



2035 Tulare Street, Suite 201  
Fresno, CA 93721  
Phone: (559) 233-6789  
Fax: (559) 233-9645  
[www.ruraltransit.org](http://www.ruraltransit.org)

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

DATE: Thursday, October 27, 2022  
TIME: 5:30pm, **AFTER** the *Fresno Council of Governments (FCOG) Meeting*  
PLACE: FCOG / FCRTA Offices and Zoom Webinar  
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.**

**TO JOIN THE ZOOM WEBINAR:**

[https://us06web.zoom.us/webinar/register/WN\\_t-Oe\\_F1nROyTLVEFD7gEpw](https://us06web.zoom.us/webinar/register/WN_t-Oe_F1nROyTLVEFD7gEpw)

**JOIN BY PHONE: (669) 900-6833 MEETING ID: 818 3004 0781**

If you wish to join by phone, please enter the meeting ID followed by the # sign. No Passcode is needed.

If you wish to address the Board during the public comment portion of the agenda, click on the "Reactions" Button at the bottom center of your computer screen. Select the Hand icon, click the icon to "Raise Hand". Your digital hand will now be raised and fresno cog staff will prompt you to unmute.

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

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 landline phone or cell phone.

Those addressing the BOARD must state their first and last name and ANY AFFILIATED agency for the record.

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

**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



## 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 September 29, 2022 Meeting [ATTACHMENT]

### B. Construction Management Services Agreement [APPROVE]

**Summary:** FCRTA released a Request for Qualifications (RFQ) on August 15, 2022 for on-call construction management services for the FCRTA maintenance facility project. Proposals were due on September 15, 2022 and staff received 6 proposals from Kleinfelder, Ghirardelli, SJ, Mathieson, Precision and Kitchell. Interviews were held the week of the 26<sup>th</sup> and firms were rated by a scoring committee with staff from FCRTA, Clovis Transit and FAX. The scoring committee unanimously selected Kitchell for this project to provide construction management services as needed on an on-call basis up to 20 hours per week for the duration of the construction phase of the maintenance facility project from November 1, 2022 to November 1, 2023. The agreement for Construction Management Services is available on the FCRTA website at [www.ruraltransit.org](http://www.ruraltransit.org).

**Action:** Staff recommends Board approval of Kitchell for Construction Management Services and further recommends approval of the agreement in the amount not to exceed \$194,150.

### C. AB 361- Board Meeting Format [ACTION]

**Summary:** On Sept. 15, 2021, Governor Newsom signed Assembly Bill (AB) 361, amending the Ralph M. Brown Act to allow local agency councils, boards and committees to continue conducting public meetings remotely during a state of emergency after Oct. 1, 2021, so long as they make specific findings every 30 days, and ensure conditions related to public participation are satisfied. Under the Brown Act, the Policy Board, FCRTA Board, TTC and PAC and other Fresno COG committees are considered "legislative bodies," according to the Fresno County Counsel's office. Under the urgency legislation, a local agency may use the more "relaxed" Brown Act teleconferencing/videoconferencing requirements in any of the following circumstances:

- There is a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- 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
- 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 video/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

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- State or local officials continue to impose or recommend measures to promote social distancing.

The recommended finding under this option would be that "The 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."

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.

Note that because of FCRTA's holiday schedule, the Board will need to hold short meetings at 5:30 p.m. following the Fresno COG meetings on **Dec. 15** and **Jan. 12, 2023** to issue AB 361 findings for the regular January 2023 meeting. Also, on Oct. 17, Gov. Newsom announced that he would be ending the COVID state of emergency on Feb. 28, 2023, which will necessitate at least a quorum of Board members present to conduct business beginning with the March 23, 2023 meeting.

**Action:** Staff recommends two actions:

- 1) That the Board issue the following findings: (a) The Board has reconsidered the circumstances of the state of emergency; and (b) As a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- 2) Reaffirm Resolution 2022-01 from Jan. 6, authorize the Board and subordinate legislative bodies to conduct their meetings in accordance with remote participation by teleconference in the manner provided by Government Code section 54953, subd. (e) through Nov. 17, and direct staff to continue providing video/teleconferencing provisions for all FCRTA Board meetings through Nov. 17.

