

Fresno COG Policy Board

Date: Thursday, February 24, 2022
Time: 5:30 PM
Place: *Via Zoom and at COG Sequoia Conference Room*
2035 Tulare St., Ste 201

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**THE FRESNO COG POLICY BOARD WILL TAKE PLACE
IN PERSON AT THE FRESNO COG SEQUOIA ROOM AND VIA ZOOM.**

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THOSE ADDRESSING THE POLICY 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.

Fresno County Rural Transit Agency Meeting Package - Meeting will follow Policy Board Meeting

Exhibits:

FCRTA Agenda

FRESNO COG POLICY BOARD AGENDA AND ANNOTATED AGENDA IN PDF FORMATTING FOR PRINTING

Exhibits:

Agenda Annotated Agenda

I. TRANSPORTATION CONSENT ITEMS

About Consent Items:

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Policy Board or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Policy Board concerning the item before action is taken.

A. Executive Minutes of January 27, 2022 [APPROVE]

Exhibits:

January Minutes

B. Second Quarterly Financial and Work Element Report (Les Beshears) [INFORMATION]

Exhibits:

Second Quarter Report

C. Fiscal Year 2022-23 Local Transportation Fund (LTF) Preliminary Estimates (Les Beshears) [INFORMATION]

Exhibits:

Draft Apportionment

Summary: Preliminary Local Transportation Fund (LTF) estimates released in February help inform member agencies' budgets for the upcoming year. The final estimates will be adjusted to include state Department of Finance 2022 population numbers and presented for the Board to adopt in May. The County Auditor/Controller has estimated the fiscal year 2022-23 LTF apportionment at \$52 million. This represents a \$9.1 million (21 percent) increase from last year's estimate.

Action: Information. The Policy Board may provide further direction at its discretion.

D. Fiscal Year 2022-23 State Transit Assistance (STA) Preliminary Estimates (Les Beshears) [INFORMATION]

Exhibits:

Draft Apportionment

Summary: Preliminary State Transit Assistance (STA) estimates released in February help inform member agencies' budgets for the upcoming year. The final estimates will be adjusted to include state Department of Finance 2022 population numbers and presented for the Board to adopt in May. The State Controller's Office has estimated the fiscal year 2022-23 STA apportionment at \$11,274,114. This represents a \$2,924,412 (35 percent) increase from last year's estimate.

Action: Information. The Policy Board may provide further direction at its discretion.

E. Fiscal Year 2022-23 State of Good Repair (SGR) Preliminary Estimates (Les Beshears) [INFORMATION]

Exhibits:

Draft Apportionment

Summary: Preliminary State of Good Repair (SGR) estimates released in February help inform member agencies' budgets for the upcoming year. The final estimates will be adjusted to include state Department of Finance 2022 population numbers and presented for the Board to adopt in May. The State Controller's Office has estimated the fiscal year 2022-23 SGR apportionment at \$1,856,930. This is up \$71,122 (4 percent) from last year's estimate.

Action: Information. The Policy Board may provide further direction at its discretion.

F. Fiscal Year 2021 Transit Productivity Evaluation Report (Jeff Long) [ACTION]

Exhibits:

Transit Productivity Evaluation

Summary: A productivity evaluation is conducted annually to assess transit operators that receive State Transportation Development Act funds and to recommend potential productivity improvements. The California Public Utilities Code 99244 requires that “Each transportation planning agency shall annually identify, analyze, and recommend potential productivity improvements which could lower the operational costs of transit operators who operate at least 50 percent of their vehicle service miles within the area under its jurisdiction.” If the responsible entity determines that the operator has not made a reasonable effort to implement the recommended improvements, then local transportation funds allocated to that operator cannot exceed the appropriation from the prior year.

The FY 2021 productivity evaluation assesses the following transit agencies:

1. Fresno Area Express and Handy Ride
2. Clovis Stageline and Roundup
3. Fresno County Rural Transit Agency
4. Consolidated Transportation Services Agencies for the metropolitan and rural areas.

The Social Service Transportation Advisory Council (SSTAC) reviewed and accepted the FY 2021 Transit Productivity Report on Jan. 18.

