

**AGENDA
REGULAR MEETING
LOCAL TRANSPORTATION AUTHORITY**

DATE: Thursday, February 16, 2023
4:00 P.M.

LOCATION: *(The meeting is open to the public and available through Zoom)*

Board of Supervisors Chambers
481 Fourth Street
Hollister, CA 95023

Via-Zoom

To join meeting by Zoom: <https://zoom.us/join> see instructions provided at the end of the agenda: Meeting ID: **846-8939-6934**

DIRECTORS: Mindy Sotelo (County of San Benito)
Mia Casey (City of Hollister)
Dolores Morales (City of Hollister)
Scott Freels (City of San Juan Bautista)
Bea Gonzales (County of San Benito)

ALTERNATES: San Benito County: Kollin Kosmicki
City of San Juan Bautista: Jackie Morris-Lopez
City of Hollister: Rick Perez

*Persons who wish to address the Board of Directors must complete a Speaker Card and give it to the Clerk prior to addressing the Board. Those who wish to address the Board on an agenda item will be heard when the Chairperson calls for comments from the audience. Following recognition, persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the Public Comment portion of the agenda item will be closed. **The opportunity to address the Board of Directors on items of interest not appearing on the agenda will be provided during Section 4. Public Comment.***

1. **CALL TO ORDER 4:00 P.M.**
2. **Verification of Certificate of Posting**
3. **NOTICE OF TEMPORARY PROCEDURES FOR LOCAL TRANSPORTATION AUTHORITY MEETINGS: *(Please see Zoom instructions at the end of the agenda)**

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, and Assembly Bill 361 (AB 361), relating to the convening of public meetings in response to the COVID-19 pandemic. The public may join the meeting by Zoom: <https://zoom.us/join> per the instructions provided at the end of the agenda. Additionally, members of the Local Transportation Authority are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

The meetings are open to the public, under the following conditions: All attendees may attend the LTA meeting in person and follow the State guidelines. If an attendee is not fully vaccinated it is highly recommended that an attendee wears a face covering or face shield. All attendees must comply with any rules of procedures/instructions announced by the LTA Board and/or LTA staff. The meeting will be available through Zoom for those who wish to join or require accommodations with the instructions listed at the end of the agenda.

4. **Public Comment:** *(Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Sec. 54954.2. Speakers are limited to 3 minutes.)*

REGULAR AGENDA:

ACTION ITEMS:

5. HOLD Nomination and Election of LTA Chair and Vice Chairperson for the 2023 Meeting Calendar.

CONSENT AGENDA:

(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.)

6. ADOPT Resolution 23-02 Authorizing Teleconferencing Options for the Local Transportation Authority meetings for the Period of February 16, 2023, through February 28, 2023 – Rivera
7. **SURPLUS VEHICLE** - Valentine
- A. DECLARE One Vehicle Surplus Property to be Auctioned or Salvaged to Donate to Eligible Local Nonprofits and Other Eligible Local Government Agencies;
 - B. DIRECT Staff to Prepare a Solicitation for Eligible Local Nonprofits and Other Eligible Local Government Agencies to Indicate Interest in and Eligibility for Donation of Surplus Vehicle;
 - C. AUTHORIZE Executive Director to Execute all Necessary Documents to Auction or Salvage Surplus Vehicle for Sale or for Donation to Eligible Local Nonprofits or Other Eligible Local Government Agencies.

Adjourn to LTA Meeting on March 16, 2023. Agenda deadline is February 28, 2023, at 12:00 p.m.

In compliance with the Americans with Disabilities Act (ADA), if requested, the Agenda can be made available in appropriate alternative formats to persons with a disability. If an individual wishes to request an alternative agenda format, please contact the Clerk of the Council four (4) days prior to the meeting at (831) 637-7665. The Local Transportation Authority Board of Directors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 637-7665 at least 48 hours before the meeting to enable the Council of Governments to make reasonable arrangements to ensure accessibility.

ZOOM INSTRUCTIONS:

1. **Remote Viewing**

Members of the public who wish to watch the meeting can view the meeting online through Zoom (<https://zoom.us/join>):

Meeting ID: 846-8939-6934

Instructions for participating via Zoom are included below.

2. **Written Comments & Email Public Comment**

Members of the public may submit comments via email by 5:00 PM. on the Wednesday prior to the Board meeting to the Secretary at monica@sanbenitocog.org. Regardless of whether the matter is on the agenda. Every effort will be made to provide Board Members with your comments before the agenda item is heard.