### 3. ACTION

#### A. Return of Untimely Claim [APPROVE]

**Summary:** On September 16, 2022, FCRTA received a claim from Allstate Insurance on behalf of Maria D Rosario - Resendiz. The claim relates to an incident that allegedly occurred on December 30, 2021 in Parlier. FCRTA is returning the claim because it was not presented within the time allowed by law. Attached is the Return of Claim Letter for your review (ATTACHMENT).

**Action:** Staff recommends the Board direct and authorize the General Manager return the untimely September 16, 2022 claim of Allstate Ins. Co. (a/s/o Maria D Rosario – Resendiz) and provide written notice to claimant that the claim was not filed timely and that it is being returned without further action.

### 4. OTHER BUSINESS

#### A. Items from staff.

#### B. Items from members.

### 5. ADJOURNMENT



FRESNO COUNTY RURAL TRANSIT AGENCY (FCRTA)

**ITEM 2A**

Executive Minutes

Thursday, September 29, 2022 at 5:30 P.M FCRTA Meeting  
COG Sequoia Conference Room  
2035 Tulare St., Suite 201, Fresno, CA

Members Attending:

Mayor Ron Ramsey, City of Coalinga  
Mayor Julia Hernandez, City of San Joaquin  
Mayor Gary Yep, City of Kerman  
Councilmember, Michelle Roman, City of Kingsburg  
Councilmember Daniel Parra, City of Fowler  
Mayor Alma Beltran, City of Parlier  
Mayor Mary Fast, City of Reedley  
Mayor Scott Robertson, City of Selma  
Mayor Rey Leon, City of Huron  
Supervisor Sal Quintero, Fresno County  
Mayor Rolando Castro, City of Mendota  
Mayor Victor Lopez, City of Orange Cove  
Mayor Eli Ontiveros, City of Sanger

Moses Stites, General Manager  
Janelle Del Campo, Operations Manager  
Bryan Rome, County Counsel  
Denise Flores, FCOG

Absent:

Mayor Brady Jenkins, City of Firebaugh

1. **ROLL CALL** — Meeting called to order 7:03 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. **Minutes of July 28, 2022 Meeting [ATTACHMENT]**
- B. **Minutes of August 25, 2022 Special Meeting [ATTACHMENT]**
- C. **Minutes of September 1, 2022 Special Meeting [ATTACHMENT]**
- D. **Grant Agreement Conflict Waiver for Representation of FCRTA and FCOG [APPROVE]**
- E. **Transportation Network Company Access for All Grant Agreement [APPROVE]**
- F. **Amendment IV to the Temporary Maintenance Facility Lease Agreement [APPROVE]**
- G. **Request for Qualifications Construction Management Services [INFORMATION]**
- H. **Caltrans Sustainable Planning Grant [APPROVE]**
- I. **Partnership with League of Women Voters [INFORMATION]**
- J. **Transit and Intercity Rail Capital Program Award [APPROVE]**
- K. **AB 361-Board Meeting Format [ACTION]**

A motion was made by Mayor Yep (Kerman) and second by Mayor Ramsey (Coalinga). A vote was called, and motion carried.

**3. OTHER ITEMS**

**A. Items from Staff**

None Reported.

**B. Items from Members**

None Reported.

**4. ADJOURNMENT @ 7:08P.M.**

Respectfully submitted,



Moses Stites  
General Manager



## Fresno County Rural Transit Agency

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2035 Tulare Street, Suite 201, Fresno, CA 93721  
tel 559-233-6789 Fax 559-233-9645  
www.ruraltransit.org

October 28, 2022

Allstate Ins Co a/s/o Maria D Rosario – Resendiz  
8312 S Mendocino Ave, Apt 1041  
Parlier, CA 93648

Allstate Ins Co a/s/o Maria D Rosario – Resendiz  
P.O. Box 660636  
Dallas, TX 75266

### **Sent via U.S. Mail**

*Re: Notice of Return of Claim (Untimely)*

The claim you presented to the Fresno County Rural Transit Agency (“FCRTA”), which was received by FCRTA on September 16, 2022, is being returned because it was not presented within six months after the event or occurrence as required by law. (See Sections 901 and 911.2 of the Government Code.) Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to FCRTA for leave to present a late claim. (See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code.) Under some circumstances, leave to present a late claim will be granted. (See Section 911.6 of the Government Code.)

