

Fresno COG Policy Board - **Special Meeting**

**Date:** Thursday, September 1, 2022

**Time:** 5:30 PM

**Place:** *Via Zoom Webinar and at COG Sequoia Conference Room*

*2035 Tulare St., St*

**Americans with Disabilities Act (ADA) Accommodations**

The Fresno COG offices and restrooms are ADA accessible. Representatives or individuals with disabilities should contact Fresno COG at (559) 233-4148, 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 is 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.

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

**TO JOIN THE ZOOM WEBINAR:**

**[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN\\_VUEPK11MQF-YB7WFPKK4MQ](https://us06web.zoom.us/join/wn_vuepk11mqf-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 THE # SIGN. NO  
PASSCODE IS NEEDED.**

**IF YOU WISH TO ADDRESS THE POLICY 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 FRESNO COG STAFF WILL PROMPT YOU TO UNMUTE.**

**WHEN ON THE PHONE, IF YOU WISH TO ADDRESS THE POLICY 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 POLICY 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.**

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

**Exhibits:**

 FCRTA September 2022 Special Board Meeting Agenda

**COG POLICY BOARD agenda and annotated agenda in PDF format - ALL EXHIBITS ARE ATTACHED BELOW**

**I. ADMINISTRATIVE 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 Committee 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 Committee concerning the item before action is taken.

**A. Executive Minutes of August 25, 2022 [APPROVE]**

**Exhibits:**

August 25, 2022 Minutes

**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 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 three 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, 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 committee and Board meetings through Sept. 30.

## II. PUBLIC PRESENTATIONS

### A. Public Presentations

This portion of the meeting is reserved for persons wishing to address the Committee on items within its jurisdiction but not on this agenda. **Note: Prior to action by the Committee on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to three minutes.**