Action: Staff, SSATC and the TTC/PAC recommend the Policy Board accept the FY 2021 Transit Productivity Evaluation Report.

G. Circuit Planner and Engineer Program Update (Meg Prince) [INFORMATION]

Summary: Fresno COG has contracted with Rincon Consultants and subconsultants Collins & Schoettler and VSCE to provide services under the Circuit Planner and Engineer Program since 2019. The Circuit Planner and Engineer Program provides technical assistance to the small cities in Fresno County for efforts that further Regional Transportation Plan and Sustainable Communities Strategy goals. Such assistance may include but is not limited to planning studies, project deliveries, grant applications, environmental documents, engineering services (i.e., conceptual design or preliminary engineering), permitting needs assessment, and quality (QA/QC) reviews as needed.

Additional information, as well as resources such a Zoning Evaluation Tool and Model Zoning Book, can be found on the program website: <https://www.fresnocog.org/project/circuit-planner-engineer-program/>

SB 743 Guidance

The circuit planner developed a report to provide guidance to small cities for determining whether a project has a significant VMT impact and, if so, guidance for mitigating the impact. This document includes background on VMT impacts, a guide to determine if a project is exempt from CEQA or has a less than significant VMT impact, and available mitigation. Included in the appendix is a sample resolution for adopting CEQA VMT thresholds.

FCOG CEQA VMT Guidance for Small Cities - DRAFT

For a meeting to discuss how the Circuit Planner or Circuit Engineer can assist your jurisdiction, please contact Meg Prince at mprince@fresnocog.org.

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

H. Fresno COG Unmet Transit Needs Assessment for Fiscal Year 2022 (Todd Sobrado) [INFORMATION]

Summary: The 2022 Unmet Transit Needs (UTN) kicked off at the January SSTAC meeting on Tues., Jan. 18.

At the beginning of each fiscal year, Fresno COG determines the Transportation Development Act (TDA) funds available from the Local Transportation Fund (LTF) for local agencies within Fresno County. Allocations are provided in four categories: bicycle and pedestrian facilities, social services transportation, regional transportation planning, and public transportation. Prior to allocating LTF funds for local streets and roads in individual jurisdictions, Fresno COG must identify any unmet transit needs that may exist in that jurisdiction that are reasonable to meet. The Annual Unmet Transit Needs Assessment is conducted for that purpose and to make any related findings.

Public outreach is an essential and required component of the Unmet Transit Needs Assessment. This year, the public outreach component of the UTN will consist of both in-person and virtual events.

In-person public outreach will consist of six events and a public hearing, with the first meeting kicking off on Tues., Feb. 8 at the Betty Rodriguez Library in the City of Fresno. Two other in-person events are scheduled for the City of Fresno: Thurs., Feb. 10 at the Mosqueda Center, and Sat. Feb. 26 at Fresno COG.

The in-person outreach event for the City of Clovis is scheduled for Tues, Feb. 22 at the Clovis Senior Center.

Two public outreach events are planned for rural Fresno County in Fowler and Kerman. The first is scheduled in Fowler on Wed., Feb. 16 at Fowler City Hall. The second event is scheduled in Kerman the following Wednesday, Feb. 23 at the City of Kerman Community Center.

Virtual events are scheduled for Thurs., Feb. 17 throughout the day using Zoom. The first event runs from 9 to 10 a.m., the second between 2 and 3 p.m., and the third and final event between 6 and 7 p.m.

Public outreach events conclude with a public hearing at the Fresno COG Policy Board meeting on Thurs., April 28.

The schedule for all public outreach activities, including meeting times, addresses, and call-in information for the virtual events can be found on the Fresno COG website at www.fresnocog.org/unmet-transit-needs-assessment/.

The second component of the public outreach process consists of an online survey available in English and Spanish at www.publicinput.com/UnmetTransitNeeds/. The survey will be available through early March. Transit riders and stakeholders are encouraged to provide feedback that will be incorporated into the final report.

The third and final form of outreach consists of comment cards that stakeholders and transit riders can complete and send to Fresno COG.