3. Local Transportation Authority meeting - Zoom Instructions for remote Participants:

Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting. Three ways to attend zoom meetings:

1. Over the phone (Audio only):

- (669) 900-6833 or (408) 638-0968.

2. Open the Web-browser:

- <https://zoom.us/join>

3. Smart device Application:

- Apple App store: <https://apps.apple.com/us/app/id546505307>
- Android App store: <https://play.google.com/store/apps/details?id=u.s.zoom.videomeetings>

Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting (listed above). The chat feature is disabled for all participants. Additionally, the video function is not available to the public.

Zoom Audio Only (phone)

If you are **calling in as audio-only**, please dial (669) 900-6833 or (408) 638-0968.

1. It will ask you to enter the **Meeting ID, 846-8939-6934** followed by the **"#" key**, which can be found at the top page of the agenda. The meeting agenda can be found at: http://www.sanbenitocog.org/wp-content/uploads/2023/02/LTA_Packet_021623.pdf
2. It will then ask for a **Participant ID**, press the **"#" key** to continue.
3. Once you enter the zoom meeting, you will automatically be placed on mute.
4. **Public Comment:** If you are using a phone, please press the **"*9"** to raise your hand, zoom facilitator will unmute you when your turn arrives.

Zoom On Web-browser or Zoom app on Tablet or Smartphone

If joining through web-browser launch: <https://zoom.us/join> or launch the Zoom app on your Tablet or Smartphone

1. Select **"JOIN A MEETING"**
2. The participant will be prompted to enter **Meeting ID, 846-8939-6934** and name to join the meeting, which can be found at the top page of the agenda. The meeting agenda can be found at: http://www.sanbenitocog.org/wp-content/uploads/2023/02/LTA_Packet_021623.pdf
3. You can launch audio through your computer or set it up through the phone. Follow instructions provided by Zoom.
4. **Public Comment:** Click **"Raise hand"** icon, the Zoom facilitator will unmute you when your turn arrives.

Public Comment Guidelines

- If participating on zoom Once you are selected, you will hear that you have been unmuted: State your first name, last name, and county you reside in for the record.
- The Local Transportation Authority welcomes your comments.
- Each individual speaker will be limited to a presentation total of three (3) minutes.
- Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

CERTIFICATE OF POSTING

Pursuant to Government Code Section #54954.2(a) the Meeting Agenda for the Local Transportation Authority on **February 16, 2023**, at **4:00 P.M.** was posted at the following locations freely accessible to the public:

The front entrance of the Old San Benito County Courthouse, Monterey Street, Hollister, CA 95023, and the Council of Governments Office, 330 Tres Pinos Rd., Ste. C7, Hollister, CA 95023 at the following date and time:

On the 10th day of February 2023, on or before 5:00 P.M.

The meeting agenda was also posted on the Council of San Benito County Governments website, www.sanbenitocog.org, under Meetings, LTA Board, Meeting Schedule

I, Monica Gomez, swear under penalty of perjury that the foregoing is true and correct.

BY:


Monica Gomez, Secretary II
Council of San Benito County Governments

STAFF REPORT

Action

Prepared By: Veronica Lezama,
Transportation Planning Manager
Subject: LTA Board Chair and Vice
Chairperson Election and Committee
Appointments

Agenda Item No. 5

Approved By: Binu Abraham, Executive
Director
Meeting Date: February 16, 2023

Recommendation:

1. Hold nomination and election of LTA Chair and Vice Chairperson for the 2023 meeting calendar.

Summary:

The Board of Directors is LTA's governing body and is responsible for its overall policies, functions, and funds. The Board acts on committee or staff recommendations, discusses current and emerging multi-jurisdictional matters, and receives briefings on issues facing the region as a whole.

Background/ Discussion:

According to LTA's Rules and Regulations, at its first meeting in January of each year, the LTA Board shall, by majority vote of all appointed members, select one of its members who shall serve as Chair of the LTA for the balance of the calendar year. Any Chair selected under the provisions of this section shall continue to act as such Chair until the selection of a successor. The Chair of the LTA shall be rotated between the participating incorporated cities and the County of San Benito. The same procedure set forth for the selection of a Chair shall be followed for the selection of a Vice-Chair of the LTA.

