

Fresno COG Policy Board  
**SPECIAL MEETING MINUTES**  
Thursday, January 12, 2023  
5:30 PM

**Members Attending:**

Mayor Lynne Ashbeck, City of Clovis  
Mayor James Horn, City of Coalinga  
Mayor Felipe Perez, City of Firebaugh  
Mayor Rey Leon, City of Huron  
Mayor Daniel Parra, City of Fowler  
Mayor Jerry Dyer, City of Fresno  
Mayor Maria Pacheco, City of Kerman  
Council Member, Laura North, City of Kingsburg  
Mayor Victor Lopez, City of Mendota  
Mayor Alma Beltran, City of Parlier  
Mayor Scott Robertson, City of Selma  
Mayor Julia Hernandez, City of San Joaquin  
Tony Boren, Executive Director  
Bryan Rome, Legal Counsel

**Absent:**

Supervisor Sal Quintero, County of Fresno  
Councilmember Mary Fast, City of Reedley  
Mayor Frank Gonzalez, City of Sanger  
Mayor Diana Guerra-Silva, City of Orange Cove

**Quorum:** At the start of the meeting, there were 9 members representing 76.50% of the population. There was a quorum to conduct business. (Clovis, Coalinga, Firebaugh, Fresno City, Kerman, Kingsburg, Mendota, Parlier, Selma). Members Fowler, Huron, San Joaquin, Reedley, Sanger, Fresno County, Orange Cove, absent.

The meeting was called to order at 5:32 p.m. by FCOG Executive Director, Tony Boren.

**I. TRANSPORTATION CONSENT ITEMS**

**A. Executive Minutes:**

1. December 15, 2022 [APPROVE]

**B. AB 361 - COVID Contingency Board/Committee Meeting Format (Robert Phipps) [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, 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.

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 Policy 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, 2023 authorizing 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.

- Mayor Hernandez (San Joaquin) joined the meeting.
- Executive Director, Tony Boren asked if any member wished to pull any items.
- After an opportunity for public comment, Mayor Beltran (Parlier) moved, and Mayor Ashbeck (Clovis) seconded to approve consent items A&B as presented.

**Votes: 10 yes.**

**Absent: Fowler, Huron, Orange Cove, Reedley, Sanger, Fresno County.**

**Motion passed.**

- Mayor Parra (Fowler) and Mayor Leon (Huron) joined the meeting.

## **VI. PUBLIC PRESENTATIONS**

### **A. Public Presentations**

None.

## **VII. ADJOURNMENT**

- Mayor Beltran (Parlier) motioned to adjourn the meeting and Mayor Ashbeck (Clovis) seconded.
- The meeting was adjourned at 5:40 p.m.

Respectfully submitted,



Tony Boren

Public:

None

Staff:

Denise Flores; Kai Han; Robert Phipps; Moses Stites; Janelle Del Campo.