To generate interest and awareness in the UTN and the survey, staff sent flyers to interested transit riders and stakeholders named on a mailing list containing 337 contacts. Fresno COG staff will also seek to conduct an advertising campaign on Facebook that will be limited to Facebook users within Fresno County through the final public outreach event in late February.

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

I. **New Member Appointment and Re-Appointments for the Social Services Transportation Advisory Committee (Todd Sobrado) [APPROVE]**

Summary: Fresno COG's Policy Board formed the Social Services Transportation Advisory Committee (SSTAC) in May 1988 to: respond to state legislation, coordinate social service transportation, assist the Board in identifying transit needs throughout Fresno County, review and recommend action for Fresno COG to address at its unmet transit needs hearing, and advise Fresno COG on any other transit issues. The Board appoints SSTAC members for two-year terms.

There were two new appointments to SSTAC at the January 2022 meeting. The first is Thomas Dulin, Interim Transit Director at Fresno Economic Opportunities Commission (FEOC). The second is Stacy Francis of the Central Valley Resource Center. She is stepping into the position vacated by Mr. Bill

Hyatt, the long-time former chair of the SSTAC.

Nominated for reappointment to the Council is Matthew Gillian, a resident of Clovis within Fresno County for a term that expires in January 2024.

Article III, Section 99238 of the Transportation Development Act (TDA) requires a minimum number of SSTAC members in specific categories. There is no maximum number specified in the TDA, and in the interest of diversity, staff is seeking additional nominations, specifically, members who represent minority groups, social service providers for seniors, and potential transit users. A complete list of SSTAC members is included in the agenda package.

Action: Staff, TTC & PAC recommend the Policy Board approve appointing Mr. Thomas Dulin and Stacy Francis to SSTAC and reappointing Matthew Gillian to the Committee for another two-year term.

J. **2022 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Notice of Funding Availability (Robert Phipps) [INFORMATION]**

Summary: The federal Department of Transportation has published the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) 2022 notice of funding availability, which includes \$1.5 billion, up from \$1 billion last year.

Eligible projects are those "capital investments in surface transportation that will have a significant local or regional impact" and that "improve safety, economic strength and global competitiveness, equity, and climate and sustainability." Statutory primary selection criteria are: safety, environmental sustainability, quality of life, economic competitiveness and opportunity, state of good repair, and mobility and community connectivity.

At least 5 percent of available funding, or \$75 million, will be awarded for project planning, preparation or design. At least 1 percent of available funding, or \$15 million, be awarded to projects located in historically disadvantaged communities or areas of persistent poverty.

All RAISE projects, including planning projects, have minimum award amounts; the minimum award for urban projects is \$5 million and the minimum award for rural projects is \$1 million. A project maximum request of \$25 million remains the same.

Applications are due by April 14, and award announcements are anticipated in August.

<https://www.transportation.gov/RAISEgrants/raise-nofo>

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

II. **TRANSPORTATION ACTION/DISCUSSION ITEMS**

A. **Regional Housing Needs Allocation (RHNA) Proposed Methodology (Meg Prince) [PUBLIC HEARING]**

Exhibits:

FCOG Proposed RHNA Methodology

BACKGROUND: Fresno COG, as the council of governments for the Fresno County region, is responsible for developing a methodology to allocate the overall housing need by income tier, as determined by the California Department of Housing and Community Development (HCD), to each jurisdiction in the region, in accordance with Government Code Section 65580.

Final Regional Housing Need Determination

HCD issued Fresno COG its final Regional Determination in December 2021. The Fresno County region's housing need for the planning period of June 2023 to December 2031 totals 58,298 housing units. The final determination was reduced by 7,911 units compared to Fresno COG's draft housing need determination of 66,209 units. Additional detail is available in the [Final Regional Housing Need Determination Letter](#) as well as in a [memo issued to the RHNA Subcommittee on Jan. 10](#).

Proposed Methodology: Fresno COG will present the proposed allocation methodology. Additional

details are provided in the proposed methodology document, which is also attached to this agenda item.

