

**Fresno COG Policy Board
MINUTES
Thursday, May 26, 2022
5:30 PM**

Members Attending:

Mayor Jose Flores, City of Clovis
Mayor Brady Jenkins, City of Firebaugh
Councilmember Daniel Parra, City of Fowler
Councilmember Michelle Roman, City of Kingsburg
Mayor Rey Leon, City of Huron
Mayor Gary Yep, City of Kerman
Mayor Rolando Castro, City of Mendota
Mayor Alma Beltran, City of Parlier
Mayor Mary Fast, City of Reedley
Mayor Julia Hernandez, City of San Joaquin
Mayor Eli Ontiveros, City of Sanger
Mayor Scott Robertson, City of Selma
Supervisor Sal Quintero, County of Fresno
Michael Navarro, Caltrans
Bryan Rome, Legal Counsel
Tony Boren, Executive Director

Absent:

Mayor Jerry Dyer, City of Fresno
Mayor Ron Ramsey, City of Coalinga
Mayor Victor Lopez, City of Orange Cove

Quorum: At the start of the meeting, there were 12 members representing 42.95% of the population. There was a quorum to conduct business. (Clovis, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, and Selma, Fresno County). Members Fresno City, Coalinga, Orange Cove absent.

The meeting was called to order at 5:30 p.m. by Councilmember Roman (Kingsburg), Chair.

I. TRANSPORTATION CONSENT ITEMS

- A. Executive Minutes of April 28, 2022 [APPROVE]
- B. Third Quarterly Financial and Work Element Report (Les Beshears) [INFORMATION]
- C. Contract Amendment for the Sixth-Cycle Regional Housing Need Allocation Plan (Meg Prince) [ACTION]
- D. Triennial Performance Audit (Robert Phipps) [ACTION]
- E. Measure C New Tech Multidisciplinary Advisory Group Application Availability (Braden Duran) [INFORMATION]
- F. Access for All Program Call for Projects (Suzanne Martinez) [INFORMATION]
- G. FY 2022-2023 Fresno COG Unmet Transit Needs Assessment Update (Todd Sobrado) [INFORMATION]
- H. Fiscal Year 2022-23 Local Transportation Fund (LTF) Final Estimates (Les Beshears) [APPROVE]
- I. Fiscal Year 2022-23 State Transit Assistance (STA) Final Estimates (Les Beshears) [APPROVE]
- J. Fiscal Year 2022-23 State of Good Repair (SGR) Final Estimates (Les Beshears) [APPROVE]

K. San Joaquin Valley Regional Broadband Consortium Request for Qualifications for Prospective Partners (Robert Phipps) [INFORMATION]

After an opportunity for public comment, Mayor Yep (Kerman) moved and Mayor Flores (Clovis) seconded to approve the consent agenda as presented. Votes: 12 yes, the motion passed. Absent: Coalinga, Fresno City, Mendota, Orange Cove.

II. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Regional Early Action Planning Grant Program of 2021 (REAP 2.0) Advance Application (Meg Prince) [APPROVE]

Summary: The Regional Early Action Planning Grant Program of 2021 (REAP 2.0) builds off REAP 1.0, but expands the program focus by integrating housing and climate goals, and allowing for broader planning and implementation investments, including infrastructure that supports future housing development. The California Department of Housing and Community Development (HCD) administers REAP 2.0 in collaboration with the Office of Planning and Research (OPR), the Strategic Growth Council (SGC), and the State Air Resources Board (CARB).

Funded by \$500 million of Coronavirus State and Local Fiscal Recovery Funds of 2021 (SLFRF) and \$100 million from the State General Fund, REAP 2.0 intends to make funding available to metropolitan planning organizations (MPOs) and other regional entities for transformative planning and implementation activities that meet housing goals and reduce per capita vehicle miles traveled.

Fresno COG is eligible for \$13.6 million in formula funding. COGs may submit an advance application to request up to 10 percent of the funding available to it through the program in advance of a full funding request. The advance funding must be used for regional engagement, education, and outreach in the development of the full funding application.

Fresno COG is drafting the advance application to submit in early June. The advance application will include a request of up to 10 percent of \$13.5 million for administration, program development, targeted outreach to disadvantaged and historically underserved communities, and interregional engagement for developing the full application.

