

SPECIAL MEETING - Policy Advisory Committee
Friday, October 8, 2021
10:00 AM

Meeting held via Zoom.

Andy Haussler, City of Clovis
Dario Dominguez, City of Fowler
John Jansons, City of Kerman
Alexander Henderson, City of Kingsburg
Cristian Gonzalez, City of Mendota
Nicole Zieba, City of Reedley
Matt Flood, City of San Joaquin
Tim Chapa, City of Sanger
Ralph Jimenez, City of Selma
Jean Rousseau, County of Fresno
Edgar Hernandez, Caltrans
Tony Boren, Fresno COG

The special meeting was called to order at 10:03 a.m. by Mr. Rousseau (Fresno County), Vice Chair. With ten members present, there was a quorum to conduct business.

I. AB 361 -- Future Committee Meeting Format (Robert Phipps) [ACTION]

Mr. Phipps (FCOG) reported that on September 15, 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 October 1, so long as they make specific findings every 30 days, and ensure conditions related to public participation are satisfied. Under the Brown Act, both TTC and PAC 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 TTC/PAC, 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 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.

After an opportunity for public comment, Mr. Chapa (Sanger) motioned and Mr. Jansons (Kerman) seconded to approve to continue meeting via teleconferencing/videoconferencing finding that a state of emergency continues to directly impact the ability of members to meet safely in person. 10 yes, motion passed.

II. PUBLIC PRESENTATIONS

A. Public Presentations –

There were no public presentations

The meeting was adjourned at 10:10 a.m.