Table 2. Summary of the Proposed Methodology

Base Allocation	Adjustment Factors	Income Shift
50% share of existing population	35% percent of non-vacant housing units	150%
50% share of projected population growth	20% TCAC opportunity score	
	12.5% share of existing jobs	
	12.5% share of projected job growth	
	20% share of unconstrained land	

County Cap

The County of Fresno requested that the RHNA Subcommittee consider three different potential caps on the County’s allocation, which would shift some units away from the unincorporated County and reassign them to cities.

Allocating fewer units to the unincorporated County would further the statutory RHNA objectives to promote infill development and an improved jobs-housing balance, protect agricultural resources, and achieve a reduction in greenhouse gas emissions (GHG). Additionally, reducing the County’s allocation would support the preferred Sustainable Communities Strategy scenario selected by Fresno COG’s Policy Board in October 2021, which directs growth to urban centers to reduce vehicle miles traveled (VMT) and GHG.

Table 3 illustrates three potential scenarios for reallocating the County’s allocation, with caps of 2,000, 2,350, and 2,700 units for the County. Fresno COG presented these three caps for consideration to the Subcommittee during its Jan. 19. meeting. The RHNA Subcommittee voted to recommend the 2,350 unit cap, which is highlighted in yellow.

Table 3. County Cap Scenarios

Jurisdiction	Initial Factor- Adjusted Allocation	Proposed County Cap Scenarios		
		Potential County Allocation: Cap = 2,000 Units	Potential County Allocation: Cap = 2,350 Units	Potential County Allocation: Cap = 2,700 Units
Clovis	8,759	9,033	8,977	8,921
Coalinga	552	569	566	562
Firebaugh	432	446	443	440
Fowler	331	341	339	337
Fresno	35,972	37,097	36,866	36,636

Huron	311	321	319	317
Kerman	1,037	1,069	1,063	1,056
Kingsburg	861	888	882	877
Mendota	626	646	642	638
Orange Cove	458	472	469	466
Parlier	715	737	733	728
Reedley	1,428	1,473	1,463	1,454
Sanger	1,458	1,504	1,494	1,485
San Joaquin	195	201	200	199
Selma	1,456	1,502	1,492	1,483
Unincorporated County	3,707	2,000	2,350	2,700
Total	58,298	58,298	58,298	58,298

Draft Sixth-Cycle Allocations

The resulting distribution of units across all income tiers is shown in **Table 4**.

Table 4. Distributions by Jurisdiction by Income Tier

Jurisdiction	Very Low		Low		Moderate		Above Moderate		Total Housing Units
	%	Housing Units	%	Housing Units	%	Housing Units	%	Housing Units	
Clovis	32.6%	2,926	17.3%	1,550	16.1%	1,447	34.0%	3,054	8,977
Coalinga	27.7%	157	17.0%	96	15.7%	89	39.6%	224	566
Firebaugh*	20.5%	91	10.4%	46	17.2%	76	51.9%	230	443
Fowler	27.7%	94	16.5%	56	14.2%	48	41.6%	141	339
Fresno	25.8%	9,493	16.0%	5,884	15.2%	5,591	43.1%	15,898	36,866
Huron*	12.5%	40	14.1%	45	18.5%	59	54.9%	175	319
Kerman*	26.8%	285	12.7%	135	15.7%	167	44.8%	476	1,063
Kingsburg	28.1%	248	18.3%	161	17.1%	151	36.5%	322	882
Mendota*	18.1%	116	10.4%	67	17.0%	109	54.5%	350	642

Orange Cove*	12.6%	59	10.2%	48	19.8%	93	57.4%	269	469
Parlier*	18.0%	132	13.1%	96	16.5%	121	52.4%	384	733
Reedley*	27.6%	404	12.5%	183	14.4%	210	45.5%	666	1,463
Sanger*	27.6%	412	12.9%	193	16.4%	245	43.1%	644	1,494
San Joaquin*	17.0%	34	14.0%	28	20.0%	40	49.0%	98	200
Selma*	26.5%	395	11.0%	164	15.5%	231	47.1%	702	1,492
Unincorporated County	30.0%	706	16.6%	391	15.7%	370	37.6%	883	2,350
HCD Requirement	26.7%	15,592	15.7%	9,143	15.5%	9,047	42.1%	24,516	58,298

