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

DATE: Thursday, September 30, 2021
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/84443332001?pwd=Z3RaT1k5S1IOSWtnUUZWbmJuMEILZz09>
Meeting ID: 844 4333 2001 Passcode: 638180
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 must 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 Executive Minutes of July 29, 2021 [ATTACHMENT]

B. State of Good Repair Application [APPROVE]

Summary: FCRTA has submitted a project for FY 21-22 through the CalSMART portal for \$335,199 in State Transit Assistance funding from the Senate Bill 1 State of Good Repair Account (SGR). These funds will be utilized to construct a new Bus Maintenance and Fuel Yard Facility.

Action: Staff recommends adoption of Board Resolution No 2021-18.

C. Request for Qualification (RFQ) Fleet Maintenance Facility Project [INFORMATION]

Summary: FCRTA released a Request for Qualification (RFQ) on June 30th for the design and construction of the Fleet Maintenance Facility in Selma. FCRTA solicited Statements of Qualifications (SOQs) from DB Entities in order to solicit information in the form of a qualification questionnaire and qualification statements to create a short-list of up to the three of the most highly qualified Entities and the short-listed Entities will be issued a Request for Proposals (RFP). FCRTA received five (5) SOQs from DB Entities from Zumwalt, Diede, Harris, Wu & Associates and AMG. The scoring panel reviewed the proposals on August 16th and Harris and Zumwalt were selected for the short-list and will be issued the RFP. Following receipt of Proposals, FCRTA will select the proposal that FCRTA determines to provide the best value, based on qualifications and other factors that will be set forth in the RFP. It is FCRTA's intent to award a single contract to a selected DB Entity to deliver this project.

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

D. Grant Agreement Conflict Waiver for Representation of the FCRTA and FCTA [APPROVE]

Summary: FCRTA was awarded a grant through the Measure C New Technology Reserve Grant Program. The project includes the purchase of four (4) 23-foot C6 BYD electric buses and fifty (50) UV Germicidal Disinfectant Lights to for the existing rural transit services as well as a new shuttle service. As part of the grant procedures, FCRTA will enter into an agreement with the Fresno County Transportation Authority (FCTA) as the administer of the grant funding. The Office of Fresno County Counsel provides legal services to FCRTA, and also has been asked to represent FCTA with regard to the drafting and review of the agreement. One of the office's deputy county counsels already provides legal representation to the FCRTA in all matters, pursuant to a legal services agreement between the FCRTA and the County of Fresno, and would provide representation in this agreement negotiation as well. Another deputy county counsel provides legal services to FCTA, and will assist FCTA in the drafting and review of the agreement. The Office of Fresno County Counsel will provide "dual representation" in this particular instance, and attached is the Conflict Waiver for your review (ATTACHMENT).

Action: Staff recommends Board Approval of the Conflict Waiver for representation of the FCRTA and FCTA regarding conflict for administration of grant funding.

E. **National Rural Transportation Assistance Program (RTAP) Community Rides Grant Award**
[APPROVE]

Summary: National Rural Transit Assistance Program (RTAP) Community Rides Grant Program offers current recipients and subrecipients of the Federal Transit Administration (FTA)'s Formula Grants for Rural Areas (Section 5311) program the opportunity to apply for grant awards of up to \$100,000 for projects that develop or strengthen transportation partnerships that improve social determinants of health in rural and tribal communities.

FCRTA submitted a grant application in the amount of \$100,000 to the National Rural Transportation Assistance Program (RTAP) Community Rides Grant. On September 1, 2021 FCRTA was notified that the application was awarded for the amount of \$59,500. This project is a planning study to analyze the communities of Riverdale, Laton, Lanare, Cantua Creek, and El Porvenir for possible expansion of the existing on-demand electric rideshare/micro transit services. Leadership Counsel is a project partner, providing the community outreach and engagement component. Also, Walker Consulting on retainer for FCRTA will be providing the project oversight.

Action: Staff recommends adoption of Board Resolution No. 2021-19.