HCD is anticipated to release the final REAP 2.0 program guidelines in June 2022, which will provide additional clarification on the eligible uses of funds. The draft REAP 2.0 program guidelines and additional resources are available on HCD's REAP webpage: <https://www.hcd.ca.gov/regional-early-action-planning>. Please contact Meg Prince at mprince@fresnocog.org with any questions.

After an opportunity for public comment, Mayor Ontiveros (Sanger) moved and Mayor Fast (Reedley) seconded to approve Resolution 2022-12, authorizing Fresno COG to submit a REAP 2.0 advance application. Votes: 12 yes, the motion passed. Absent: Coalinga, Fresno City, Mendota, Orange Cove.

B. 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Public Review and Hearing (Kristine Cai) [PUBLIC HEARING]

Summary: Fresno COG released the following draft documents on April 15 for a 55-day public review:

- The 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)
- The Environmental Impact Report (EIR) for the 2022 RTP/SCS

- The 2023 Federal Transportation Improvement Plan (FTIP)
- The Conformity Analysis for the 2023 FTIP and 2022 RTP/SCS

The Policy Board will hold a public hearing for these documents during its regular meeting at 5:30 p.m. on May 26. Staff held additional public hearings to receive comments regarding the SCS at:

- 5 p.m. May 3 - Selma Senior Community Center, 1710 Tucker St, Selma, CA
- 5:30 p.m. May 19 - Kerman Community Center, 15101 W Kearney Blvd., Kerman, CA
- 12 p.m. noon May 17 - Virtual Meeting via Zoom
- 6 p.m. May 24 - Virtual Meeting via Zoom

Zoom links are available at PlanFresno.com.

Public comments are welcomed at the hearings or may be submitted in writing by 5 p.m., June 10 to Kristine Cai at kcai@fresnocog.org. After public comments are incorporated, the Policy Board will adopt all four documents on July 28.

Mayor Selma thanked Kristine Cai and staff for coming out to Selma to host a hearing and praised her professionalism and thoroughness.

Mayor of Huron asked staff about the turnout at the public hearings and what the next steps were for the plans. Staff explained review and adoption timeline moving forward.

The public hearing was opened, and the board received verbal comments from Karla Martinez with the Leadership Counsel for Justice and Accountability. She commented that there were issues or comments COG hadn't responded to yet. She requested an explanation of how public comment is reflected in the RTP and SCS scenarios.

Adam Livingston from the Sequoia Riverlands Trust commended COG for adopting the best performing SCS scenario and using natural resource layers.

Mayor Leon asked how the EJ Subcommittee was involved in plan development and Kristine Cai explained how they fit into the development process.

The public hearing was closed. No action was required of the Policy Board.

C. Freeway Service Patrol Contract Approval (Suzanne Martinez) [APPROVE]

Summary: The Freeway Service Patrol (FSP) has been in continuous operation on segments of the metropolitan area freeway system since September 1993 -- nearly 30 years. FSP is intended to promote smooth traffic flow during peak commute periods by removing disabled vehicles and vehicles involved in minor accidents. The current towing contract ends on June 30. A Request for Proposal (RFP) for towing service for the next five-year period beginning July 1 and ending June 30, 2027, was issued on Feb. 23. It was mailed to all 55 towing companies on the California Highway Patrol Fresno County Tow Rotation List and posted on the Fresno COG website.

Upon request from the California Highway Patrol, the contract will now consist of five patrolling beats instead four. The patrolling distance on Highway 99 has been extended south to American Avenue from its previous southern endpoint at Jensen Avenue due to increased traffic congestion near the Amazon Fulfillment Center off

Central Avenue. As a result of the extended patrolling distance, the Highway 99 beat has now been split in two separate beats.

Other aspects of the program remain unchanged. The five beats continue service Monday through Friday (excluding holidays) from 7 to 9 a.m., and from 3:30 to 6:30 p.m. each day.

Staff received only one proposal. Historically, few towing companies have submitted proposals, possibly because of the program's strict requirements. These requirements include the financial resources necessary to purchase and equip the required trucks and retaining drivers who can pass background checks and meet other qualifications.