*Note: The initial income-shift adjustment results in a discrepancy between the regional determination by income tier and the sum of allocations by income tier. To address this, Fresno COG made manual adjustments that resulted in reduced allocations of the very low- and/or low-income tiers for jurisdictions, with an existing share of units in these income tiers that is greater than the regional determination and corresponding increases to those jurisdiction's allocations in the moderate- and above moderate-income tiers.

Additional manual adjustments (of 1.0 or -1.0) were made to address discrepancies with the total allocation and the sum allocations by income tier resulting from rounding in previous steps.

Project background, meeting agendas, and slides are available on Fresno COG's RHNA project site: <https://www.fresnocog.org/project/fresno-county-regional-housing-needs-allocation-plan/>

NEXT STEPS

The public comment period for the proposed methodology opened on Feb. 1 and will close March 2. Written comments should be submitted to Meg Prince at mprince@fresnocog.org. Tonight's action includes a formal public hearing on the methodology as required by statute.

Fresno COG will solicit input from its committees, which -- along with any public comments received -- will inform any revisions before the draft methodology is submitted to HCD for a comprehensive, 60-day review.

The final methodology will return to the TTC, PAC, and Policy Board for approval in spring 2022.

Action: Staff, the TTC and PAC recommend two actions: 1) Open the public hearing; receive comments; close the public hearing. 2) Discuss and provide direction on the Sixth-Cycle Proposed RHNA Methodology, including the draft housing unit allocation, before submittal to HCD for a 60-day review.

B. 2022 Safety Performance Targets - PM1 (Santosh Bhattarai) [ACTION]

Exhibits:

Caltrans Safety Target Report Fresno COG 2022 Safety Targets

Summary: The Moving Ahead for Progress in the 21st Century (MAP-21) and the Fixing America's Surface Transportation Act (FAST Act) require metropolitan planning organizations (MPOs) to set annual targets for five safety performance measures.

- Number of fatalities

- Rate of fatalities per 100 million vehicle miles traveled (VMT)
- Number of serious injuries
- Rate of serious injuries per 100 million VMT
- Number of non-motorized fatalities and serious injuries

MPOs can either choose to support the statewide target or set a separate regional target. In the previous target-setting iterations, Fresno COG set its own targets for 2018 while supporting the statewide targets for 2019 through 2021. This year also, Caltrans set the statewide safety targets using an evidence-based (trendline) approach consistent with the California Strategic Highway Safety Plan (SHSP). There is a 3.61% annual reduction in fatalities and a 1.66% annual increase in serious injuries. The white paper for Caltrans' PM1 2022 Safety Performance Management Target-Setting is attached.

Each year, Fresno COG analyzes the historical datasets and recommends different target setting options to discuss with the safety committee, which comprises technical staff and safety planners from multiple jurisdictions in Fresno County. The committee convened on Jan. 26 to discuss the appropriate methodology/option, and there was a consensus for supporting the statewide targets for this year.

Action: Staff and TTC/PAC recommend the Policy Board support the statewide targets for all five safety performance measures for 2022.

C. **Regional VMT Mitigation Program Study Consultant Selection Recommendation (Kristine Cai/Braden Duran) [APPROVE]**

Exhibits:

 Scope of Work

Summary: SB 743 requires that level-of-service (LOS), used in measuring transportation impacts in CEQA, be replaced with another metric that will “promote reduction of greenhouse gas emissions, the development of multi-modal transportation system and a diversity of land use development.” The Office of Planning and Research (OPR) recommended VMT as the new metric. Fresno COG developed SB 743 Implementation Regional Guidelines in 2020, which provides tools for local governments to implement SB 743 should they decide to endorse the recommendations in the guidelines. The SB 743 Implementation Regional Guidelines document is available at: <https://www.fresnocog.org/project/sb743-regional-guidelines-development/>. Since July 1, 2020, when SB 743 took effect, many jurisdictions in Fresno County have taken action to approve policies regarding SB 743 implementation.