The LTA Board of Directors is being asked to hold the nomination and election of the LTA Chair and Vice Chairperson for the 2023 meeting calendar.

Financial Impact:

Not applicable.

STAFF REPORT

Consent

Prepared By: Norma Rivera, Administrative Services Specialist

Subject: Assembly Bill 361 Teleconferencing Options for LTA

Agenda Item No. 6

Approved By: Binu Abraham, Executive Director

Meeting Date: February 16, 2023

Recommendation:

Adopt resolution 23-02 authorizing teleconferencing options for Local Transportation Authority meetings for the period of February 16, 2023, through February 28, 2023.

Summary:

On September 16, 2021, the Governor signed Assembly Bill (AB) 361, a bill that codifies certain teleconference procedures that local agencies have adopted in response to the Governor Brown's COVID-19-related Executive Orders. Specifically, AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders under certain prescribed circumstances or when certain findings have been made and adopted by the local agency legislative body. The Governor's latest Executive Order (N-08-21) is set to expire as of February 28, 2023, and the County does not have a local Order in effect. Accordingly, after February 28th, the teleconference procedures applicable to the Local Transportation Authority will revert to those provided in the Brown Act, as described in further detail below.

Background/ Discussion:

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, amending his prior Executive Order N-29-20, and waiving certain provisions of the Brown Act relating to teleconferences/remote meetings by local agency legislative bodies. The Executive Order waived, among other things, the provisions of the Brown Act that otherwise required the physical presence of members of local agency legislative bodies or other personnel in a particular location as a condition of participation or as a quorum for a public meeting. These modifications remained in effect through September 30, 2021.

Under Assembly Bill (AB) 361, when the state of emergency lasts longer than 30 days, as is the case presently, the legislative body must make findings every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. AB 361 mandates that the legislative body must find that there is a continuing need for teleconferencing due to dangers posed by the ongoing state of emergency. This means that local agencies will have to put an item on the public meeting agenda at least every thirty days to make findings regarding the circumstances of the

emergency and to vote to continue relying upon the law's teleconference provisions. Executive Order N-08-21 is set to expire as of February 28, 2023, and the County does not have a local Order in effect. Accordingly, after February 28th, the teleconference procedures applicable to the Local Transportation Authority will revert to those provided in the Brown Act, as further described below.

To continue to allow the Council of Governments and its advisory boards and commissions to meet under the modified rules between February 19, 2023 and February 28, 2023, the Board will again need to reconsider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

Reducing the circumstances under which people come into close contact remains a vital component of the San Benito County and COG's COVID-19 response strategy. Local agency public meetings are an essential government function and the last 18 months have proven that the teleconferencing format protects public access while minimizing exposure to COVID-19.

The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Omicron variant of COVID-19 is spreading quickly throughout the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>).

Staff recommends that the Board adopt findings that conducting in-person meetings at the present time, through February 28, 2023, would present an imminent risk to the health and safety of attendees. A resolution to that effect is before the Board for consideration (Attachment 1). If the Board adopts the proposed resolution, then it and its advisory boards and commissions may continue to meet under the modified Brown Act teleconference rules of AB 361 through February 28, 2023.

Under section 54953 (Attachment 2), after February 28, 2023, Board meetings will be conducted in-person at the San Benito County Board of Supervisors Chambers. Under section 54953(b), if the Council of Governments or one of its advisory boards or commissions wishes to conduct a teleconference meeting after February 28, 2023, they must post the agenda and allow public access at all teleconference locations.

Upon a showing of just cause or emergency circumstance, individual Directors can attend a limited number of meetings remotely, pursuant to section 54953(f)(2)-(3), without requiring the agenda be posted at their location or requiring their location be made accessible to the public. Section 54953(f)(2)-(3) provides as follows:

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

- (3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

Financial Impact:

There is no financial impact.

