

810 Mission Avenue
Oceanside, CA 92054

(760) 966-6500

(760) 967-2001 (fax)
GoNCTD.com

Agenda

Thursday, September 30, 2021

Special Meeting: 2:00 P.M.

**Location: NCTD Administrative Offices,
810 Mission Avenue, Oceanside, CA 92054**

View Live Stream at:

<https://www.youtube.com/GoNCTD>

COVID-19 PUBLIC SERVICE ANNOUNCEMENT AND SPECIAL PROCEDURES:

The Governor of California has issued Executive Order N-08-21 (Order) regarding the COVID-19 public health emergency. The Order directs that certain public gatherings should be postponed or canceled. The Governor, through the Order, has provided authority to public agencies to conduct public meetings over teleconference systems where possible.

Due to the COVID-19 public health emergency, including the order by the State of California public health officials for anyone living in the State to stay home, **IN PERSON PARTICIPATION AT THE NCTD BOARD OF DIRECTORS MEETINGS WILL NOT BE ALLOWED.** Pursuant to the Order, NCTD is providing alternatives to in-person attendance for viewing and participating in NCTD Board and/or Committee meetings. The public may view the meetings online using live streaming at: <https://www.youtube.com/GoNCTD>. Board Members may participate in NCTD Board and/or Committee meetings via teleconference in accordance with the Order.

Members of the public may submit their comments via email at publiccomment@nctd.org. Large groups wishing to comment on a common item are encouraged to submit comments in writing. Public comments submitted will be provided to the Board/Committee and included in the record of the Board/Committee Meeting.

While emailed comments are preferred, the public may also provide oral comments on agenda items by calling (760) 966-6560. When prompted, the caller should identify the agenda item they wish to speak about and leave a message not to exceed three minutes. All timely received telephonic comments will be shared with the Board of Directors during the meeting. The deadline to leave a public comment is 4:00 p.m. on the day prior to the meeting day.

MISSION

North County Transit District's mission is to deliver safe, convenient, reliable and user-friendly public transportation services.

VISION

Our vision is to build an integrated transit system that enables our customers to travel easily and efficiently throughout our growing region.

For individuals with disabilities, NCTD will provide assistive services. To obtain such services or copies of documents in an alternate format, please call or write, a minimum of 72 hours prior to the event, to request these needed reasonable modifications. NCTD will make every attempt to accommodate requests that do not give 72-hour notice. Please contact the Clerk of the Board at (760) 966-6553.

For individuals with sensory disabilities, this document is available in alternate formats. For information, please contact the Clerk of the Board at 760/966-6553. Persons with hearing impairment, please use the California Relay Service (CRS): 800/735-2929 TTY; 800/735-2922 voice; 800/855-3000 Spanish. CRS Customer Service: 877/632-9095 English or 877/419-8440 Spanish.

Agenda materials can be made available in alternative languages upon request. To make a request, please call (760) 966-6553 at least 72 hours in advance of the meeting.

Los materiales de la agenda de NCTD están disponibles en otros idiomas. Para hacer una solicitud, llame al (760) 966-6553 al menos 72 horas antes de la reunión."

Any writings or documents provided to a majority of the members of the NCTD Board of Directors regarding any item on this agenda will be made available for public inspection at the office of the Clerk of the Board located at 810 Mission Avenue, Oceanside, CA 92054, during normal business hours.

SPECIAL MEETING BEGINNING AT 2:00 PM

- CALL TO ORDER
- ROLL CALL OF BOARD MEMBERS
- SAFETY BRIEF & EVACUATION PROCEDURES – Anthony Flores, Clerk of the Board
- PUBLIC COMMUNICATIONS

There is a time limit of 15 minutes for this section of Public Communications and each speaker is limited to three minutes for their presentation.

Members of the public may submit their comments via email at publiccomment@nctd.org. The public may also provide oral comments on agenda items by calling (760) 966-6560. When prompted, the caller should identify the agenda item they wish to speak about and leave a message not to exceed three minutes. All timely received telephonic comments will be shared with the Board of Directors during the meeting. Telephonic comments that were not allowed to be played for the Board of Directors at the beginning of the meeting due to time limit stated above, will be played at the end of the meeting. Telephonic and written comments will be made part of the record.

