government Code section 54953(e), the Board of Directors regular meeting will be conducted remotely through Zoom. Please follow the instructions below to join the meeting remotely.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Join Zoom Meeting - from PC, Laptop or Phone

<https://us02web.zoom.us/j/82098963743>

Meeting ID: 820 9896 3743

Teleconference Dial In
888-475-4499 (Toll Free)
Meeting ID: 820 9896 3743

One tap mobile
+16699009128,,82098963743#

Phone controls for participants:

The following commands can be used on your phone's dial pad while in Zoom meeting:

- *6 - Toggle mute/unmute
- *9 - Raise hand

public comment requests may be submitted via email to the Clerk of the Board at clerkoftheboard@sunline.org prior to January 25, 2022 at 5:00 p.m. with your name, telephone number and subject of your public comment (agenda item or non-agenda item). Members of the public may make public comments through their telephone or Zoom connection when recognized by the Chair. Those who have submitted a request to speak by the deadline above will be recognized first, then anyone else who wishes to speak will be provided an opportunity to make public comment. If you send written comments, your comments will be made part of the official record of the proceedings and read into the record if they are received by the deadline above.

ITEM

RECOMMENDATION

In compliance with the Brown Act and Government Code Section 54957.5, agenda materials distributed 72 hours prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to the meeting at SunLine Transit Agency's Administration Building, 32505 Harry Oliver Trail, Thousand Palms, CA 92276 and on the Agency's website, www.sunline.org.

In compliance with the Americans with Disabilities Act, Government Code Section 54954.2, and the Federal Transit Administration Title VI, please contact the Clerk of the Board at (760) 343-3456 if special assistance is needed to participate in a Board meeting, including accessibility and translation services. Notification of at least 48 hours prior to the meeting time will assist staff in assuring reasonable arrangements can be made to provide assistance at the meeting.

ITEM

RECOMMENDATION

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL

4. PRESENTATIONS

5. FINALIZATION OF AGENDA

6. PUBLIC COMMENTS

RECEIVE COMMENTS

NON AGENDA ITEMS

Members of the public may address the Committee regarding any item within the subject matter jurisdiction of the Committee; however, no action may be taken on off-agenda items unless authorized. Comments shall be limited to matters not listed on the agenda. Members of the public may comment on any matter listed on the agenda at the time that the Board considers that matter. Comments may be limited to 3 minutes in length.

7. COMMITTEE MEMBER COMMENTS

RECEIVE COMMENTS

**8. ADOPTION OF RESOLUTION TO CONTINUE
TELECONFERENCE MEETINGS**

**APPROVE
(PAGE 3-8)**

(Staff: Eric Vail, General Counsel)

**9. REVIEW DECLARATION OF EMERGENCY BY THE
BOARD OF DIRECTORS**

**APPROVE
(PAGE 9-13)**

(Staff: Eric Vail, General Counsel and Lauren Skiver,
CEO/General Manager)

10. ADJOURN

**SunLine Transit Agency
SunLine Services Group**

DATE: January 26, 2022 **ACTION**

TO: Board Operations Committee
Board of Directors

FROM: Eric Vail, General Counsel
Lauren Skiver, CEO/General Manager

RE: Adoption of Resolution to Continue Teleconference Meetings

Recommendation

Recommend that the Board of Directors reconsider the circumstances of the COVID-19 state of emergency, and adopt a resolution finding that the state of emergency continues to directly impact the ability of the Board to meet safely in person.

Background

At the March 25, 2020 Board of Directors meeting, in response to the COVID-19 health emergency that federal, state and local governments are all addressing, SunLine Transit Agency and SunLine Services Group proclaimed an emergency situation as outlined in Resolution No. 0775. Over the last twenty-two months, the Board has continuously evaluated the resolution and made decisions regarding the need to extend the declaration.

SunLine's Board and Committee meetings have been conducted pursuant to the Governor's Executive Orders N-29-20 and N-08-21 suspending certain provisions of the Brown Act and permitting the use of teleconferencing for members of the body and the public. Those Executive Orders expired on September 30, 2021. In their place, the Governor signed AB 361, which went into effect on October 1, 2021. AB 361 amended the Brown Act to permit members of a legislative body to teleconference into a meeting during a state of emergency proclaimed by the Governor. Teleconferencing by members of the body under AB 361 can be done without having to comply with the requirement that the agenda list the location where members will be teleconferencing from, posting an agenda at that location, and allowing members of the public to attend the meeting from the teleconference location.