Attachments:

1. Resolution 23-02
2. Government Code section 54953

BEFORE THE SAN BENITO COUNTY LOCAL TRANSPORTATION AUTHORITY

A RESOLUTION OF THE SAN BENITO COUNTY)
LOCAL TRANSPORTATION AUTHORITY) Resolution No. 23-02
AUTHORIZING CONTINUED REMOTE)
TELECONFERENCE MEETINGS OF THE LOCAL)
TRANSPORTATION AUTHORITY PURSUANT TO)
AB 361)

WHEREAS, the San Benito County Local Transportation Authority is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

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, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, pursuant to his authority under the California Emergency Services Act, California Government Code section 8625; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting Law, Government Code section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and

WHEREAS, on June 4, 2021, Governor Newsom clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, clarifying the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which provides that a legislative body subject to the Brown Act may continue

to meet without fully complying with the teleconferencing rules in the Brown Act, provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and

WHEREAS, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Omicron variant of COVID-19 is spreading quickly throughout the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>); and

WHEREAS, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing at public meetings of legislative bodies within San Benito County; and

WHEREAS, on January 5, 2022, Dr. Gellert, San Benito County Public Health Officer, issued an updated recommendation on continued Social Distancing at public meetings of legislative bodies within San Benito County, attached hereto as Exhibit “A”, and incorporated herein by this reference; and

WHEREAS, the San Benito County Local Transportation Authority is a joint powers authority formed under the joint exercise of powers provisions of California Government Code Sections 6500-6522 and the California Code of Civil Procedure section 1240.140, among the County of San Benito, a political subdivision of the State of California, and the Cities of Hollister and San Juan Bautista, municipal corporations located in San Benito County; and

WHEREAS, the San Benito County Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare, and safety within the County of San Benito; and

WHEREAS, at its regular meetings on October 12, 2021, November 9, 2021, November 23, 2021, December 14, 2021, January 25, 2022, February 22, 2022, March 22, 2022, April 19, 2022, May 24, 2022, June 28, 2022, August 9, 2022, September 13, 2022, October 11, 2022, November 8, 2022, December 13, 2022, January 17, 2023, and February 7, 2023, the San Benito County Board of Supervisors considered all information related to this matter, as presented at the public meetings of the Board of Supervisors identified herein, including any supporting reports by County Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, and adopted Resolution Nos. 2021-128, 2021-140, 2021-148, 2021-160, 2022-04, 2202-21, 2202-38, 2022-47, 2022-59, 2022-73, 2022-107, 2022-122, 2022-136, 2022-151, 2023-04, and 2023-20, making the findings and determinations required by AB 361; and

WHEREAS, the San Benito County Local Transportation Authority has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of the Local Transportation Authority; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Benito County Local Transportation Authority deems it necessary to find that a requirement to meet in person for meetings of the Local Transportation Authority would present imminent risks to the health or safety of attendees, and thus, intends to invoke the provisions of AB 361 related to teleconferencing; and

WHEREAS, at its regular meetings on October 21, 2021, November 18, 2021, and December 16, 2021, its special meeting on January 11, 2022, and regular meetings on January 20, 2022, February 17, 2022, March 17, 2022, April 21, 2022, May 19, 2022, June 16, 2022, July 21, 2022, August 18, 2022, September 15, 2022, October 20, 2022, November 17, 2022, December 15, 2022, and January 19, 2023, the San Benito County Local Transportation Authority considered all information related to this matter, as presented at the public meetings of the Board of Directors identified herein, including any supporting reports by Local Transportation Authority Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, and adopted Resolution Nos. 2021-07, 2021-08, 2021-09, 2022-01, 2022-02, 2022-03, 2022-04, 2022-07, 2022-09, 2022-11, 2022-13, 2022-15, 2022-16, 2022-18, 2022-19, and 2023-01, making the findings and determinations required by AB 361; and

WHEREAS, the San Benito County Local Transportation Authority has further considered all information related to this matter, as presented at the public meetings of the Board of Directors identified herein as of the date of this Resolution, including any supporting reports by Local Transportation Authority's Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, which continues to remain in effect; and

WHEREAS, as of the date of this Resolution, neither the Governor nor the California Legislature have exercised their respective powers, pursuant to California Government Code section 8629, to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature, and the proclaimed state of emergency remains in effect; and

WHEREAS, the continued local rates of transmission of the virus and variants causing COVID-19 are such that meeting in person would present imminent risks to the health or safety of attendees of public meetings; and

WHEREAS, the Board of Directors of the San Benito County Local Transportation Authority further finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Benito County Local Transportation Authority as follows:

1. Recitals. The Board of Directors hereby finds that the facts set forth in the Recitals to this Resolution are true and correct and are incorporated into this Resolution by this reference.
2. Proclamation of Local Emergency. The Board of Directors hereby proclaims that a local emergency continues to exist throughout the County, and social distancing orders are currently in place and needed to protect the health and safety of the citizens.
3. Consideration of Future Extensions of Resolution. As long as the State Emergency remains in effect or until directed otherwise by the Board of Directors, staff shall present to the Board at every meeting an item necessary to continue the findings required by AB 361.
4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Board of Directors adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Local Transportation Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.
5. Remote Teleconference Meetings. The staff and Counsel for the Local Transportation Authority 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.