3. **OTHER BUSINESS**

A. **Items from staff.**

B. **Items from members.**

4. **ADJOURNMENT**

Thursday, July 29, 2021 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 Alfred Valdez, City of Firebaugh
 Mayor David Cardenas, City of Fowler
 Mayor Rey Leon, City of Huron
 Mayor Gary Yep, City of Kerman
 Councilmember Michelle Roman, City of Kingsburg
 Mayor Rolando Castro, City of Mendota
 Mayor Victor Lopez, City of Orange Cove
 Mayor Pro Tem Trinidad Pimentel, City of Parlier
 Mayor Mary Fast, City of Reedley
 Mayor Julia Hernandez, City of San Joaquin
 Mayor Scott Robertson, City of Selma

Moses Stites, General Manager
 Janelle Del Campo, Operations Manager
 Bryan Rome, County Counsel
 Jeaneen Cervantes, FCOG

Absent:

Supervisor Sal Quintero, Fresno County
 Mayor Eli Ontiveros, City of Sanger

1. **ROLL CALL** — Meeting called to order 8:05 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 June 24, 2021 [ATTACHMENT]**
- B. **Fresno County Transportation Authority (FCTA) Measure C Allocation FY 2021-22 [APPROVE]**
- C. **Request for Qualification (RFQ) Fleet Maintenance Facility Project [INFORMATION]**
- D. **National Interstate Insurance Renewal [INFORMATION]**
- E. **Volkswagen Environmental Mitigation Trust Funds Grant Application [APPROVE]**
- F. **Areas of Persistent Poverty Grant Application [APPROVE]**
- G. **Caltrans Sustainable Communities Planning Grant [APPROVE]**

A motion was made by Councilmember Roman (Kingsburg) and second by Mayor Fast (Reedley). A vote was called, and motion carried.

2. **ACTION ITEMS**

A. **Election of Chair and Vice-Chair**

Nominated Mayor Cardenas (Fowler) as Chair and Councilmember Roman (Kingsburg) as Vice-Chairperson.

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

4. **CLOSED SESSION**

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code, Section 54957 (b) (1)-Title: General Manager

Moses informed the board that he had sent out an evaluation for their review.

5. **RETURN TO OPEN SESSION**

Nothing to report.

6. **OTHER ITEMS**

A. Items from Staff

None

B. Items from Members

Mayor Valdez (Firebaugh) invited everyone to the Cantaloupe Festival which is held in Firebaugh from August 30 through September 3, 2021.

Mayor Ramsey (Coalinga) invited everyone as well on September 3 to celebrate National Night Out in which the City hands out free backpacks to students.

Mayor Lopez (Orange Cove) will also be handing out backpacks to students.

Mayor Lopez (Orange Cove) congratulated Mayor Cardenas (Fowler) for a good job that he has done.

5. **ADJOURNMENT @ 8:41 p.m**

A motion was made by Mayor Lopez (Orange Cove) and second by Mayor Beltran (Parlier). A vote was called, and motion carried.

Respectfully submitted,



Moses Stites
General Manager

RESOLUTION #2021-18

APPROVING THE PROJECT LIST FOR FY 2021-22 FOR THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM

In the matter of: Fresno County Rural Transit Agency State of Good Repair Account Grant Application

RESOLUTION AUTHORIZING FCRTA'S STATE OF GOOD REPAIR ACCOUNT GRANT APPLICATION FOR BUS MAINTENANCE AND FUEL YARD FACILITY

WHEREAS, Senate Bill 1 (SB1), the Road Repair and Accountability Act 2017, establishing the State of Good Repair (SGR) program to fund eligible transit maintenance, rehabilitation and capital project activities that maintain the public transit system in a state of good repair; and

WHEREAS, the Fresno County Rural Transit Agency (FCRTA) is an eligible project sponsor and may receive and distribute State Transit Assistance – State of Good Repair funds to eligible project sponsors (local agencies) for eligible transit capital projects;

WHEREAS, the FCRTA distributing SGR funds to eligible project sponsors (local agencies) under its regional jurisdiction; and

WHEREAS, the FCRTA concurs with and approves the attached project list for the State of Good Repair Program funds; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby approves the SB1 State of Good Repair Project List for FY 2021-22; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the FCRTA that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all SGR funded transit capital projects.

NOW, THEREFORE, BE IT RESOLVED, that the General Manager, Moses Stites is hereby authorized to submit a request for Scheduled Allocation of the SB1 State of Good Repair funds and to execute the related grant applications, forms and agreements.