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

---

Moses Stites, General Manager  
Fresno County Rural Transit Agency

Copy (via email): Bryan D. Rome, Deputy County Counsel





RECEIVED

SEP 16 2022

BY: FRESNO COG

# CLAIM FOR DAMAGES

## County of Fresno

**THIS CLAIM MUST BE SUBMITTED BY MAIL OR PERSONAL DELIVERY. DO NOT E-MAIL.**  
**Presentation of a false claim is a felony (CA Penal Code, Section 72)**

**NOTE:** Claims for bodily injury or death, damage to personal property or damage to growing crops must be filed not later than six (6) months after the occurrence out of which the claim/claims arose. All other claims must be filed not later than one (1) year after the occurrence out of which the claim/claims arose. (CA Government Code, Section 911.2)

**DIRECTIONS:** File the original and one (1) copy of this form with the County of Fresno, Clerk to the Board of Supervisors, Hall of Records, Room 301, 2281 Tulare Street, Fresno, CA 93721.

<b>Name of Claimant</b> (Injured or damaged party)	<input type="checkbox"/> Mr.	Allstate Ins Co	
		Last	
	<input type="checkbox"/> Mrs.	a/s/o Maria D Rosario - Resendiz	
		First	Middle
	<input type="checkbox"/> Ms.	10 / 13 / 1970	Unknown
		Date of Birth	Driver's License Number

<b>Home Address and Telephone Number</b>	8312 S Mendocino Ave, Apt 1041		
	Number and Street Address		
	Parlier	CA	93648
	City	State	Zip Code
	<b>Telephone Number</b> (559) 590-5327		

<b>Social Security Number and Gender</b>	Unknown -	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
	Social Security Number	

<b>Business Address and Telephone Number</b>	Allstate Ins Co a/s/o Maria D Rosario - Resendiz		Claim 0654085174
	Number and Street Address		
	P.O. Box 660636 Dallas TX 75266		
	City	State	Zip Code
	<b>Telephone Number</b> (972) 871-4553		

<b>Where would you like notices sent?</b>	<input type="checkbox"/> Home <input checked="" type="checkbox"/> Business <input type="checkbox"/> Attorney
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<b>When did the injury or damage occur?</b>	12 / 30 / 2021	Thursday	9 : 24 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
	Month/Day/Year	Day of Week	Time of Day

<b>Where did the injury or damage occur?</b>	S Mendocino Ave and E Parlier Ave in Parlier CA 93648
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	Street address, intersection or other location
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<b>How did the injury or damage occur?</b>	Allstate insured driver traveling EB on E Parlier Ave, stopped at the stop sign at	
	Mendesino Ave; Fresno County Rural Transit driver traveling NB on S Mendesino	
	Ave, stopped at the stop sign at E Parlier Ave. Allstate insured driver had the right of	
	way and entered the intersection when Fresno County Rural Transit driver	
	accelerated rapidly into the intersection causing the accident.	
Allstate insured driver Arath Resendiz 2021 Dodge Challenger CA LP# 8XU435		

<b>Names and telephone numbers of witnesses</b>	None	( ) -
		( ) -
		( ) -

<b>Names of County employees involved</b>	Amalia Picaso	

<b>Police Agency and Police Report Number</b>	Parlier Police Department	2112300315
	Name of Police Agency	Report Number

<b>What action or inaction of the County or its employee(s) caused your injury or damages?</b>	Fresno County Rural Transit driver failed to yield right of way at	
	4 - Way intersection.	

<b>What injuries or damages did you suffer?</b>	No injuries. Auto damages - Front bumper, grille, headlights, radiator	
	support and hood; Left and Right fender; Front left and right wheels;	
	Right door and rocker molding.	

<b>Total amount claimed</b>	\$8314.85
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**DIRECTIONS: SIGN AND DATE THIS Claim for Damages below.**

**NOTE:** If the signer is not the claimant, please indicate relationship of signer to the claimant (e.g., parent, attorney, etc.), and include full address.

