



City of Oakland, Bicyclist & Pedestrian Advisory Commission
Minutes from the October 21st, 2021 Special Meeting
Teleconference

Meeting agenda at <https://cao-94612.s3.amazonaws.com/documents/October-2021-BPAC-Special-Meeting-Agenda.pdf>.

Meeting called to order at 5:47pm by BPAC Chair Andrew Campbell.

Item 1. Roll Call/Determination of Quorum/Introductions

At roll call, quorum was established with seven commissioners present (X). One was excused (-) (provided notice of absence as specified in by-laws).

Commissioners	Present
Reginald K Burnette Jr	X
Andrew Campbell (Chair)	X
Grey Gardner	X
Mike Lok	-
Phoenix Mangrum	X
David Ralston	X
Patricia Schader (Vice-Chair)	X
Dianne Yee	X
(one vacancy)	

Introductions were made.

- Other attendees: Ronnie Spitzer, Midori Tabata
- Staff: Jason Patton, Noel Pond-Danchik, KTOP

Item 2. Open Forum / Public Comment

- There were no speakers during Open Forum.

Item 3. Resolution to Continue Teleconference Meetings

The Commission considered adopting a resolution to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361.

- A motion to ***adopt a resolution determining that conducting in-person meetings of the Bicyclist & Pedestrian Advisory Commission and its Committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361*** was made (Schader), seconded (Mangrum), and approved by roll call vote with the following Commissioners voting in favor: Burnette, Campbell, Gardner, Mangrum, Ralston, Schader, and Yee. No Commissioners voted against. The motion passed unanimously.

The resolution is attached to these meeting minutes.

Meeting adjourned at 5:56 pm.

Attachments *(to be appended to adopted minutes)*

- Resolution to Continue Teleconference Meetings

Minutes recorded by Jason Patton, Bicycle & Pedestrian Program Supervisor, emailed to meeting attendees for review on October 26, 2021 with comments requested by 5pm, November 9, 2021 to NPond-Danchik@oaklandca.gov. Revised minutes will be attached to the November 2021 meeting agenda and considered for adoption at that meeting.

OAKLAND BICYCLIST & PEDESTRIAN ADVISORY COMMISSION

Special Meeting, October 21, 2021, Item #3

ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE BICYCLIST & PEDESTRIAN ADVISORY COMMISSION AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361.

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. *See* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>

WHEREAS, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

WHEREAS, City Council Resolution No. 88075 remains in full force and effect to date; and

WHEREAS, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. *See* <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

WHEREAS, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. *See* <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

WHEREAS, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19

symptoms stay home. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

WHEREAS, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

WHEREAS, the City's public-meeting facilities are indoor facilities that do not designed to ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

WHEREAS, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

WHEREAS, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

WHEREAS, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; now therefore be it:

RESOLVED: that the Bicyclist & Pedestrian Advisory Commission finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED: that, based on these determinations and consistent with federal, state and local health guidance, the Bicyclist & Pedestrian Advisory Commission determines that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

FURTHER RESOLVED: that the Bicyclist & Pedestrian Advisory Commission firmly believes that the community's health and safety and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it

FURTHER RESOLVED: that the Bicyclist & Pedestrian Advisory Commission will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Bicyclist & Pedestrian Advisory Commission finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.