To teleconference under AB 361, the legislative body must make findings that either:

- a) State or local officials are imposing or recommending measures to promote social distancing, or

b) “As a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.”

If a teleconference meeting is held under AB 361, the body must reconsider the circumstances every 30 days and make new findings to support the need to continue to teleconference under AB 361.

The Board adopted Resolution No. 0787 authorizing Board and Committee meetings to be held via teleconference under AB 361 at its October 27, 2021 meeting. AB 361 requires the Board to reconsider the circumstances of the state of emergency every 30 days and determine that either i) The state of emergency continues to directly impact the ability of the members to meet safely in person; or (ii) State or local officials continue to impose or recommend measures to promote social distancing. The Board reconsidered the circumstances of the state of emergency at its December 1, 2021 meeting and adopted Resolution No. 0788 authorizing the continued use of teleconferencing to conduct meetings.

The proposed resolution makes the finding that the state of emergency continues to directly impact the ability of the members to meet safely in person.

Financial Impact

As SunLine is already implementing teleconferencing for Board and Committee meetings, there is no anticipated additional cost associated with continuing to teleconference.

Attachment:

- [Item 8a](#) – Resolution No. 0789

RESOLUTION NO. 0789

A JOINT RESOLUTION OF THE BOARD OF DIRECTORS OF SUNLINE TRANSIT AGENCY AND SUNLINE SERVICES GROUP AUTHORIZING THE BOARD OF DIRECTORS AND ITS COMMITTEES TO CONTINUE TO IMPLEMENT TELECONFERENCING FOR CONDUCTING PUBLIC MEETINGS PURSUANT TO AB 361

WHEREAS, on March 4, 2020, the Governor of California proclaimed a State of Emergency to exist in California as a result of the threat of novel coronavirus disease 2019 (COVID-19); and

WHEREAS, on March 12, 2020, the Governor of California executed Executive Order N-25-20 which suspended and modified specified provisions in the Ralph M. Brown Act (Government Code Section § 54950 *et seq.*) and authorized local legislative bodies to hold public meetings via teleconferencing and to make public meeting accessible telephonically or otherwise electronically to all members of the public seeking to observe and address the local legislative body; and

WHEREAS, on March 17, 2020, the Governor of California executed Executive Order N-29-20 which superseded and replaced the provisions of Executive Order N-25-20 related to the Brown Act and teleconferencing; and

WHEREAS, on June 11, 2021, the Governor of California executed Executive Order N-08-21 which extended the provisions of Executive Order N-29-20 concerning teleconference accommodations for public meetings through September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor of California signed into law Assembly Bill 361 amending Government Code § 54953 and permitting members of a legislative body to teleconference into a meeting without having to comply with the requirements of subdivision (b)(3) Government Code § 54953 during a proclaimed state of emergency if a) State or local officials are imposing or recommending measures to promote social distancing, or b) the body finds that “as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees;” and

WHEREAS, AB 361 imposes requirements to ensure members of the public are able to attend and participate in public meetings of a legislative body conducted via teleconference, including:

- Notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option;
- The legislative body shall take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency’s control which prevents members of the public from offering public comments, until public access is restored;
- Prohibits the legislative body from requiring public comments to be submitted in advance of the meeting and specifies that the legislative body must provide an opportunity for members of the public to address the legislative body and offer comments in real time;
- Prohibits the legislative body from closing the public comment period until the public comment period has elapsed or until a reasonable amount of time has elapsed; and

WHEREAS, the Board of Directors adopted Resolution No. 0787 at its October 27, 2021 meeting making the findings required by AB 361 and authorizing Board of Director and Committee meetings to be held via teleconference; and

WHEREAS, pursuant to Government Code § 54953(e)(3), a legislative body that holds a meeting via teleconference pursuant to AB 361 must reconsider the circumstances of the state of emergency and make findings every 30 days to continue to meet via teleconference.

THEREFORE, BE IT RESOLVED by the Board of Directors of SunLine Transit Agency and SunLine Services Group, as follows (collectively “Board of Directors”):

SECTION 1. The Board of Directors hereby declares that the recitals set forth above are true and correct, and incorporated into this resolution as findings of the Board of Directors.