<b>Signature:</b> <i>Shalonda Littlejohn</i>	<b>Date (month/day/year)</b> <i>9/14/2022</i>		
<i>Shalonda Littlejohn</i> (Type or Print name)			
<i>8901 Esters Blvd</i>	<i>Irving</i>	<i>Tx</i>	<i>75063</i>
Number and Street Address	City	State	Zip Code
<b>Relationship to Claimant</b>	<b>Insurer</b>	<b>Telephone Number:</b> ( )	

**DIRECTIONS: Attach to this completed and signed form any bills for medical treatment and expenses, and any estimates or bills for repair/replacement of damaged personal property.**



**Allstate.**  
You're in good hands.

8701 FREEPORT PKWY  
IRVING TX 75063

|||||  
FRESNO COUNTY RURAL TRANSIT AGENCY  
2035 TULARE ST STE 201  
FRESNO CA 937212004

0654085174 FDG





FRESNO COUNTY RURAL TRANSIT AGENCY
2035 TULARE ST STE 201
FRESNO CA 937212004

September 13, 2022

CLAIM NUMBER: 0654085174 FDG
DATE OF LOSS: December 30, 2021
OUR INSURED: MARIA D ROSARIO RESENDIZ
YOUR FILE NUMBER: Unknown please provide
YOUR INSURED: Fresno County Rural Transit Amalia Picaso
ADDRESS:

PHONE NUMBER: 972-871-4553
FAX NUMBER: 866-447-4293
OFFICE HOURS: Mon - Fri 7:00 am - 6:00 pm

CITY STATE ZIP: , CA,
LOSS LOCATION: mendesino ave and parlier street, PARLIER, , CA
AMOUNT OF LOSS: \$8,314.85

Re: Subrogation Claim Notice

Dear FRESNO COUNTY RURAL TRANSIT AGENCY,

Our investigation indicates your insured was responsible for the loss referenced above.

Please accept this letter as notice of our subrogation claim. Enclosed, you will find copies of the supporting documents for which we are seeking reimbursement. To assist you in your review, the following is a breakdown of our subrogation demand:

Table with 2 columns: Description and Amount. Rows include Auto Damage (Company Paid): \$7,444.85, Rental: \$870.00, Towing: \$, Other: \$, Deductible (Customer Paid): \$, Salvage Recovery: \$, Insured Out of Pocket (please send directly to our Insured): \$

Please forward your payment with our claim number to:

Allstate Payment Processing Center
P.O. BOX 650271
Dallas, TX 75265 0271

Be advised that any amounts received from you for less than the amount demanded will be considered an undisputed partial payment amount only, and we retain the right to pursue full payment.

We ask that you direct any future correspondence to the address listed at the top of this letter.

If corresponding by e-mail, please send to claims@claims.allstate.com and refer to the Allstate claim number on the subject line. Thank you.

Sincerely,

*DAWN GANN*

DAWN GANN

972-871-4553

Allstate Northbrook Indemnity Company



Report Date: 09/13/2022

### Payment Ledger

Policy Holder:	MARIA D ROSARIO RESENDIZ	Total Amount Paid	\$8,314.85
Participant:	MARIA D ROSARIO RESENDIZ	Medical Deductible:	\$0.00
Date of Loss:	12/30/2021	Co-payment Amount	\$0.00
Claim Number:	0654085174		

Payment/Credit Date	Payee/Payor	Check#		Amount
06/22/2022	KINGS BODY SHOP	126315467	S	6,944.85
04/18/2022	ENTERPRISE HOLDINGS INC	14224	S	870.00
09/02/2022	MARIA D ROSARIO RESENDIZ	162619394	S	500.00

**PROOF OF SERVICE BY MAIL**

(Code of Civ. Proc., §§ 1013a, 2015.5)

I, Janelle Del Campo, declare as follows:

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed at the Fresno County Rural Transit Agency, 2035 Tulare Street, Suite 201, Fresno, California 93721.

On October 28, 2022, I served a copy of the attached **Notice of Return of Claim (Untimely)** with enclosed **Claim for Damages** on the Claimant by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mailbox in the City of Fresno, County of Fresno, State of California, addressed as follows:

Allstate Ins Co a/s/o Maria D Rosario – Resendiz  
8312 S Mendocino Ave, Apt 1041  
Parlier, CA 93648

Allstate Ins Co a/s/o Maria D Rosario – Resendiz  
P.O. Box 660636  
Dallas, TX 75266

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 28<sup>th</sup> day of October, 2022, in Fresno, California.

\_\_\_\_\_  
Janelle Del Campo