Reyna Towing, the current FSP towing provider, is proposing an hourly rate of \$117 for 6,250 hours of service per year (five hours/day/beat x five beats x 250 days/year = 6,250 hours/year). The \$117.00/hour rate represents a 27% increase over the current contract's hourly rate but is consistent with the increased percentages for this program across the state.

The selection committee, comprising a representative of each of the FSP partners -- the California Highway Patrol, Caltrans and the Fresno COG -- unanimously recommended that Reyna Towing continue to provide FSP towing service for the next five-year period. This recommendation is based on several factors:

- Reyna Towing has provided consistent excellent service during the three years they have been the FSP towing provider. There have been no penalties assessed against them and survey responses are highly complementary of the service provided and the drivers who provide the service.
- They are financially strong, purchasing five new trucks for the service including the required back-up truck.
- They have a team of experienced drivers that have been with the program and will continue with the program.

The Policy Board members discussed the proposal and ask questions about the length of the contract, type of advertising used to solicit proposals, and the ability to renegotiate the contract if need be. Attorney Brian Rowe pointed out that Fresno COG's contracts call a no-fault termination clause.

There was no public comment on this item.

Quorum: Mendota entered the meeting. There were 13 members present representing 43.55% of the population.

After an opportunity for public comment, Mayor Flores (Clovis) moved and Mayor Beltran (Parlier) seconded to authorize the Fresno COG Executive Director to enter into a contractual agreement with Reyna Towing in an amount not to exceed \$731,250.00/year for five years beginning July 1, 2022 and ending June 30, 2027.

Votes: 13 yes, the motion passed. Absent: Coalinga, Fresno City, Orange Cove.

D. 2023 Regional Active Transportation Program (ATP) Cycle 6 Guidelines, Resolution 2022-11 (Suzanne Martinez) [APPROVE]

Summary: The State established the Active Transportation Program (ATP) in September 2013. ATP funding is distributed as follows:

- Fifty percent to the State for a statewide competitive program ("Statewide Competitive ATP");
- Ten percent to the small urban and rural area competitive program, managed by the State; and
- Forty percent to the large, urbanized area competitive program, with funding distributed by population and managed by the Metropolitan Planning Organization ("Regional ATP").

Fresno COG is responsible for developing guidelines for the regional ATP and for recommending projects to the California Transportation Commission. The Regional ATP Guidelines substantially follow those of the CTC but include some differences based on the region's priorities. Fresno COG developed the guidelines in consultation with Fresno COG's ATP Multidisciplinary Advisory Group (MAG), which includes representatives from Caltrans, other government agencies, and active transportation stakeholder organizations with expertise in public health and pedestrian and bicycle issues, including Safe Routes to School programs. The California Transportation Commission (CTC) is scheduled to approve the guidelines at its June meeting.

The California Transportation Commission (CTC) adopted final 2023 ATP Guidelines on March 16. There were only relatively minor changes at the statewide level from cycle 5 to cycle 6, consisting of new and revised language in various program categories. Considerable program changes include:

- Revisions to Quick Build project requirements
- Applicants requesting 'disadvantaged community' status using National School Lunch Program must use 2019-2020 data.
- New language included requiring project design and selection explanations for projects near high traffic volume roadways that describe project air pollution exposure mitigation measures

A few minor differences remain between the statewide guidelines and Fresno COG's regional guidelines. These differences include:

- Revise the 'maximum funding encouraged' amount from \$2 million to \$3.5 million or less per project.
- No minimum funding requirement
- Quick Build projects are not eligible
- Eliminate scoring criteria for medium- and large-sized infrastructure projects and score all projects using the small infrastructure criteria
- Allow applicants to submit scalability plans for medium or large infrastructure projects submitted to the state.

Fresno COG will hold a supplemental call-for-projects using the Regional ATP scoring criteria and have a regional scoring committee. Applicants may apply for either the State ATP program or Regional ATP program, or both. Fresno COG encourages all ATP projects to be submitted to the State ATP competitive program, although it is not required. Projects not selected for programming in the statewide competition must be considered in the regional competition.