SECTION 2. The SunLine Transit Agency continues to follow safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), California Department of Public Health (CDPH), and/or County of Riverside, as applicable. Based upon that guidance, in person attendance indoors at public meetings continues to present an imminent risk to the health and safety of attendees and those attendees have close contact with after attending a meeting in person. The Board of Directors desire to ensure that all persons desiring to attend public meetings may do so in a manner that protects the health and safety of the attendees, their families and other close contacts. As of January 18, 2022, data from CDPH shows that Riverside County has a daily new COVID-19 case rate of 257.5 case per 100,000 in population and a COVID-19 test positivity rate of 31.6%. Statewide, the daily case rate is 270.6 new cases per 100,000 in population and a 21.1% test positivity rate. Given the prevalence of COVID-19 statewide and locally, requiring in person attendance to participate Board and Committee meetings would present imminent risks to the health or safety of attendees. Teleconferencing will provide increased meaningful participation options for both members of the legislative body and members of the public in a manner that protects the health and safety of the attendees, their families and other close contacts.

SECTION 3. The Board of Directors hereby declare that, pursuant to the findings in Sections 1 and 2, the Board of Directors has reconsidered the circumstances of the state of emergency determined that it continues to directly impact the ability of the members to meet safely in person. The Board of Directors hereby authorizes the Board and its Committees to continue to meet via teleconference under AB 361 through December 2022, subject to the requirement that the required findings be made every 30 days.

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Directors hereby declares that it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

SECTION 5. This Resolution shall become effective immediately upon adoption.

PASSED, APPROVED AND ADOPTED, at a meeting of the Board of Directors of SunLine Transit Agency and SunLine Services Group on this 26th day of January, 2022.

Glenn Miller
Chairperson of the Board

ATTEST:

Edith Hernandez
Clerk of the Board

APPROVED AS TO FORM:

Eric S. Vail
General Counsel

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
SUNLINE TRANSIT AGENCY)

I, Edith Hernandez, Clerk of the Board of SunLine Transit Agency and SunLine Services Group, hereby certify that Resolution No _____ was adopted by the Board of Directors of the SunLine Transit Agency and SunLine Services Group at a regular meeting held on the 26th day of January, 2022, and that the same was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

EDITH HERNANDEZ
CLERK OF THE BOARD

**SunLine Transit Agency
SunLine Services Group**

DATE: January 26, 2022 **ACTION**

TO: Board Operations Committee
Board of Directors

FROM: Eric Vail, General Counsel
Lauren Skiver, CEO/General Manager

RE: Review Declaration of Emergency by the Board of Directors

Recommendation

Recommend that the Board of Directors review the declaration of emergency set forth in Board approved Resolution No. 0775 and make no changes at this time.

Background

At the March 25, 2020 Board of Directors meeting, in response to the COVID-19 health emergency that federal, state and local governments are all addressing, SunLine Transit Agency and SunLine Services Group proclaimed an emergency situation as outlined in Resolution No. 0775 (attached). Over the last twenty-two months, the Board has continuously evaluated the resolution and made decisions regarding the need to extend the declaration. The Board last reviewed the emergency declaration at its December 1, 2021 meeting and made no changes.

Staff's recommendation is to continue the declaration of emergency through the March Board meeting, March 23, 2022, and reevaluate at that time.

Financial Impact

There is no financial impact to keep the resolution in place.

Attachment:

- [Item 9a](#) – Resolution No. 0775

SUNLINE TRANSIT AGENCY

RESOLUTION NO. 0775

A JOINT RESOLUTION OF THE SUNLINE TRANSIT AGENCY BOARD OF DIRECTORS AND SUNLINE SERVICES GROUP BOARD OF DIRECTORS PROCLAIMING THE EXISTENCE OF AN EMERGENCY SITUATION AND LOCAL EMERGENCY DUE TO THE WORLDWIDE SPREAD OF COVID-19

WHEREAS, California Government Code (“CGC”) Section 54956.5 authorizes the SunLine Transit Agency Board of Directors and SunLine Services Group Board of Directors (collectively referenced to hereinafter as “SunLine”) to hold emergency meetings on shortened notice to address emergency situations as determined by a majority of the Board of Directors; and,

WHEREAS, California Government Code Section 54954.2 authorizes the Board of Directors to take actions not listed on the agenda, where deemed necessary by a majority of the Board of Directors to address emergency situations; and,

WHEREAS, from January 2020 through March 2020, COVID-19 spread throughout the world, with over 156,000 confirmed cases of individuals contracting COVID-19, and approximately 6,000 confirmed cases of individuals dying from COVID-19; and,