Owing to a lack of clear guidance, VMT mitigation remains an outstanding issue within SB 743 implementation. Projects with significant VMT impacts can't move forward due to a lack of defined, quantifiable and feasible mitigation measures. A regional-level VMT mitigation program may be the most effective means of providing pathways for VMT mitigation. This study will review literatures and best practices regarding VMT mitigation, and explore options such as a VMT mitigation bank, VMT mitigation exchange, regional VMT impact fees, etc. The study will identify pros and cons for the various techniques, and establish a framework for a potential regional VMT mitigation program in the Fresno region.

Fresno COG released an RFP for the study in December 2021 and received three proposals. An interview panel that comprised Fresno COG, City of Clovis, City of Fresno, Fresno County, and representatives from the eastside cities (Reedley) and the westside cities (Kerman) conducted interviews for the consultant teams on Jan. 31. The interview panel unanimously recommended that Kimley-Horn be selected. Kimley-Horn has extensive experience and knowledge in SB 743. The firm has prepared SB 743 policies, guidelines and VMT mitigation solutions for over 20 jurisdictions in the state and have a history of successfully implementing complex fee programs.

Attached is the study scope. The project is expected to kick off in early March, and be completed in early 2023. Please contact Kristine Cai at kcai@fresnocog.org or Braden Duran at bduran@fresnocog.org for any questions.

Action: Staff, TTC & PAC recommend the Policy Board authorize the executive director to enter into a contract with Kimley-Horn for an amount not to exceed \$219,905.61 to conduct the Regional VMT Mitigation Program Study.

D. **Golden State Boulevard Project Contract and Cooperative Agreement Amendment (Jennifer Soliz) [APPROVE]**

Summary: In April 2016, Fresno COG contracted with Mark Thomas for design engineering services on the Golden State Boulevard (GSB) project as approved in the Measure C expenditure plan. The GSB project has progressed to the 100% design phase.

After design reviews with Union Pacific Railroad (UPRR) and California Public Utilities Commission (CPUC), additional work not included in the original scope was required. This included: new irrigation controllers, new lighting to address safety, signal warrant memos for multiple intersections, traffic signal designs, adding sidewalks and acceleration lanes, geometric designs and revisions for various intersections, separate plans for the Class 1 bicycle trail, and additional coordination with UPRR.

This additional work will result in a \$240,132 increase to the Mark Thomas contract for a total contract cost of \$4.6 million. Fresno COG will also need to increase its funding cooperative agreement with Fresno County Transportation Authority (FCTA) by the same amount to a new total of \$5.9 million.

Action: Staff, TTC & PAC recommend the following actions: 1) The Policy Board approve a \$240,132 increase to the Mark Thomas contract for design engineering of tasks that were not included in the original scope of the Golden State Boulevard contract. 2) The Policy Board approve the \$240,132 increase to the cooperative funding agreement with FCTA.

E. **2022-23 Draft Overall Work Program and Budget (Robert Phipps) [ACTION]**

Exhibits:

Executive Summary

Summary: The fiscal year (FY) 2022-23 Overall Work Program (OWP), totaling \$46.1 million, is submitted for public review.

The proposed budget increased \$10.4 million from last year, primarily from \$7.8 million in anticipated funding from the Regional Early Action Planning (REAP) Program. In addition, Fresno COG member agencies agreed to contribute \$2 million to fund a multijurisdictional housing element. The budget contains fully funded, multi-year projects, and as these “one-time” funds are spent they are not reflected in subsequent years’ budgets.

Federal revenues decreased less than 1 percent (\$55,000). The budget also includes a new \$1 million federal Accelerator Grant to provide for phase three of the California Inland Port. Meanwhile, FTA 5310 apportionments decreased \$771,000, reflecting buses that were procured and distributed to transit operators last year.

State revenues increased 80 percent, primarily due to the REAP grant.

Local revenues increased 17 percent (\$2.4 million), largely due to financial commitments for the multijurisdictional housing element.

