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**FRESNO COUNTY RURAL TRANSIT AGENCY (FCRTA)
MEETING AGENDA**

DATE: Thursday, May 26, 2022
TIME: 5:30pm, **AFTER** the Fresno Council of Governments (FCOG) Meeting
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.

**THE FRESNO COUNCIL OF GOVERNMENTS AND FRESNO COUNTY RURAL TRANSIT AGENCY BOARD
MEETINGS WILL TAKE PLACE IN PERSON AT THE FRESNO COG SEQUOIA ROOM AND VIA ZOOM.**

Join Zoom Meeting
<https://us06web.zoom.us/j/82575190204?pwd=b29nemhhS1MybGZRRTBBcmxwM3Z3Zz09>
Meeting ID: 825 7519 0204 Passcode: 540533
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 "RaiseHand" 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.

2. CONSENT ITEMS

A. Approve Minutes of April 28, 2022 Meeting [ATTACHMENT]

B. Federal Transit Administration (FTA) Section 5311 Applications [APPROVE]

Summary: The 5311 application to Caltrans for operating assistance was submitted on April 29, 2022 via the electronic "Black Cat" system. This year Caltrans is doing a 2-year grant cycle and FCRTA submitted projects for both 2022 and 2023. This funding apportionment is used by FCRTA for the operation of all subcontracted transit services in the annual budget. The 2022 application is for \$2,253,819 and the 2023 application is for \$2,298,896.

Action: Staff recommends Board approval of the 2022 and 2023 FTA 5311 operating assistance application to Caltrans and adoption of Board Resolution No. 2022-05 and 2022-06.

C. FCRTA New Maintenance Facility Project Update [INFORMATION]

Summary: On February 24, 2022 the Board approved the award of the Selma Maintenance Facility Construction project to Zumwalt Construction Inc. following the Request for Qualification (RFQ) and Request for Proposal (RFP) process. This will be for Phase 1 of the operations and maintenance facility on approximately 7.5 acres in Selma. This project is being funded by an FTA 5339 grant (\$5,145,281) and local Measure C funding (\$5,145,281) for a total funding amount of \$10,290,562. FCRTA has begun work with the Zumwalt design-build team on the preconstruction phase including site evaluation and conceptual designs.

Action: Information only. The Board may provide additional direction at its discretion.

3. ACTION ITEMS

A. Return to In-Person Meetings [ACTION]

Summary: Owing to falling COVID case rates of the omicron variant, the State of California on Feb. 15 rescinded mask mandates that had been instituted for most indoor locations and activities since December 2021. In Fresno County, case rates, which were peaking around Jan. 22, began a precipitous decline on Jan. 29.

In the meantime, at least eight city councils in the Fresno County region have resumed in-person or "hybrid" meetings that allow for in-person attendance: Clovis, Coalinga, Fresno, Kingsburg, Parlier, Reedley, Sanger and Selma. Of those eight, Coalinga, Kingsburg and Parlier are holding meetings entirely in person. In addition, the County's Board of Supervisors has been meeting entirely in person since the expiration of the Governor's executive order suspending certain parts of the Brown Act.

As the COVID pandemic has alternately spiked and receded, FCRTA Board members have inquired about the timeline for returning to in-person meetings. While AB 361 provides a mechanism for continuing remote, video, or teleconferencing meetings, the law's language is permissive and not mandatory. The Board is free to resume in-person meetings at its discretion.

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, Parlier, Reedley, Sanger, San Joaquin, Selma & Fresno County

Conversely, the option to continue allowing remote attendance of members and the public for Board and committee meetings remains viable. The conditions from AB 361 would still apply, including the requirement to make specific findings every 30 days. The findings that the Board would need to make are as follow:

- (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.

The Board may make the first finding because California's state of emergency has not been rescinded. An effort in the Legislature to end the state of emergency was ultimately blocked in March.

The second required finding may be met in either of two ways, in the Board's discretion. Staff believes that the circumstances described below can support either of those two alternatives:

1. The Board may identify an impact to safety. While the number of cases has certainly declined from the peak in January, there are still new cases and hospitalizations. As of May 2022, the County has reported a slight trend up. (<https://www.co.fresno.ca.us/departments/public-health/covid-19>)
2. The Board may rely on State recommendations to promote social distancing. The State need not "impose" measures to promote social distancing, it may also "recommend" such measures in order for the Board to make the finding. For example, the State's COVID-19 website still makes the following recommendation: "Wear a mask to keep from spreading the virus to those with no defense, like the immune-compromised and children under 5." (<https://covid19.ca.gov/safely-reopening/>)

Meanwhile, there is still pending legislation to amend the Brown Act and allow for permanent telecommuting for public meetings. For example, AB 1944 would allow legislative bodies to teleconference meetings from remote locations (within specified limits), provided the public could access those meetings to address the body via a videostream. This bill was ordered to a third reading on May 5.