WHEREAS, on March 4, 2020, Governor Newsom of the State of California declared a State of Emergency in response to the COVID-19 (Corona Virus Disease 19); and,

WHEREAS, on March 10, 2020, the Board of Supervisors of the County of Riverside proclaimed the existence of a local emergency for all of Riverside County in response to the outbreak of the COVID-19 in California and in Riverside County; and,

WHEREAS, on March 11, 2020 the World Health Organization (WHO) publicly characterized COVID-19 as a pandemic; and,

WHEREAS, on March 11, 2020 the President of the United States imposed certain travel bans and limitations in response to COVID-19; and

WHEREAS, on March 12, 2020 Governor Newsom of the State of California issued Executive Order N-25-20, superseded by Executive Order N-29-20 on March 18, 2020, in a further effort to confront and contain COVID-19 that among other things suspended certain provision of the Ralph M. Brown Act providing local agencies with greater flexibility to hold meetings via teleconferencing; and,

WHEREAS, on March 13, 2020, the Centers for Disease Control and Prevention (“CDC”) had confirmed 2,726, cases of COVID-19 in the United States, with 55 cases resulting in death, within the United States, including California; and,

WHEREAS, on March 13, 2020, the President of the United declared a National Emergency due to the continue spread and the effects of COVID-19; and,

WHEREAS, the State of California and numerous Counties, School Districts and other local governmental agencies as well as private entities have announced the cancellation or postponement of all events where social distancing cannot be reasonably achieved; and,

WHEREAS, on March 13, 2020 Dr. Cameron Kaiser, Public Health Officer of the County of Riverside closed all Riverside County public Schools, regular classes, and school activities from March 16 through April 3, 2020; and,

WHEREAS, in response to the COVID-19 pandemic SunLine reasonably anticipates that SunLine will be required to utilize physical, personnel, and financial resources of SunLine and to take action to limit the spread of COVID-19 within the territorial jurisdiction of SunLine in order to provide for the safety of persons served by SunLine, and to provide continuity of essential services provided by SunLine; and,

WHEREAS, SunLine is actively providing support to those impacted by COVID-19 and cooperating with State, Federal and County in their response to the pandemic; and,

WHEREAS, SunLine reasonably anticipates both asking for mutual aid from, and providing mutual aid to, other communities who are addressing the spread and effects of COVID-19 which will require SunLine to utilize the physical, personnel, and financial resources of SunLine Transit Agency.

NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED BY THE BOARD OF DIRECTORS OF SUNLINE TRANSIT AGENCY AS FOLLOWS:

Section 1. That the above recitals are true and correct and based thereon, SunLine hereby finds that the spread of COVID-19 constitutes a situation that severely impairs the public health and safety within SunLine and constitutes conditions of extreme peril to the safety of persons and property of SunLine.

Section 2. That, as authorized in CGC Sections 8630 and 54956.5. and based on the foregoing finding, an “emergency” as defined in CGC Section 54956.5(a) and a “local emergency” as defined in CGC Section 8558(c) hereby exists within the territorial jurisdiction of SunLine and is deemed to continue to exist, and shall

be reviewed at least once every 60 days, until its termination is proclaimed by the Board of Directors.

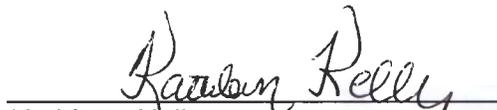
Section 3. That SunLine will utilize, to the extent reasonably feasible and appropriate, the ability to conduct its Board of Director meetings, and all committee meetings via teleconferencing and other electronic means to permit Board Members and members of the public to adopt social distancing to the greatest extent possible while still proceeding with the efficient handling of SunLine's business in compliance with California Executive Order N-29-20.

ADOPTED THIS 25th DAY OF March, 2020

ATTEST:

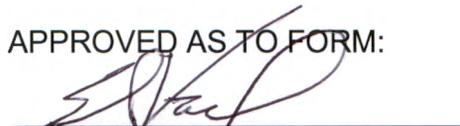


Brittney B. Sowell
Clerk of the Board
SunLine Transit Agency
SunLine Services Group



Kathleen Kelly
Chairperson of the Board
SunLine Transit Agency
SunLine Services Group

APPROVED AS TO FORM:



General Counsel
Eric Vail