A. OTHER BUSINESS ITEM 1

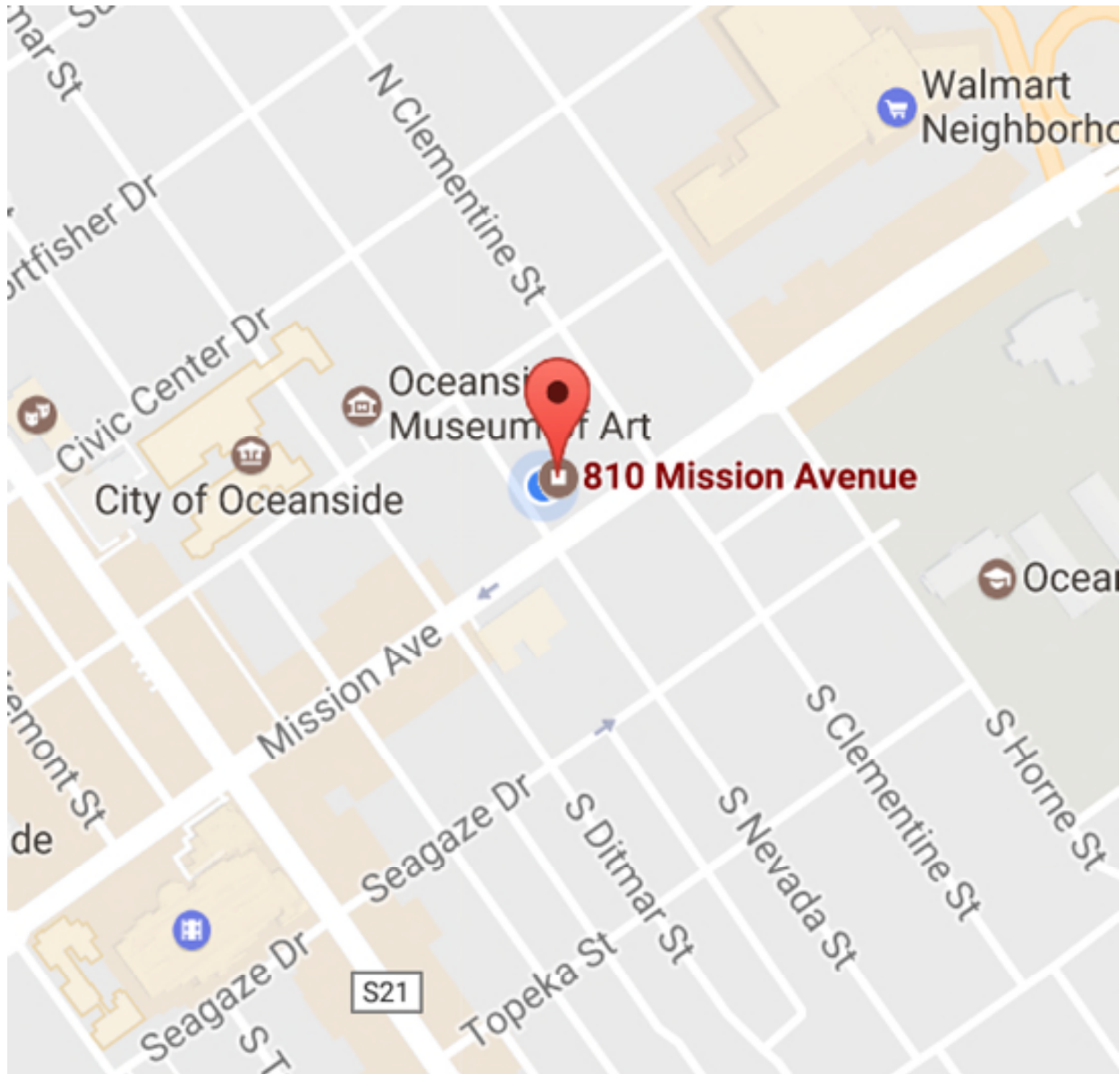
1. Adopt Resolution No. 21-04 Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the North County Transit District in Compliance with Assembly Bill 361 and Pursuant to the Brown Act Provisions. (Attachment 1A)
(Anthony Flores, Clerk of the Board)
- ADJOURNMENT
 - CERTIFICATIONS AND RULES (FOR BOARD AND PUBLIC INFORMATION)
 - Posting of Board Agenda (Page 5)
 - Rules for Public Speakers at meetings of the North County Transit District (Page 6)
 - Quorum and Voting Information (Page 7)