The statewide competitive call for projects is now open, and applications will be due to Caltrans on June 15. Once CTC approves the Regional ATP Guidelines (June 29-30), the regional call for projects will open, with applications due Nov. 18. Regional ATP documents are included for review and approval and will be posted to fresnocog.org. Enclosures for this item include:

- Resolution 2022-11
- Final Draft Regional ATP Guidelines
- Fund estimate
- Supplemental application

The electronic ATP Cycle 6 applications and other guidance documents can be found at: <https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/active-transportation-program/cycle6>. Please contact Suzanne Martinez via email at smartinez@fresnocog.org or via phone at 559-233-4148 ext. 240 with any questions.

Public comment and questions were received as follows:

Matthew Woodward-why are quick build projects not eligible

Staff explained that this is phase two and the guidelines were set in phase 1. Staff offered to follow up offline.

Veronica Garibay, Leadership Counsel for Justice and Accountability, asked about the scoring and screening.

Mayor Leon lead a discussion with staff regarding gathering information on the quantity and number of projects that need to be built, so as to identify deficiencies and need. This could be done to maximize and assess what is the most important to connect communities. He stated that he wants to see the need of the entire county.

Staff commented that needs are available through different plan sources, not in one place. Needed regional projects are submitted to Fresno COG through the RTP process. In this round, \$9 billion worth of projects were submitted and \$6 billion were funded. The pavement management system looks at local level needs for 9 of the 16 cities in the system. The City of Fresno also did their own to look at their pavement management needs. In addition, the Regional ATP identifies needs for Active Transportation.

Mayor Leon asked if it was possible to pull all that study data together in one source. Staff responded that the data is high level and funding amounts change every 3 years.

The Mayor Flores, Mayor Fast and Mayor Leon discussed what is occurring in their cities. Fresno COG Director Tony Boren stated that the Measure C renewal includes subprograms that may address that and the plan will be presented to the Board next month.

After an opportunity for public comment, Mayor Yep (Kerman) moved and Mayor Flores (Clovis) seconded to approve Resolution 2022-11 adopting the Fresno COG Regional Competitive Active Transportation Program Guidelines. Votes: 13 yes, the motion passed. Absent: Coalinga, Fresno City, Orange Cove.

E. FINAL 2022-23 Fresno COG Overall Work Program and Budget (Robert Phipps) [ACTION]

Summary: The fiscal year 2022-23 Overall Work Program (OWP), totaling \$48,152,677, is submitted for Board consideration and adoption. The proposed budget increased \$12.49 million from last year, largely attributable to \$7.8 million in anticipated funding from the Regional Early Action Plan (REAP) funds provided by the California Department of Housing and Community Development. Operational revenues remain intact, reserves are adequate, and the agency continues to operate within the bounds of prudent management.

The proposed budget increased \$2.04 million from the draft budget that was released for review in February. Approximately \$2 million of this is attributed to the new WE 174 Inland Port Feasibility Phase IV. In addition, \$226,896 in State Road Maintenance and Rehabilitation Account funding from WE 166 (Transit On-Board Survey) was transferred to WE 177 (Regional Microtransit Feasibility Study), and WE 940 (Freeway Service Patrol) was increased \$41,250 pursuant to a formal request-for-proposals process.

In addition to the nearly \$8 million in anticipated REAP funding, Fresno COG's member agencies agreed to contribute \$2 million to fund a multijurisdictional housing element. Another significant factor explaining the increase is that the budget contains fully funded, multi-year projects, and as these "one-time" funds are spent they are not reflected in subsequent years' budgets. Generally, operating expenses are not affected this way.

Federal revenues increased 5 percent (\$598,000). Included in this is \$337,753 in additional FHWA Planning funds, which was programmed in the newly created WE 174 Inland Port Feasibility Phase IV. The budget also includes a new \$1 million federal Accelerator Grant (RIA) to provide for phase three of the California Inland Port. Meanwhile, FTA 5310 apportionments decreased \$771,000, reflecting newly purchased buses distributed to transit operators last year.

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

Local revenues increased 26 percent (\$3.7 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, several 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 \$16.5 million, an increase of \$5.4 million. New consulting projects and other direct cost are discussed more fully in the executive memo provided in the agenda.