Should the Board opt to continue issuing findings in accordance with AB 361, staff will need to schedule a special meeting on June 2 or 9 to accommodate the regular June 30 meeting, since that date is more than 30 days away from its May 26 meeting. Such a special meeting can be held entirely remotely under AB 361.

Action: Discussion and action, to either: a) discontinue allowing remote attendance and resume in-person meetings, or b) continue issuing findings under AB 361 to allow remote attendance by Board members and the public for Board and committee meetings through June, and select either June 2 or June 9 for a special meeting for that purpose.

4. OTHER BUSINESS

A. Items from staff.

B. Items from members.

5. ADJOURNMENT

Executive Minutes

Thursday, April 28, 2022 at 5:30 P.M after COG Policy Board Meeting
COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

Members Attending:

Mayor Ron Ramsey, City of Coalinga
Mayor Brady Jenkins, City of Firebaugh
Councilmember Daniel Parra, City of Fowler
Councilmember, Michelle Roman, City of Kingsburg
Mayor Rolando Castro, City of Mendota
Mayor Pro tem Trinidad Pimentel, City of Parlier
Mayor Mary Fast, City of Reedley
Mayor Scott Robertson, City of Selma
Mayor Eli Ontiveros, City of Sanger
Mayor Julia Hernandez, City of San Joaquin

Moses Stites, General Manager
Janelle Del Campo, Operations Manager
Alison Samarin, County Counsel
Jeaneen Cervantes, FCOG

Absent:

Mayor Victor Lopez, City of Orange Cove
Supervisor Sal Quintero, Fresno County
Mayor Rey Leon, City of Huron
Mayor Gary Yep, City of Kerman

1. **ROLL CALL** — Meeting called to order 6:45 p.m.

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.

2. **CONSENT ITEMS**

- A. **Approve Executive Minutes of March 24, 2022 [ATTACHMENT]**
- B. **Approve Minutes of April 11, 2022 [ATTACHMENT]**
- C. **Low Carbon Transit Operations Program Application [APPROVE]**
- D. **Caltrans Sustainable Communities Planning Grant [INFORMATION]**
- E. **FCRTA Fiscal Year 2022-23 Draft Budget [INITIATION]**
- F. **FY 2019-20 Single Audit Report Certification Letter [INITIATION]**
- G. **AB 361 Findings for April Board Meeting Format [ACTION]**

Consent Items C was pulled for discussion by Mayor Fast (Reedley).

A motion was made by Mayor Ontiveros (Sanger) and second by Mayor Ramsey (Coalinga) for Consent Items A,B,D,E,F and G. A vote was called, and motion carried.

Consent Item 2C: Mayor Fast (Reedley) asked if the vehicles for this grant were for

people to rent or are the vehicles for the existing transit services. Moses said the vehicles will be operated by the current subcontractor MV Transportation and will start once the microtransit study is completed that is focused in the unincorporated communities and is being funded by the RTAP (Rural Transit Assistance Program).

Mayor Ramsey asked if any of the vehicles will be used in the incorporated cities. Moses said the study is still underway and that would be Phase 2 of this project.

A motion was made by Mayor Fast (Reedley) and second by Mayor Pro tem Pimentel (Parlier) for Consent Item C. A vote was called, and motion carried.

3. **OTHER ITEMS**

A. Items from Staff

Moses informed the Board that the General Manager employment agreement expires on 9/30/22 and the Chair will select board members to on the negotiation committee. Mayor Ontiveros (Sanger), Mayor Fast (Reedley), Mayor Ramsey (Coalinga), and Mayor Robertson (Selma) were selected to be on the committee.

B. Items from Members

None Reported.