Upcoming Meetings:

- *Executive Committee Meeting: October 7, 2021 at 3:00 p.m.*
- *Regular Board Meeting: October 21, 2021 at 2:00 p.m.*

All Regular Board and Committee Meetings will be held at NCTD Administrative Offices, 810 Mission Ave., Oceanside CA, unless otherwise provided on public notice.

MAP OF NORTH COUNTY TRANSIT DISTRICT OFFICES



The NCTD Board Chambers is located at NCTD Administrative Offices, 810 Mission Avenue, Oceanside, CA 92054 and is accessible by the COASTER (NCTD Commuter Rail), SPRINTER (NCTD Hybrid Rail), and the BREEZE (NCTD Bus).

Please log onto www.goNCTD.com to check our current routes and schedules, or call 1-800-COMMUTE.

September 29, 2021

To: North County Transit District Board Members
From: Clerk of the Board
Subject: POSTING OF BOARD AGENDA

In Compliance with the Ralph M. Brown Act, as Amended, the following information is provided.

The Agenda for this Special Meeting of the Board was posted as follows:

Special Meeting: September 30, 2021 at 2:00 p.m.

Posted At: 810 Mission Avenue, Oceanside, CA

Posted Online At: www.goNCTD.com

Date & Time of Posting: September 29, 2021 at 2:00 p.m.

Posted By: Anthony Flores, Clerk of the Board

Rules for Public Speakers at Meetings of the North County Transit District

Per Board policy, all public communications at meetings of the North County Transit District shall be made and received in accordance with the following procedures except where modified and/or temporarily superseded with COVID-19 protocols as provided in the **COVID-19 PUBLIC SERVICE ANNOUNCEMENT AND SPECIAL PROCEDURES** provided in this agenda.

1. TELEPHONIC COMMENTS NOT ON AGENDA

- A. Total time limit for telephonic comments:
 - Beginning of meeting: Fifteen (15) minutes
 - End of meeting: No time limit.
- B. Time limit per speaker per meeting: Three (3) minutes, with no donation of time allowed.
- C. Priority: First come, first served. Telephonic comments will be played for the Board of Directors in the order they were received.
- D. Order on agenda: Items will be heard at the beginning of the meeting and if the time limit stated in Paragraph A is exhausted, telephonic comments that were not allowed to be played for the Board of Directors at the beginning of the meeting due to time limit stated above, will be played at the end of the meeting. under "*Remaining Public Communications.*"

2. TIME LIMITS FOR ADDRESSING MATTERS ON THE AGENDA

- A. Total time limit: None.
- B. Time limit per speaker: Three (3) minutes, with one donation of three minutes, for a maximum of six minutes.
- C. These rules apply to both public hearing and non-public hearing items listed on the agenda.
- D. Comments made not germane to the subject matter of the agenda item being considered are out of order.

3. CUTOFF FOR TURNING IN SPEAKER SLIPS

- A. All timely received telephonic comments will be shared with the Board of Directors during the meeting. The deadline to leave a telephonic comment is 12:00 p.m. on the meeting day.

4. MODIFICATION OF RULES BY CHAIR

- A. The Board Chair may, in his or her absolute discretion, relax the requirements of these rules. However, a decision of the Chair to do so in one instance shall not be deemed a waiver of the rules as to any other instance or matter.

Quorum and Voting

Pursuant to Public Utilities Code § 125102, a majority of the Board members eligible to vote shall constitute a quorum for the transaction of business and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board eligible to vote; however, after a vote of the members is taken, a weighted vote may be called by any two members eligible to vote.