[The OWP is available for review here.](#)

There were no comments from members or the public.

After an opportunity for public comment, Mayor Ontiveros (Sanger) moved, and Mayor Leon (Huron) seconded to approve the FINAL 2022-23 Overall Work Program and budget. Votes: 13 yes, the motion passed. Absent: Coalinga, Fresno City, Orange Cove.

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

Mr. Boren (FCOG) reported that the Executive Committee and Technical Working Group wrapped up their plan development process. Next month the expenditure plan will be presented to the TTC, PAC and Policy Board. Fresno County Transportation Authority is in the process of scheduling meetings with each local agency.

Mayor Yep stated that the process was vigorous, and the main issue is that his authority ends at city limits. Asked who represents unincorporated areas and inner cities? The Technical working Group (TWG) will release what they put together.

Mr. Boren (FCOG) addressed the question to why 30 years instead of 20 years.

Mayor Yep expressed concerns that if you have a different Executive Committee and this one does not take into effect until 2027, what is the current Executive Committee going to do when there are stringent requirements and who is going to be on that Committee that will have a voice for the disadvantage communities?

Public comments and questions were received as follows:

Grecia Elenas, Leadership Counsel with resident partners

- Nayamin Martinez – Central California Environmental Justice Network. Would like to stop Measure C from going on the 2022 ballot.
- Lorena San Pedro – Stop Measure C from going on the ballot.
- Pedro Hernandez – Deputy Director, Central Valley Air Quality Coalition. Support in delaying the ballot.
- Yonas Paolos – representing veterans and would like to take time with renewal.
- Grecia Elenas translated for Araceli Sanabria, community member – Would like 5th street fixed in the city of Fresno. Councilmember is Luis Chavez. Never see improvements in her area.

- Grecia translated for Guillermina Leon, Resident of District 3 – Stop moving Measure C forward. Need lighting and make public transit better especially around schools. Funding in the district is going to Fulton and downtown.
- Esther Ramirez, resident of Cantua Creek – Would like that Measure C not go on 2022 ballot. Must fix neighborhood roads, sidewalk improvements for children walking to school and post office.
- Grecia translated for Lilia Becerril, resident in District 5 — has been working with community on Ventura and Butler over the last year. Need to see the condition of their streets, slow the process down and come to their community. Districts 3, 5, and 7 are in most need.
- Jazmin Buerostro, community member – would like to pause the measure on the ballot. Public Transportation should be reliable and convenient. If San Jose and Stanford can have Transit and electric vehicles, why can't we?
- Andrew Escamilla, California Environmental Voters – Stop measure from going on the ballot. Emissions and air quality concerns.
- Jaswinder Singh, resident of Kerman – address their right to talk during the meeting. Does not believe the timeline is adequate for the Measure. Needs Punjabi input and the surveys was not adequately dispersed.
- Mandi, resident of District 1 – Stop measure from going on the ballot. Want to be involved in renewal process.
- Guadalupe Ramos, resident of Fresno – Take time for community wide process. Measure C should wait till 2024. Must create green, clean communities, and keep dollars local.
- Navdeep Kaur, Punjabi/Sikh community in Clovis – would like to Delay the vote.
- Harshaan Kaur, resident of Fresno County representing Selma – would like to delay Measure C and have more community input.
- Jaskeet Kaur, resident of Fresno County – delay the vote on Measure C. There is no need for rush.
- Anureet Kaur, Punjabi/Sikh community of Fowler – would like to delay Measure C.
- Deep Singh, Jakara Movement – How outreach has been done is under question. Measure should be delayed.
- Sandra Celedon, Fresno Building Healthy Communities and Calwa resident – Former member of EC. Stated that there has not been robust conversation in the executive committee. Mentioned a list of topics that were not robust. Urged the body to stop any further discussion on Measure C and to take the time to come up with a new plan.
- Brandi – agreed with those before her and added that there needs to be work on creating effective community participation and engagement process for communities with government.
- Pedro Navarro Cruz, Community organizer with CNC Education Fund – Feeling of being undermined and tokenized. Delay process for Measure C.
- Travis Alexander, Fresno County Carpenters Union 701 – would like to delay Measure C. Would like community engagement process and local hire language included in the Measure.
- Bob Mitchell, Vice Chair Golden Westside Planning committee – Delay process and not move forward. Live in the 93706 area and it is underserved. Greater robust citizen participation for a better ending product.
- Shiela Hakimpour, Urban Diversity Design in Fresno – Measure C should have a great focus on Active transportation, walking, and biking trails.
- Veronica Garabay, Leadership Counsel for Justice, and Accountability – Former member of Executive Committee. Submitted a letter from 36 groups encouraging delay of the Measure to 2024. Asked if the Board members could confirm receiving the letter. What you are proposing does not meet community needs. A Presentation was given last week of a poll that was conducted and results have not been given publicly.
- Ms. Prado, Computer Institute redefining equity through policy in 559 – Speaking for young people in the community who want more spaces to join in on the conversation. Youth leaders did a survey, and two main concerns were Wi-Fi on buses and much needed frequency. Measure can wait to do better for our youth.