4. **ADJOURNMENT @ 7:02p.m.**

Respectfully submitted,



Moses Stites
General Manager

**BEFORE THE FRESNO COUNTY RURAL TRANSIT AGENCY
RESOLUTION NO. 2022-05**

In the matter of:
Federal Transit
Administration Grant

RESOLUTION SUPPORTING CLAIM AND
SUBSEQUENT ACTIONS TO RECEIVE
FY 2021-22 FUNDS FTA SECTION 5311 FUNDS

WHEREAS, Title 21 of the California Administrative Code, Section 1666 requires that the Fresno Council of Governments (FCOG), as the Regional Transportation Planning Agency (RTPA) for Fresno County to plan and program projects of local significance, so applicants, may reference their Applications in a "Program of Projects" (POP) for submittal through the State of California, Department of Transportation (Caltrans) to the Federal Transit Administration (FTA) Section 5311 program; and

WHEREAS, the FCRTA is an eligible applicant of such funds; and

WHEREAS, FCRTA has participated in the ongoing rural public transportation process with the FCOG; and

WHEREAS, the FCRTA does approve the contents and intent of an "Operating Assistance" Application for the Section 5311 funds for 2021-22, for submittal to the FCOG for their action; and

WHEREAS, the FCOG, later this year will adopt the 2022 Federal Transportation Improvement Program (FTIP) to include FCRTA's 2021-22 FTA Section 5311 Operating Grant Application; with reference in the "Program of Projects" (POP); and

WHEREAS, the FCOG shall transmit Certification and Assurance of the recommended Application directly to the Caltrans District 06 Office by their stipulated deadline; and

WHEREAS, the Application Process requires that the FCRTA Board of Directors affirm by Resolution it's policy (as contained in the Agency's official and legal Joint Powers Agreement) to seek, support and enter into grant agreements or contracts for and in behalf of its Member Agencies, and enter into the necessary FTA Section 5311 Assurances to be the recipient of said funds for the purposes expressed in its submitted Grant Application; and

WHEREAS, the FCRTA Board of Directors does hereby authorize the General Manager to execute any and all said Agreements and Contracts pertaining to the aforementioned Grant Program.

NOW, THEREFORE, BE IT RESOLVED, that the Fresno County Rural Transit Agency does affirm its intent to be the sole recipient and contracting authority for its 2021-22 FTA Section 5311 funds in the amount of \$2,253,819, thus not requiring each Member Agency's policy board to act individually in the matter.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno County Rural Transit Agency this 26th day of May, 2022.

AYES:
NOES:
ABSTAIN:
ABSENT:

Signed _____
Michelle Roman, Chairperson

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 26th day of May, 2022.

Signed _____
Moses Stites, General Manager

**BEFORE THE FRESNO COUNTY RURAL TRANSIT AGENCY
RESOLUTION NO. 2022-06**

In the matter of:
Federal Transit
Administration Grant

RESOLUTION SUPPORTING CLAIM AND
SUBSEQUENT ACTIONS TO RECEIVE
FY 2022-23 FUNDS FTA SECTION 5311 FUNDS

WHEREAS, Title 21 of the California Administrative Code, Section 1666 requires that the Fresno Council of Governments (FCOG), as the Regional Transportation Planning Agency (RTPA) for Fresno County to plan and program projects of local significance, so applicants, may reference their Applications in a "Program of Projects" (POP) for submittal through the State of California, Department of Transportation (Caltrans) to the Federal Transit Administration (FTA) Section 5311 program; and

WHEREAS, the FCRTA is an eligible applicant of such funds; and

WHEREAS, FCRTA has participated in the ongoing rural public transportation process with the FCOG; and

WHEREAS, the FCRTA does approve the contents and intent of an "Operating Assistance" Application for the Section 5311 funds for 2022-23, for submittal to the FCOG for their action; and

WHEREAS, the FCOG, later this year will adopt the 2022 Federal Transportation Improvement Program (FTIP) to include FCRTA's 2022-23 FTA Section 5311 Operating Grant Application; with reference in the "Program of Projects" (POP); and

WHEREAS, the FCOG shall transmit Certification and Assurance of the recommended Application directly to the Caltrans District 06 Office by their stipulated deadline; and

WHEREAS, the Application Process requires that the FCRTA Board of Directors affirm by Resolution it's policy (as contained in the Agency's official and legal Joint Powers Agreement) to seek, support and enter into grant agreements or contracts for and in behalf of its Member Agencies, and enter into the necessary FTA Section 5311 Assurances to be the recipient of said funds for the purposes expressed in its submitted Grant Application; and

WHEREAS, the FCRTA Board of Directors does hereby authorize the General Manager to execute any and all said Agreements and Contracts pertaining to the aforementioned Grant Program.

NOW, THEREFORE, BE IT RESOLVED, that the Fresno County Rural Transit Agency does affirm its intent to be the sole recipient and contracting authority for its 2022-23 FTA Section 5311 funds in the amount of \$2,298,896, thus not requiring each Member Agency's policy board to act individually in the matter.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno County Rural Transit Agency this 26th day of May, 2022.

AYES:
NOES:
ABSTAIN:
ABSENT:

Signed _____
Michelle Roman, Chairperson

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 26th day of May, 2022.

Signed _____
Moses Stites, General Manager