PASSED AND ADOPTED BY THE SAN BENITO COUNTY LOCAL
TRANSPORTATION AUTHORITY THIS 16th DAY OF FEBRUARY 2023 BY THE
FOLLOWING VOTE:

AYES:

NOES:

ABSTAINING:

ABSENT:

, Chair

APPROVED AS TO LEGAL FORM:
SAN BENITO COUNTY COUNSEL'S OFFICE

Dated:

Feb. 2, 2023

By:

Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel

ATTEST:

Dated: _____

By: _____

Binu Abraham
Executive Director

EXHIBIT A



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

GEORGE GELLERT MD, MP, MPA
HEALTH OFFICER

TRACEY BELTON
AGENCY DIRECTOR

PUBLIC HEALTH SERVICES

Healthy People in Healthy Communities

January 5, 2022

CAO Ray Espinosa
San Benito County Administration

Re: Recommendation on Social Distancing and Hybrid Meetings

Given the considerable impact on our community from the COVID-19 virus and the Delta and more recently the Omicron variant, I strongly urge all legislative bodies, including but not limited to the County, cities, and special districts, local commissions and committees, and subsidiary bodies, continue social distancing measures for public meetings, including offering, at the legislative body's discretion, a remote or hybrid format for public meetings. Social distancing and masking remain crucial strategies in our fight to prevent contagion. The conduct of public meetings in a remote or hybrid manner enables members of the community to participate from the comfort of their homes without having to risk contracting these viruses by attending in-person meetings.

In addition, these measures help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where these virus variants can potentially spread among attendees and participants. However, when combined with social distancing and effective masking practices, along with continued efforts to increase vaccination uptake within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of infection for the public, agency staff, meeting presenters, and legislative body members as well.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "George Gellert", with a stylized flourish at the end.

George Gellert MD, MPH, MPA
Health Officer

PUBLIC HEALTH SERVICES
351 Tres Pinos Road, Suite A-202
Hollister CA 95023
831-637-5367

ENVIRONMENTAL HEALTH
351 Tres Pinos Road, Suite C-1
Hollister CA 95023
831-636-4035

MEDICAL THERAPY UNIT
761 South Street
Hollister CA 95023
831-637-1989

State of California

GOVERNMENT CODE

Section 54953

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined

in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a

teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance

in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

(Amended (as amended by Stats. 2021, Ch. 165, Sec. 3) by Stats. 2022, Ch. 285, Sec. 1. (AB 2449) Effective January 1, 2023. Repealed as of January 1, 2024, by its own provisions. See later operative version, as amended by Sec. 2 of Stats. 2022, Ch. 285.)

STAFF REPORT

Consent

Prepared By: Regina Valentine,
Transportation Planner

Subject: Surplus Vehicle

Agenda Item No. 7

Approved By: Binu Abraham, Executive Director

Meeting Date: February 16, 2023

Recommendation:

- a. Declare one vehicle surplus property to be auctioned or salvaged to donate to eligible local nonprofits and other eligible local government agencies;
- b. Direct staff to prepare a solicitation for eligible local nonprofits and other eligible local government agencies to indicate interest in and eligibility for donation of surplus vehicle;
- c. Authorize Executive Director to execute all necessary documents to auction or salvage surplus vehicle for sale or for donation to eligible local nonprofits or other eligible local government agencies.

Summary:

Staff has identified one transit vehicle to be declared surplus which may be auctioned or salvaged as it can no longer be used in transit operations. A replacement vehicle has already been funded through a previously Board approved SB1 State of Good Repair (SB1 SGR) project with anticipated delivery in February 2023. Staff will first offer the surplus vehicle to eligible local nonprofits and other eligible local government agencies.

Background/ Discussion:

Once a transit vehicle has been determined to require excessive costly repairs, the San Benito County Local Transportation Authority (LTA) may declare the vehicle as surplus property. The following vehicle can no longer be used in transit operations and is eligible to be declared as surplus property:

Bus Number	VIN (last 5 digits)	Vehicle Year/Make	Passenger Capacity	Mileage
55	56588	2007 Bluebird Xcel	23A/2WC	62,373

A = Ambulatory, WC = Wheelchair

Staff is also providing information regarding the option to solicit local nonprofits and other local government agencies, to indicate interest in and eligibility to receive donations of the surplus vehicles.