Staffing & Benefits:

There are no new Fresno COG planning positions included in this year’s proposed budget however, a number of positions turned over last year reflecting younger employees at lower salary and benefit rates. Contingencies are carried for merit-based salary increases as well as for anticipated health insurance increases. The overall proposed budget for salaries increased by 3 percent and benefits by 1 percent.

Consulting

The overall consulting budget is \$14.5 million, an increase of \$3.4 million. New consulting projects are discussed in detail in the full summary attached to the agenda.

Staff will accept comments on the OWP and budget in March/April and return for approval of the final document in May. The complete document is available at [2022-23-OWP-Draft](#).

Action: Staff, TTC and PAC recommend the Policy Board release the draft 2022-23 Overall Work Program and budget for public review.

F. **Measure C Renewal Update (Tony Boren) [INFORMATION]**

Summary: Staff will provide a short update on the Measure C renewal process and timeline.

Action: Information and discussion. The Policy Board may provide additional direction at its discretion.

G. Caltrans Report (Caltrans) [INFORMATION]

III. ADMINISTRATIVE CONSENT ITEMS

About Consent Items:

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A. AB 361 - COVID Contingency Board/Committee Meeting Format (Robert Phipps) [ACTION]

Exhibits:

 Resolution 2022-01

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, 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 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.

Action: Staff recommends two actions:

1) That the Board issue the following finding: 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, and direct staff to continue offering video/teleconferencing provisions for all Fresno COG committee and Board meetings through March 24.

IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

A. **San Joaquin Valley Regional Policy Conference (Robert Phipps) [INFORMATION]**

Exhibits:

Conference Flyer Sponsorship Form Blueprint Award Nomination

Summary: Fresno COG will host the 15th annual San Joaquin Valley Regional Policy Conference Wednesday through Friday, May 11-13, at the Clovis Veterans Memorial District in downtown Clovis.

The conference will offer multiple opportunities for attendees to explore the charms of Old Town Clovis, beginning with a reception hosted by QK at 5:30 p.m. Wednesday, May 11 in Centennial Plaza. Thursday will include a full day of plenary sessions, breakout workshops and tours of Clovis' trail system, "tiny homes" examples, and other highlights via trolley. The annual Blueprint awards, honoring outstanding individuals, developments and planning projects, will be celebrated with a gala luncheon.

Elected officials are especially welcomed for the two-day event to hear topics including the future of State Route 99, state and federal funding opportunities, Valleywide housing issues and other critical issues in the planning realm. Registration is available through sjvcogs.org/events. While sponsorships are still being solicited, the sponsor list includes: Mark Thomas, AECOM, Mintier Harnish, Michael Baker, QK Inc., the California Partnership for the San Joaquin Valley and the San Joaquin Regional Rail Commission.

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

B. **Return to In-Person Meetings (Robert Phipps) [DISCUSSION/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, seven city councils in the Fresno County region have resumed in-person or "hybrid" meetings that allow for in-person attendance: Clovis, Coalinga, Kingsburg, Parlier, Reedley, Sanger and Selma. Of those seven, Coalinga, Kingsburg and Parlier are holding meetings entirely in person.

As the COVID pandemic has alternately spiked and receded, Fresno COG 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. Administrative consent calendar item A, approved earlier, is a standing, contingency item available as long as Board members continue to issue findings that current conditions warrant avoiding public meetings for the sake of protecting public health and safety; however, the Board is free to resume in-person meetings at its discretion.

On Feb. 10, Assemblymember Alex Lee (San Jose) introduced AB 1944, which, if approved, would allow legislative bodies to teleconference meetings from remote locations (within specified limits) and the public could access those meetings to address the body via a videostream.

Action: Discussion and potential action, subject to the Policy Board's direction.

V. **OTHER ITEMS**

A. **Items from Staff**

B. **Items from Members**

VI. **PUBLIC PRESENTATIONS**

A. **Public Presentations**

This portion of the meeting is reserved for persons wishing to address the Policy Board on items within

its jurisdiction but not on this agenda. **Note: Prior to action by the Policy Board on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to three minutes.**