- Mayor Beltran, City of Parlier – Received the letter signed by Leadership Counsel for Justice and Accountability and 35 community organizations. Surveys contacting actual community constituents would be best.

This was an informational item.

G. Caltrans Report (Caltrans) [INFORMATION]

Mr. Navarro (Caltrans) reported:

- May is bike month. Caltrans bike to workday was held
- Funding opportunity for reconnecting communities expecting to go out this June. Local partners encouraged to apply. There is one billion dollars over the next 5 years, 50 million for planning grants and about 150 million a year for capital improvements.
- Selma/Fowler rehab project work continuing.
- South Fresno 99 corridor project at North Avenue still in environmental clearance phase.
- Excelsior expressway project. Currently funded. Still working on design expected to be complete in June 2024.
- SR 33/SR 180, both routes will receive a road diet instead of turn lane will receive cross walks.
- Starting to see the roll out of clean California project in Firebaugh and Mendota.
- SR 41 oxtane project between Ashlan/Shaw will be going out for construction this summer.

Mayor Leon, asked about the electrical charging stations project out at the rest areas in Huron.

Mr. Navarro was not familiar with a project like that and will look into it.

Rocio, Environmental Justice – Concerned with the project in Mendota where students can't cross the street. Need a stop light or safety controls to cross the street on Aller and 11th.

Mayor Castro spoke regarding the area and projects they are addressing.

This item was informational only; no further action was required.

III. ADMINISTRATIVE CONSENT ITEMS

A. 2022 Fresno County Homeless Priorities (Robert Phipps) [ACTION]

Quorum: Firebaugh left the meeting. There were 12 members present representing 42.76% of the population.

After an opportunity for public comment, Mayor Ontiveros (Sanger) moved, and Mayor Robertson (Selma) seconded to approve the consent agenda. Votes: 12 yes, the motion passed. Absent: Coalinga, Firebaugh, Fresno City, Orange Cove.

IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

A. Return to In-Person Meetings (Robert Phipps) [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, at least eight city councils in the Fresno County region have resumed in-person or "hybrid" meetings that allow for in-person attendance: Clovis, Coalinga, Fresno, Kingsburg, Parlier, Reedley, Sanger and

Selma. Of those eight, Coalinga, Kingsburg and Parlier are holding meetings entirely in person. In addition, the County's Board of Supervisors has been meeting entirely in person since the expiration of the Governor's executive order suspending certain parts of the Brown Act.

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. The Board is free to resume in-person meetings at its discretion.

Conversely, the option to continue allowing remote attendance of members and the public for Board and committee meetings remains viable. The conditions from AB 361 would still apply, including the requirement to make specific findings every 30 days. The findings that the Board would need to make are as follow:

- (A) The legislative body has reconsidered the circumstances of the state of emergency.
- (B) Any of the following circumstances exist:
 - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

The Board may make the first finding because California's state of emergency has not been rescinded. An effort in the Legislature to end the state of emergency was ultimately blocked in March.