LTA may donate surplus personal property, under the authority set forth in California Government Code Section 25372. This Code Section authorizes the Board to donate any real or

personal property that the Board declares to be surplus to any organization exempt from taxation pursuant to 26 U.S. Code Section 501(c) (3) that meets one of the following conditions:

The section applies to organizations that are organized for the following: care, teaching, or training of children or developmentally disabled children; care, teaching, or training of Native Americans; or to provide health or human services.

The Board may also donate to a school district or community college district, or to a county children and families commission.

The Board may impose on the donation any terms and conditions that it determines to be appropriate. Staff has prepared a Bill of Conditional Transfer (Attachment 1) that will be used for any transfers to eligible nonprofit organizations or local government agencies if they are selected following the LTA's solicitation. If eligible local nonprofit organizations or local government agencies do not express interest in the surplus vehicle, staff will arrange for it to be auctioned and transferred to the highest bidder via the Bill of Sale (Attachment 2).

Financial Impact:

Staff anticipates less than \$1,000 in revenue if the vehicles are auctioned or salvaged. Staff will determine whether to auction or salvage the vehicle to yield the highest return for LTA after offering it as a donation to eligible local nonprofits and other eligible local government agencies.

Attachments:

1. Bill of Conditional Transfer
2. Bill of Sale

BILL OF CONDITIONAL TRANSFER

The San Benito County Local Transportation Authority ("LTA"), hereby donates, transfers, conveys and assigns to _____ ("RECIPIENT"), its successors and assigns, all of the LTA's right, title and interest in and to a used van ("PROPERTY"), described as follows:

Vehicle	VIN (last 5 digits)	Vehicle Year/Make	Passenger Capacity	Mileage

The LTA warrants and represents that it is the sole owner of the PROPERTY and that the property is free and clear of all liens, encumbrances, security interest and any claims to title.

By signing this Bill of Conditional Transfer and accepting the delivery of the donated vehicle, RECIPIENT shall agree to abide by the following terms and conditions of donation:

1. This Bill of Transfer may be relied upon as conclusive proof that the property has been transferred to RECIPIENT.
2. This Bill of Transfer has been prepared, negotiated and executed, and shall be construed in accordance with, the laws of the State of California.
3. RECIPIENT shall remove the LTA's decal still on the vehicle within 15 days of the transfer or before use of the vehicle.
4. RECIPIENT represents to the LTA that it is: *[check the one that applies]*
 - ☐ an organization exempt from taxation pursuant to 26 U.S. Code section 501(c)(3) that is organized for the care, teaching, or training of children or developmentally disabled children
 - ☐ an organization exempt from taxation pursuant to 26 U.S. Code section 501(c)(3) that is organized for the care, teaching, or training of Native Americans
 - ☐ a school district
 - ☐ a community college district
 - ☐ a county children and families commission established pursuant to Health and Safety Code section 130100 et seq.
 - ☐ an organization exempt from taxation pursuant to 26 U.S. Code section 501(c)(3) that is organized to provide health or human services
5. RECIPIENT agrees to use the vehicle (PROPERTY) for its intended purpose, as a van to *[insert description of intended use, as allowed in Government Code section 25372]* _____, for at least 18 months after the donation.
6. RECIPIENT, acknowledges receipt of the vehicle and of this Bill of Transfer and understands there is no guarantee or warranty, expressed or implied, with respect to the

above-described property. It is also understood that the above-stated vehicle is transferred in "as is" condition.