In the case of a weighted vote, the County of San Diego and each city (with exception of the City of San Diego), shall, in total, exercise 100 votes to be apportioned annually based on population. Approval under the weighted vote procedure requires the vote of the representatives of not less than three jurisdictions representing not less than 51 percent of the total weighted vote to supersede the original action of the Board. When a weighted vote is taken on any item that requires more than a majority vote of the Board members eligible to vote, it shall also require the supermajority percentage of the weighted vote. County population: The population of the County of San Diego shall be the population in the unincorporated area of the county within the area of jurisdiction of the Board pursuant to Public Utilities Code § 125052.

Updated 12/26/18			
2017 Service Area Population (ACS)			948,787
Cities Total			712,025
	2017 ACS	Percentage	Votes
Carlsbad	113,147	11.9%	12
Del Mar	4,338	0.5%	1
Encinitas	62,595	6.6%	7
Escondido	150,783	15.9%	16
Oceanside	174,811	18.4%	18
San Marcos	93,493	9.9%	10
SD County	236,762	25.0%	25
Solana Beach	13,362	1.4%	1
Vista	99,496	10.5%	10
			100

*ACS – American Community Survey

RESOLUTION NO. 21-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY TRANSIT DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY ON MARCH 4, 2020, AND BY EXECUTIVE ORDER N-15-21 AND EXECUTIVE ORDER N-08-21, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF NORTH COUNTY TRANSIT DISTRICT IN COMPLIANCE WITH ASSEMBLY BILL 361, ADOPTED SEPTEMBER 16, 2021, AND PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the NORTH COUNTY TRANSIT DISTRICT is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of NORTH COUNTY TRANSIT DISTRICT'S legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code Sections 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, as a result of the COVID-19 pandemic, the Governor issued Executive Order Nos. N-08-21, N-25-20 and N-29-20, which suspended certain provisions of the Ralph M. Brown Act to allow legislative bodies to conduct public meetings without strict compliance with the teleconferencing provisions of the Brown Act;

WHEREAS, Assembly Bill 361, which was signed into law on September 16, 2021, amended Government Code section 54953, to provide relief from the teleconferencing provisions of the Brown Act under certain circumstances provided the legislative body makes certain findings;

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, a State of Emergency has been proclaimed by The Governor on March 4, 2020 and is still in effect; and

WHEREAS, The State of California Health and Human Services Agency has issued State Public Health Officer Order of June 11, 2021 and the San Diego County ORDER OF THE HEALTH OFFICER (Effective June 15, 2021) imposing face covering and isolation requirements and recommending social distancing measures; and

WHEREAS, the Board of Directors does hereby find that the state of emergency, and, social distancing orders has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California and ratify the Health and Human Services Agency issued State Public Health Officer Order; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of North County Transit District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953 of the Government Code; and

WHEREAS, the North County Transit District has taken the following measures to ensure public access to the District's Regular, Special, and Committee Meetings:

- Written public comments may be submitted to the District,
- Telephonic comments may be submitted to the District ahead of a scheduled meeting, and
- A live public participation option will be provided to the public and detailed on the cover page of the District's Agenda Packet.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NORTH COUNTY TRANSIT DISTRICT DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and The State of California Health and Human Services Agency has issued State Public Health Officer Order of June 11, 2021 and the San Diego County ORDER OF THE HEALTH OFFICER (Effective June 15, 2021) imposing face covering and isolation requirements and recommending social distancing measures.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date.

Section 4. Remote Teleconference Meetings. The Executive Director and its designee(s) and legislative bodies of North County Transit District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of October 29th, 2021, or such time as the Board of Directors adopts a subsequent finding in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the North County Transit District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953 of the Government Code. Nothing herein requires the Board of Directors to act to extend the term of this Resolution if the Governor of the State issues an Executive Order suspending any or all of the provisions of the Ralph M. Brown Act to allow legislative bodies to conduct public meetings without strict compliance with the teleconferencing provisions of the Brown Act.

PASSED, APPROVED AND ADOPTED at the special meeting of the Board of Directors of the North County Transit District this 30th day of September 2021.

BOARD CHAIR
North County Transit District

CERTIFICATION

I, Anthony Flores, duly appointed and qualified, Clerk of the Board of the North County Transit District, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the North County Transit District adopted at a legally convened meeting of the Board of Directors of the North County Transit District held on the 30th day of September 2021.

CLERK OF THE BOARD
North County Transit District