The second required finding may be met in either of two ways, in the Board's discretion. Staff believes that the circumstances described below can support either of those two alternatives:

1. The Board may identify an impact to safety. While the number of cases has certainly declined from the peak in January, there are still new cases and hospitalizations. As of May 2022, the County has reported a slight trend up. (<https://www.co.fresno.ca.us/departments/public-health/covid-19>)
2. The Board may rely on State recommendations to promote social distancing. The State need not "impose" measures to promote social distancing, it may also "recommend" such measures in order for the Board to make the finding. For example, the State's COVID-19 website still makes the following recommendation: "Wear a mask to keep from spreading the virus to those with no defense, like the immune-compromised and children under 5." (<https://covid19.ca.gov/safely-reopening/>)

Meanwhile, there is still pending legislation to amend the Brown Act and allow for permanent telecommuting for public meetings. For example, AB 1944 would allow legislative bodies to teleconference meetings from remote locations (within specified limits), provided the public could access those meetings to address the body via a videostream. This bill was ordered to a third reading on May 5.

Should the Policy Board opt to continue issuing findings in accordance with AB 361, staff will need to schedule a special meeting on June 2 or 9 to accommodate the regular June 30 meeting, since that date is more than 30 days away from its May 26 meeting. Such a special meeting can be held entirely remotely under AB 361.

The Policy Board Discussed the pros and cons of each action.

Public comment was received from Sarah Harris, Director of Programs for The Resources for Independent Central Valley as well as the 1st Vice President for California Council of the Blind and Veronica Garabay, Leadership Counsel for Justice and Accountability, both encouraged the board to stay remote participation options.

After an opportunity for public comment, Mayor Castro (Mendota) moved, and Mayor Leon (Huron) seconded to continue issuing findings under AB 361 to allow remote attendance by Board members and the public for Board and committee meetings through June. Votes: 12 yes, the motion passed. Absent: Coalinga, Firebaugh, Fresno City, Orange Cove.

V. OTHER ITEMS

A. Items from Staff

Tony Boren introduced Fresno COG's new staff member, Ofelia Abundez.

Mr. Boren also announced there will be security services provided on site for board meetings at the COG offices. Then he briefly shared about success of Fresno COGs recent policy conference, thanking the Policy Board Chair for her leadership and the COG staff for their hard work.

B. Items from Members

Huron Mayor Leon asked about providing street safety awareness outreach. Kristine Cai shared that Fresno COG's Regional and Local Safety Plans provide tools for safety outreach and staff is looking for funding to run a safety outreach campaign. Members shared ideas for successful outreach approaches.

IV. PUBLIC PRESENTATIONS

A. Public Presentations

There were no public presentations.

The meeting was adjourned at 8:13 p.m.

Respectfully submitted,



Tony Boren

Public:

Nayamin Martinez, Central California Environmental Justice Network

Grecia Elenes, Leadership Counsel for Justice and Accountability with resident partners via Zoom

Lorena San Pedro

Pedro Hernandez, Central Valley Air Quality Coalition

Yonas Paolos, Representing Veterans

Guillermina Leon, Resident of District 3

Esther Ramirez, Resident of Cantua Creek

Lilia Becerril, Resident of District 5

Araceli Sanabria

Jazmin Buerostro, Community Member

Andrew Escamilla, California Environmental voters

Jaswinder Singh, Kerman CA

Mandi, Resident of District 1

Guadalupe Ramos, Resident of Fresno.

Navdeep Kaur, Punjabi/Sikh community in Clovis

Harshaan Kaur, Resident of Fresno County - representing Selma
Jaskeet Kaur, Resident of Fresno County
Anureet Kaur, Punjabi/Sikh community of Fowler
Deep Singh, Jakara Movement
Sandra Celedon, Calwa, Fresno Building Healthy Communities
Brandi
Pedro Navarro Cruz, Community Organizer with CNC Education Fund
Travis Alexander, Fresno County Carpenters Union
Bob Mitchell – Vice Chair Golden Westside Planning Committee
Shiela Hakimipour, Urban Diversity Design in Fresno
Veronica Garabay – Leadership Counsel for Justice and Accountability

Staff:

Kai Han; Braden Duran; Kristine Cai; Robert Phipps; Meg Prince; Moses Stites; Janelle Del Campo; Ofelia Abundez; Brenda Veenendaal