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**FRESNO COUNTY RURAL TRANSIT AGENCY (FCRTA)  
SPECIAL MEETING NOTICE & AGENDA**

DATE: Thursday, October 21, 2021  
TIME: 5:30pm  
PLACE: FCOG / FCRTA Offices

Sequoia Conference Room  
2035 Tulare Street, Suite 201  
Fresno, CA 93721  
*(Corner of Tulare and Van Ness Ave. - above Club One  
Park in Underground Garage - Entrance off Tulare & Van Ness Ave.  
Exit Elevator on Tulare St., Turn Left, Enter Lobby Door,  
Up Elevator to Second Floor, Left to Sequoia Conference Room)*

**Americans with Disabilities Act (ADA) Accommodation**

The Fresno COG / FCRTA offices and restrooms are ADA accessible. Individuals with disabilities may call (559-233-4148) / FCRTA (559-233-6789) at least 3 days in advance, to request auxiliary aids and/or translation services necessary to participate in the public meeting / public hearing. If Fresno COG / FCRTA are unable to accommodate an auxiliary aid or translation request for a public hearing after receiving proper notice, the hearing will be continued on a specified date when accommodations are available.

**AB 23 Requirement:** In accordance with the Brown Act and AB23 the amount of stipend paid to members of the Board of Directors for attending this meeting of the Fresno County Rural Transit Agency, is \$50.00.

**FRESNO COUNTY RURAL TRANSIT AGENCY SPECIAL BOARD MEETING WILL TAKE PLACE IN  
PERSON AT THE FRESNO COG SEQUOIA ROOM AND VIA ZOOM.**

Join Zoom Meeting

<https://us06web.zoom.us/j/85211921604?pwd=b0NsRWdJb2xHTFN0WjI0REFWVG03Zz09>

Meeting ID: 852 1192 1604 Passcode: 809813

Dial In: +1 669 900 6833

If you wish to address the Board during the public comment portion of the agenda, click on the "Reactions" at the bottom center of your PC or Mac screen. Select the Hand icon, click the icon to "RaiseHand". Your digital hand will now be raised.

When on the phone, if you wish to address the Board during the public comment portion of the agenda, Press \*9 to "Raise Hand" and we will select you from the meeting cue.

\*\*If joining by phone **use \*6 to unmute and mute yourself**. When joining the meeting all participants are automatically muted. Do NOT use the mute function on your land line phone or cell phone.

**Those addressing the Board are asked to state their first and last name and agency for the record.**

To facilitate electronic access, no person shall speak until recognized by the Chair.

**1. ROLL CALL**

Public Presentations - This portion of the meeting is reserved for persons wishing to address the FCRTA Board on items within its jurisdiction but not on this Agenda. NOTE: The public may also comment on any Agenda item, as they are presented, prior to action by the FCRTA Board.

**A JOINT POWERS AGENCY TO PROVIDE A COORDINATED TRANSIT SYSTEM FOR RURAL FRESNO COUNTY**

The Cities of: Coalinga, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Partier, Reedley, Sanger, San Joaquin, Selma & Fresno County

## 2. ACTION ITEMS

### A. Future Board Meeting Format (ACTION)

**Summary:** On September 15, Governor Newsom signed Assembly Bill (AB) 361, amending the Ralph M. Brown Act to allow local agencies to continue conducting public meetings remotely during a state of emergency after October 1, so long as they make specific findings every 30 days, and ensure conditions related to public participation are satisfied. While the Board has the option of using teleconferencing, as was available prior to COVID restrictions, the Brown Act requires: 1) a quorum of the legislative body to participate from within the boundaries of the agency's jurisdiction, 2) the public agency to post notice of each teleconference location, and 3) the public be allowed to address the legislative body from each teleconference location. These requirements place a significant burden on both Board members and staff. Although the Governor waived AB 361's applicability until October 1 local agencies retain the option of meeting beforehand to make the required findings under AB 361 to hold future meetings remotely. Under the urgency legislation, a local agency may use the more "relaxed" Brown Act teleconferencing/videoconferencing requirements in any of the following circumstances:

1. There is a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
2. There is a proclaimed state of emergency, and the local agency's meeting is to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
3. There is a proclaimed state of emergency, and the local agency has determined, by majority vote, that as a result of the emergency meeting in person would present an imminent risk to the health or safety of attendees.

AB 361 defines a "state of emergency" as a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act. Importantly, this includes the Governor's proclaimed state of emergency due to the COVID-19 pandemic.

To continue to rely on the relaxed teleconferencing provisions, the local agency must reconsider the circumstances of the state of emergency and make the following findings by majority vote, **every 30 days**:

- The state of emergency continues to directly impact the ability of members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing.

