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

DATE: Thursday, January 12, 2023  
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\\_ON-ZIkPsSNCrSZzYCvXjYA](https://us06web.zoom.us/webinar/register/WN_ON-ZIkPsSNCrSZzYCvXjYA)

**JOIN BY PHONE: (669) 900-6833**

**MEETING ID: 843 0691 3397**

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 staff will prompt you to unmute. 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 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.

**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. **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
- 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. 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 Feb. 10, 2023, and direct staff to continue providing video/teleconferencing provisions for all Fresno COG committee and Board meetings through Feb. 10, 2023.

**3. OTHER BUSINESS**

A. Items from staff.

B. Items from members.

**4. ADJOURNMENT**