



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

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

DATE: Thursday, September 1, 2022
TIME: 5:30pm **AFTER** the Fresno Council of Governments (FCOG) Meeting
PLACE: FCOG / FCRTA Offices
Sequoia Conference Room and Zoom Webinar
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.

FRESNO COUNTY RURAL TRANSIT AGENCY SPECIAL BOARD MEETING WILL TAKE PLACE IN PERSON AT THE FRESNO COG SEQUOIA ROOM AND VIA ZOOM.

TO JOIN THE ZOOM WEBINAR:

https://us06web.zoom.us/join/register/WN_VuEPK1mQf-yB7wfpKK4MQ

JOIN BY PHONE: (669) 900-6833 MEETING ID: **870 5989 9742**

If you wish to join by phone, please enter the meeting ID followed by # 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.

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, Partier, Reedley, Sanger, San Joaquin, Selma & Fresno County

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 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 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 Sept. 30, and direct staff to continue providing video/teleconferencing provisions for all Fresno COG and FCRTA committee and Board meetings through Sept. 30.

3.ACTION ITEMS

A. Rejection of Claim [APPROVE]

Summary: On August 4, 2022 FCRTA received a claim submitted on behalf of Victor Nava by the B&D Law Group of Los Angeles, CA. The claim relates an incident which allegedly occurred on February 25, 2022 on a bus in the City of Fresno, at or near the intersection of E. Floradora Ave. and N. Cedar Ave. Attached is the Claim for Damages form and proposed Rejection Letter for your review (ATTACHMENT).

The facts alleged in the claim demonstrate that the injury could not have occurred on equipment owned by FCRTA or as a result of the acts of any FCRTA agent or employee.

Action: Staff recommends the Board (a) adopt Resolution No. 2022-13, rejecting the August 4, 2022 claim of Victor Nava and (b) direct staff to send a notice of rejection to Mr. Nava or his attorney.

4.ADJOURNMENT



Fresno County Rural Transit Agency

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

September 1, 2022

Daniel Geoulla
B&D Law Group, APLC
10700 Santa Monica Blvd., Suite 200
Los Angeles, California 90025

On behalf of Victor Nava, an Individual

NOTICE OF REJECTION OF CLAIM

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Fresno County Rural Transit Agency on August 4, 2022 on behalf of Darnise Fielder, was rejected by the Board of Directors on September 1, 2022.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. (See Government Code Section 945.6.) "The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act." 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, Executive Director
Fresno County Rural Transit Agency

c. Cassandra Angel, FCRTA Special Counsel

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SERVICE BY MAIL

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

I, Moses Stites, 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 September 1, 2022, I served a copy of the attached **Notice of Rejection of Claim** on the Claimant's attorney by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box in the City of Fresno, County of Fresno, State of California, addressed as follows:

Daniel Geoulla
B&D Law Group, APLC
10700 Santa Monica Blvd., Suite 200
Los Angeles, California 90025

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 1st day of September, 2022, in Fresno, California.

Moses Stites
General Manager

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BEFORE THE BOARD OF DIRECTORS
FRESNO COUNTY RURAL TRANSIT AGENCY

IN THE MATTER OF:

Claim for Damages Filed on Behalf of
VICTOR NAVA, an individual.

DENIAL OF CLAIM

Resolution No. 2022-13

Acting upon the recommendation of Staff and upon motion duly made, seconded and carried, IT IS ORDERED that the claim for damages submitted by Attorney Daniel Geoulla, of the B&D Law Group, APLC, 10700 Santa Monica Blvd., Suite 200, Los Angeles, California 90025, on behalf of Victor Nava, the amount within Unlimited Civil Court limits, filed on August 4, 2022, is hereby DENIED.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno County Rural Transit Agency this 1st day of September, 2022.

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Signed: _____
Michelle Roman, Chairperson

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 1st day of September, 2022.

Signed: _____
Moses Stites, General Manager

B&D LAW GROUP, APLC

10700 SANTA MONICA BOULEVARD, SUITE 200

LOS ANGELES, CALIFORNIA 90025

TEL: (310) 424-5252

FAX: (310) 492-5855

CLAIM FOR DAMAGES

(Government Code §911.2)

TO: FRESNO COUNTY RURAL TRANSIT AGENCY

SENT VIA CERTIFIED MAIL:

Fresno County Rural Transit Agency

Moses Stites, General Manager

2035 Tulare Street Suite 201

Fresno, CA 93721

RE: Victor Nava
Date of Incident: 02/25/2022
Our File Number 19771

Name of Claimant(s): Victor Nava

Mailing Address of Claimant:

10700 Santa Monica Blvd. Ste. 200 Los Angeles, CA 90025-4768

Give Address to Which You Desire Notices or Communications to be Sent regarding this Claim:

B&D LAW GROUP, APLC , 10700 Santa Monica Blvd., Suite 200, Los Angeles, California 90025-4768

How Did Damage or Injury Occur? Give full particulars:

Victor Nava was riding in the bus. Then the bus driver closed the doors on Mr Nava's arm as he was getting off the bus.

Name of Agency against which this claim is filed?

Fresno County Rural Transit Agency

When Did Damage or Injury Occur? Give full particulars; date, time of day:

February 25, 2022 at approximately 7:00pm

Where Did Damage or Injury Occur? Describe fully.:

City of Fresno near E. Floradora Ave and N. Cedar Ave

RECEIVED

AUG 04 2022

By: FRESNO COG

City of Fresno
Attention: Fresno County Rural Transit Agency
RE: Darnise Fielder
Page 2 of 2

What Particular Act or Omission Do You Claim Caused the Injury or Damage?

The public entity was negligent in their use, design, maintenance, and operation of the bus. Their employee was negligent and careless by making an unsafe movement causing the doors to be closed on the claimant's left arm. The public entity was also negligent and careless for not properly maintaining and/or inspecting for the passenger's safety while Mr. Nava was getting off the bus. Their employee was negligent for failing to looking prior to shutting the bus doors.

Give Names of employees causing the injury or Damage, if known:

N/A

Names and Address of Witnesses, Doctors and Hospitals:

American Ambulance 2911 E Tulare Ave Fresno, CA 93721
Saint Agnes Medical Center 1303 E. Hendon Ave. Fresno, CA 93720
CEP America California 1601 Cummins Dr. Ste D Modesto, CA 95358-6411
Kenny Hanna, MD 310 3rd Ave. Ste. B4-B5 Chula Vista, CA 91910
Precise Imaging 6710 Kester Ave. Ste. 126 Van Nuys, CA 91405
Kamran Aflatoon, DO 9373 Haven Ave. Ste. 200 Rancho Cucamonga, CA 91730


What Damage or Injuries Do You Claim Resulted? Please give full extent of injuries or damages claimed.

By way of example and without limitation: Injuries to their person and body, including but not limited to left arm.

What is the amount of Your Claim? Please itemize your Damages:

Within the jurisdiction of the Superior Court (Unlimited Civil Case). Demand excess of \$25,000.00.

DATED: 7-26-2022



DANIEL D. GEOULLA, ESQ.
On Behalf of Claimants