- AYES: NOES: ABSTAIN: ABSENT:

Signed David Cardenas, Chairman

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 30th day of September, 2021.

Signed Moses Stites, General Manager

Conflict Waiver:**Representation of the FCRTA and FCTA regarding contract
for administration of funding grant**

It has been proposed that the Fresno County Rural Transit Agency (FCRTA) enter into a contract with the Fresno County Transportation Authority (FCTA) to administer a grant of funding.

As you know, the Office of Fresno County Counsel provides legal services to FCRTA, and also has been asked to represent FCTA with regard to the drafting and review of said contract. One of our office's deputy county counsels already provides legal representation to the FCRTA in all matters, pursuant to a legal services contract between the FCRTA and the County of Fresno, and would represent it in this contract negotiation as well. Another deputy county counsel provides legal services to FCTA, and will assist FCTA in the drafting and review of the contract. Accordingly, we are required to inform you regarding the proposal that our Office provide such "dual representation" in this particular instance, and to obtain your informed written consent.

RULES OF PROFESSIONAL CONDUCT

Rule 1.7 of the California Rules of Professional Conduct provides, in pertinent part:

- (a) A lawyer shall not, without informed written consent from each client and compliance with paragraph (d), represent a client if the representation is directly adverse to another client in the same or a separate matter.
- (b) A lawyer shall not, without informed written consent from each affected client and compliance with paragraph (d), represent a client if there is a significant risk the lawyer's representation of the client will be materially limited by the lawyer's responsibilities to or relationships with another client, a former client or a third person, or by the lawyer's own interests.
- (c) Even when a significant risk requiring a lawyer to comply with paragraph (b) is not present, a lawyer shall not represent a client without written disclosure of the relationship to the client and compliance with paragraph (d) where:
 - (1) the lawyer has, or knows that another lawyer in the lawyer's firm has, a legal, business, financial, professional, or personal relationship with or responsibility to a party or witness in the same matter; or
 - (2) the lawyer knows or reasonably should know that another party's lawyer is a spouse, parent, child, or sibling of the lawyer, lives with the lawyer, is a client of the lawyer or another lawyer in the lawyer's firm,* or has an intimate personal relationship with the lawyer.
- (d) Representation is permitted under this rule only if the lawyer complies with paragraphs (a), (b), and (c), and:
 - (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

- (2) the representation is not prohibited by law; and
- (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal.

CONSEQUENCES OF THE REPRESENTATION

We are obliged, under the rule cited above, to inform you of any actual or reasonably foreseeable adverse effects of this representation. It is possible that conflicts between the FCTA and FCRTA may develop into disputes. This scenario could have potentially problematic results in regard to our representation of the FCRTA, specific examples of which are:

- Someone may argue that we would be tempted to favor the interests of one client over the other.
- Our exercise of independent judgment to the FCRTA may be impaired or clouded by our pre-existing relationship with FCTA.
- We may not be able to present the appropriate position, claims or defenses for one client in order to avoid taking adverse positions to the other client.
- We may be restricted from forcefully advocating a client's position for fear of alienating the other client.
- We may be forced to withdraw from representing either or both clients because of disputes or further conflicts of interest which could increase either or both clients' attorney's fees and costs.
- There may be an appearance of impropriety in our representation of both clients simultaneously.

Our office believes that we can adequately mitigate any risks of these consequences, especially since this is for such a discrete task. 1) We will have two different attorneys in our office represent each side of the contract; 2) neither attorney will have access to the other's files or documents as regards this contract; and 3) the two attorneys will not discuss the matter with each other, except in arm's-length negotiations on behalf of their respective clients when authorized by the clients to do so, and 4) each attorney will report to different superiors with any issues that arise. Moreover, this is simply a contract for the administration of grant funding and the parties have a preexisting governmental relationship. Under these circumstances, the parties do not appear to be adverse with respect to this transaction. As regards reviewing the subject contract, the attorney representing FCRTA will report to Chief Deputy Brian Melikian, and the attorney representing the FCTA will report to County Counsel Dan Cederborg.

YOUR CONSENT

If you wish to have our office to represent the FCRTA in this matter, we will need to have the FCRTA Board authorize its Chairman to sign this consent letter. It is understood that this consent will not prevent County Counsel from representing the FCRTA now or in the future, and

will not waive any protection that you may have with regard to attorney-client communications with us in this matter. Those communications will remain confidential and will not be disclosed to any third party without your consent. The files will be kept separate and there will be no communication regarding the respective representations except as among those persons solely working for that entity.