7. RECIPIENT assumes full responsibility for all risk of injury or loss, including death, which may result from the transfer of this PROPERTY.
8. RECIPIENT agrees to hold harmless, release, waive, and covenant not bring suit, and/or claims against the LTA (its officers, agents or employees) by reason of any accident, illness, injury or death, or damage to or loss or destruction of any property arising or resulting from the transfer of the PROPERTY.
9. In the event any action or proceeding is brought by either party hereto against the other party hereto by reason of the breach or enforcement of this Bill of Transfer, the prevailing party shall be entitled to have and recover from the other party all costs and expenses of the action or proceeding, including reasonable attorneys' fees. Any action or proceeding relating to or arising out of this Bill of Transfer shall be filed, if a state action, in the Superior Court of the State of California for the County of San Benito, or if a federal action, in the United States District Court for the Northern District of California.
10. EXCEPT AS MAY BE OTHERWISE PROVIDED IN THIS BILL OF TRANSFER, THE LTA AND RECIPIENT ACKNOWLEDGE AND AGREE THAT THIS IS A NON-WARRANTY BILL OF TRANSFER AND THAT RECIPIENT IS RECEIVING THE PROPERTY WITHOUT ANY WARRANTIES, WHETHER EXPRESS OR IMPLIED, AND WHETHER PURSUANT TO THE CALIFORNIA UNIFORM COMMERCIAL CODE, OR OTHERWISE. TO THE EXTENT ANY WARRANTIES WOULD APPLY TO THE PROPERTY OR THIS TRANSACTION, RECIPIENT UNCONDITIONALLY WAIVES, AND THE LTA DISCLAIMS, ANY SUCH WARRANTIES.

RECIPIENT FURTHER EXPRESSLY ACKNOWLEDGES THAT RECIPIENT IS RECEIVING THE PROPERTY IN AN "AS IS," "WHERE IS" CONDITION, WITH ALL ITS FAULTS. RECIPIENT HAS INSPECTED THE PROPERTY AND IS SATISFIED THAT THE PROPERTY IS COMPLETELY AS DESCRIBED HEREIN AND IS IN GOOD CONDITION. THE LTA HAS NOT INSPECTED THE PROPERTY, DOES NOT KNOW IF THE PROPERTY IS COMPLETELY AS DESCRIBED HEREIN, NOR DOES THE LTA KNOW THE PURPOSE TO WHICH RECIPIENT WILL PUT THE PROPERTY. THE LTA MAKES NO REPRESENTATION CONCERNING THE VALUE OF THE PROPERTY.

THE LTA DOES NOT WARRANT THE MERCHANTABILITY OF THE PROPERTY OR WHETHER IT IS FIT FOR ANY PARTICULAR PURPOSE, OR EVEN IF THE PROPERTY IS FIT FOR THE ORDINARY PURPOSE FOR WHICH IT IS NORMALLY USED, AND RECIPIENT SPECIFICALLY WAIVES ANY IMPLIED WARRANTY OF MERCHANTABILITY OF THE PROPERTY OR WARRANTY THAT THE PROPERTY IS FIT FOR ANY PARTICULAR PURPOSE OR THE PURPOSE FOR WHICH IT IS NORMALLY USED.

IN NO EVENT, SHALL RECIPIENT BE ENTITLED TO CONSEQUENTIAL, EXEMPLARY OR PUNITIVE DAMAGES OF ANY KIND OR NATURE WHATSOEVER.

SIGNATURES SHALL APPEAR ON THE FOLLOWING PAGE

IN WITNESS WHEREOF, The LTA and RECIPIENT have executed this Bill of Transfer as of -
_____.

LTA
Executive Director

APPROVED AS TO LEGAL FORM:
SAN BENITO COUNTY COUNSEL'S OFFICE

Name: Binu Abraham, Executive Director
Dated: _____

Shirley L. Murphy, Deputy County Counsel
Dated: _____

RECIPIENT

Name: _____
Dated: _____
Tax I.D. _____

BILL OF SALE

In consideration of the sum of \$____.00, receipt of payment hereby acknowledged, the San Benito County Local Transportation Authority ("LTA"), hereby transfers, conveys and assigns to _____ ("BUYER"), his/her/its successors and assigns, all of the LTA's right, title and interest in and to a used van ("PROPERTY"), described as follows:

Vehicle	VIN (last 5 digits)	Vehicle Year/Make	Passenger Capacity	Mileage

The LTA and BUYER shall agree to abide by the following terms and conditions:

1. The LTA warrants and represents that it is the sole owner of the PROPERTY and that the property is free and clear of all liens, encumbrances, security interest and any claims to title.
2. This Bill of Sale may be relied upon as conclusive proof that the property has been transferred to BUYER.
3. This Bill of Sale has been prepared, negotiated and executed, and shall be construed in accordance with, the laws of the State of California.
4. BUYER shall remove the LTA's decal still on the vehicle within 15 days of the transfer or before use of the vehicle.
5. BUYER acknowledges receipt of this Bill of Sale and understands there is no guarantee or warranty, expressed or implied, with respect to the above-described property. It is also understood that the above-stated vehicle is sold in "as is" condition.
6. BUYER assumes full responsibility for all risk of injury or loss, including death, which may result from the transfer of this PROPERTY.
7. BUYER agrees to hold harmless, release, waive, and covenant not bring suit, and claims against the LTA (its officers, agents or employees) by reason of any accident, illness, injury or death, or damage to or loss or destruction of any property arising or resulting from the transfer of the PROPERTY.
8. In the event any action or proceeding is brought by either party hereto against the other party hereto by reason of the breach or enforcement of this Bill of Sale, the prevailing party shall be entitled to have and recover from the other party all costs and expenses of the action or proceeding, including reasonable attorneys' fees. Any action or proceeding relating to or arising out of this Bill of Sale shall be filed, if a state action, in the Superior Court of the State of California for the County of San Benito, or if a federal action, in the United States District Court for the Northern District of California.
9. EXCEPT AS MAY BE OTHERWISE PROVIDED IN THIS BILL OF SALE, THE LTA AND BUYER ACKNOWLEDGE AND AGREE THAT THIS IS A NON-WARRANTY BILL OF SALE AND THAT BUYER IS RECEIVING THE PROPERTY WITHOUT ANY WARRANTIES, WHETHER

EXPRESS OR IMPLIED, AND WHETHER PURSUANT TO THE CALIFORNIA UNIFORM COMMERCIAL CODE, OR OTHERWISE. TO THE EXTENT ANY WARRANTIES WOULD APPLY TO THE PROPERTY OR THIS TRANSACTION, BUYER UNCONDITIONALLY WAIVES, AND THE LTA DISCLAIMS, ANY SUCH WARRANTIES.

BUYER FURTHER EXPRESSLY ACKNOWLEDGES THAT BUYER IS PURCHASING THE PROPERTY IN AN "AS IS," "WHERE IS" CONDITION, WITH ALL ITS FAULTS. BUYER HAS INSPECTED THE PROPERTY AND IS SATISFIED THAT THE PROPERTY IS COMPLETELY AS DESCRIBED HEREIN AND IS IN GOOD CONDITION. THE LTA HAS NOT INSPECTED THE PROPERTY, DOES NOT KNOW IF THE PROPERTY IS COMPLETELY AS DESCRIBED HEREIN, NOR DOES THE LTA KNOW THE PURPOSE TO WHICH BUYER WILL PUT THE PROPERTY. THE LTA MAKES NO REPRESENTATION CONCERNING THE VALUE OF THE PROPERTY.

THE LTA DOES NOT WARRANT THE MERCHANTABILITY OF THE PROPERTY OR WHETHER IT IS FIT FOR ANY PARTICULAR PURPOSE, OR EVEN IF THE PROPERTY IS FIT FOR THE ORDINARY PURPOSE FOR WHICH IT IS NORMALLY USED, AND BUYER SPECIFICALLY WAIVES ANY IMPLIED WARRANTY OF MERCHANTABILITY OF THE PROPERTY OR WARRANTY THAT THE PROPERTY IS FIT FOR ANY PARTICULAR PURPOSE OR THE PURPOSE FOR WHICH IT IS NORMALLY USED.

IF THE LTA BREACHES ITS WARRANTY OF TITLE, BUYER'S SOLE AND EXCLUSIVE REMEDY SHALL BE LIMITED TO THE RECOVERY OF AN AMOUNT EQUAL TO THE FAIR MARKET VALUE OF THE PROPERTY AS OF THE DATE HEREOF AND, IN NO EVENT, SHALL BUYER BE ENTITLED TO CONSEQUENTIAL, EXEMPLARY OR PUNITIVE DAMAGES OF ANY KIND OR NATURE WHATSOEVER.

By signing the Bill of Sale, the LTA and BUYER acknowledge items one through nine (1-9) above, and agree to the conditions outlined above.

IN WITNESS WHEREOF, the LTA and BUYER have executed this Bill of Sale as of _____, _____.

LOCAL TRANSPORTATION AUTHORITY
EXECUTIVE DIRECTOR

APPROVED AS TO LEGAL FORM:
SAN BENITO COUNTY COUNSEL'S OFFICE

Name: Binu Abraham, Executive Director

Shirley L. Murphy, Deputy County Counsel

Dated: _____

Dated: _____

BUYER

Name: _____

Dated: _____

Tax I.D. : _____