While the Committee has the option of using teleconferencing, as was available prior to COVID restrictions, The Brown Act requires: 1) a quorum of the legislative body to participate from within the boundaries of the agency's jurisdiction, 2) the public agency to post notice of each teleconference location, and 3) the public be allowed to address the legislative body from each teleconference location. These requirements place a significant burden on both Board members and staff.

**Action:** Staff recommends the finding under this option would be that "The FCRTA Board, meeting during a proclaimed state of emergency, has determined by majority vote, pursuant to AB 361 subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees." Staff further recommends adoption of Board Resolution No. 2021-21.

## 3. ADJOURNMENT

BEFORE THE  
**FRESNO RURAL TRANSIT AGENCY**  
**RESOLUTION NO. 2021-21**

IN THE MATTER OF:  
Assembly Bill 361

RESOLUTION APPROVING THE  
CONTINUANCE OF  
TELECONFERENCE MEETINGS  
DUE TO COVID-19

WHEREAS, the Fresno County Rural Transit Agency is committed to preserving and fostering public access to and participation in the meetings of its Board of Directors as required by the Ralph M. Brown Act (Gov. Code, § 54950, et seq.), so that any member of the public may attend and participate as the Agency conducts the people's business; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency due to the threat of COVID-19, and the President of the United States issued a Proclamation Declaring a National State of Emergency Concerning COVID-19 beginning March 1, 2020; and

WHEREAS, the Governor of the State of California issued a Proclamation of a State of Emergency as a result of COVID-19 on March 4, 2020; and

WHEREAS, Executive Order N-29-20, issued by the Governor on March 17, 2020, suspended or modified provisions of the Brown Act relating to teleconferencing during the COVID-19 pandemic, which procedures were extended by Executive Order N-08-21 through September 30, 2021; and

WHEREAS, on September 16, 2021, Assembly Bill 361 was signed into law, amending Government Code section 54953, and providing for an alternative method of teleconferencing during public meetings, provided that the legislative body makes certain findings and the public is able to access and participate in teleconferenced public meetings; and

WHEREAS, under Executive Order N-15-21, the effective date of Assembly Bill 361 was set at October 1, 2021; and

WHEREAS, Government Code section 54953, subdivision (e)(1) provide bases for holding teleconferenced public meetings not in accordance with the public access requirements section 53953, subdivision (b), where the following circumstances exist:

1. The meeting is held during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing, or
2. The meeting is held during a proclaimed state of emergency and the legislative body has determined, by majority vote, that, as a result of a proclaimed state of emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, under Government Code section 54953, subdivision (e)(1)(B), a legislative body may hold a teleconferenced public meeting for the purpose of determining, by majority vote, whether as a result of a proclaimed state of emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the State of California continues to be under a proclaimed state of emergency due to COVID-19; and

WHEREAS, the Fresno County Rural Transit Agency continues to impose or recommend measures to promote social distancing, including:

1. Requiring unvaccinated staff and members of the public to wear masks in Agency facilities and vehicles,
2. Requiring passengers and staff to comply with federal mask mandate on public transit vehicles,
3. Requiring all passengers on Agency vehicles, regardless of vaccination status, to wear masks, and
4. Posting information about COVID-19 safety measures in Agency facilities and vehicles; and

WHEREAS, the Board of Directors of the Fresno County Rural Transit Agency has considered the circumstances of the state of emergency; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Fresno County Rural Transit Agency that:

1. The above recitals are true and correct and are incorporated into this resolution as findings by the Board of Directors.

2. The Board of Directors of the Fresno County Rural Transit Agency has considered the circumstances of the COVID-19 state of emergency and finds that the following circumstances exist:
  - a. State or local officials have imposed or recommended measures to promote social distancing, and
  - b. As a result of the COVID-19 state of emergency and the public health risks posed by COVID-19, meeting in person would present imminent risks to the health or safety of attendees.
3. As a result of the findings articulated in section 2, above, the Board of Directors and all subordinate legislative bodies of the Fresno County Rural Transit Agency shall conduct their meetings in accordance with remote participation by teleconference in the manner provided by Government Code section 54953, subd. (e), and all such legislative bodies shall comply with the requirements of section 54953, subd. (e)(2).
4. This Resolution shall take effect immediately upon its passage, and shall remain in effect until November 20, 2021 or such time as the Board of Directors extends the time during which meetings may be held remotely in accordance with Government Code section 54953, subd. (e)(3). The Board of Directors need not extend the termination date of this Resolution by further resolution, but may do so in the minutes of any subsequent regular or special meeting.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno County Rural Transit Agency this 21<sup>st</sup> day of October, 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Signed: David Cardenas, Chair

I hereby certify that the foregoing is a true copy of a resolution of the Fresno County Rural Transit Agency Duly adopted at a meeting thereof. Held on the 21st day of October, 2021.

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Signed: Moses Stites, General Manager