If there is any material change in the circumstances described above, or we become aware of new information that requires a new consent from the parties, you will be notified of that fact immediately, and in such event our continued representation will be subject to the informed written consent of both involved parties in connection therewith.

Your execution of this consent letter will constitute an acknowledgment of full disclosure in compliance with the requirements of Section 1.7 of the California Rules of Professional Conduct previously quoted above.

ACCEPTED AND RECOMMENDED FOR APPROVAL



Moses Stites, General Manager
Fresno County Rural Transit Agency

ACCEPTED AND APPROVED

David Cardenas, Chairman of the Board
Fresno County Rural Transit Agency



National Rural Transit Assistance Program

5 Wheeling Ave, Woburn, MA 01801 | 888-589-6821

grants@nationalrtap.org

August 31, 2021

Fresno County Rural Transit Agency

Tania Schleck

tschleck@walkerconsultants.com

Mr. Moses Stites

mstites@fresnocog.org

559-233-6789 ext. 244

2035 Tulare Street, Suite 201

Fresno, California

Subject: Your National RTAP Community Rides Grant Program Award

Dear Ms. Schleck and Mr. Stites,

Upon review of your application to the National RTAP Community Rides Grant Program we are pleased to announce that your project, Fresno County Rural Transit Agency (Application ID: 7569302801), has been competitively selected to receive a funding award. The amount you are being awarded is \$59,500.

Your next step is to log into SurveyMonkey Apply nationalrtap.smapply.org, where you submitted your application, and provide your finalized project scope of work (work plan and performance measurement plan), budget, and timeline, as well as a W-9. For most of the tasks you will be able to reuse and revise elements of your application. Please complete these tasks in Apply at your earliest convenience. Once approved, we will send you the final grant agreement for you to sign. At that point you will be able to begin work on your project.

The National RTAP Project Manager assigned to your project is Elizabeth "Liz" Taylor and her contact information is: etaylor@nationalrtap.org and 781-404-5015.

We will be reaching out to you with more information about the program and an upcoming Grantee Orientation, tentatively scheduled for September 15, 2021 at 2:00 PM ET. For now, please save the date. If you have any questions in the meantime, please email grants@nationalrtap.org.

A public announcement will be made soon through National RTAP communication channels, as well as by the Federal Transit Administration. On behalf of everyone at National RTAP, please accept our enthusiastic congratulations on your award! We look forward to working with you on a successful project.

Sincerely,

National RTAP Grant Review Committee

RESOLUTION # 2021-19

**AUTHORIZATION FOR THE FCRTA NATIONAL RURAL TRANSIT ASSISTANCE PROGRAM
COMMUNITY RIDES GRANT PROGRAM PARTNERSHIP**

WHEREAS, the FCRTA is an eligible project applicant and may receive funding from the US Department of Transportation Federal Transit Administrations' (FTA) National Rural Transit Assistance Program (RTAP) Community Rides Grant Program; and

WHEREAS, the FCRTA applied for a \$100,000 in RTAP Community Rides Grant Program funding to study new transit service that provides Fresno County residents with more access to healthcare and social services facilities in Fresno County; and

WHEREAS, the FCRTA received \$59,500 in Community Rides Grant Program funding to complete the community outreach and transit service planning portion of the study; and

WHEREAS, the Community Rides Grant Program scope of work includes a partnership with Leadership Counsel for Justice & Accountability; and

WHEREAS, \$8,050 of the \$59,500 would be allocated to Leadership Counsel for Justice & Accountability to assist with the community outreach efforts.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the FCRTA authorizing the partnership with Leadership Counsel for Justice & Accountability to conduct the community outreach efforts for the project.

NOW THEREFORE, BE IT FURTHER RESOLVED that the General Manager, be authorized to make financial decisions, be authorized to enter into a contract with FTA, and implement the RTAP Community Rides Grant Project.

AGENCY BOARD DESIGNEE: MOSES STITES, GENERAL MANAGER

Passed and approved this 30th day of September, 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

Signed _____
David Cardenas, Chairman

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 30th day of September, 2021.

Signed _____
Moses Stites, General Manager