

Fresno COG Policy Board
SPECIAL MEETING MINUTES
Thursday, September 1, 2022
5:30 PM

Members Attending:

Mayor Jose Flores, City of Clovis
Mayor Ron Ramsey, City of Coalinga
Mayor Brady Jenkins, City of Firebaugh
Councilmember Daniel Parra, City of Fowler
Mayor Jerry Dyer, City of Fresno
Mayor Gary Yep, City of Kerman
Councilmember Michelle Roman, City of Kingsburg
Mayor Rolando Castro, City of Mendota
Mayor Alma Beltran, City of Parlier
Mayor Mary Fast, City of Reedley
Mayor Eli Ontiveros, City of Sanger
Mayor Julia Hernandez, City of San Joaquin
Mayor Scott Robertson, City of Selma
Tony Boren, Executive Director
Bryan Rome, Legal Counsel

Absent:

Mayor Rey Leon, City of Huron
Mayor Victor Lopez, City of Orange Cove
Supervisor Sal Quintero, County of Fresno

Quorum: At the start of the meeting, there were 13 members representing 82.62% of the population. There was a quorum to conduct business. (Clovis, Coalinga, Firebaugh, Fowler, Fresno City, Kerman, Kingsburg, Mendota, Parlier, Reedley, Sanger, San Joaquin, Selma). Members Huron, Orange Cove, County of Fresno absent.

The meeting was called to order at 5:38 p.m. by Councilmember Roman (Kingsburg), Chair.

I. ADMINISTRATIVE CONSENT ITEMS

A. Executive Minutes of August 25, 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 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.

After an opportunity for public comment, Mayor Ramsey (Coalinga) moved, and Councilmember Parra (Fowler) seconded to approve both actions recommended by staff.

Votes: 12 yes.

Absent: Huron, Mendota, Orange Cove, Fresno County.

The motion passed.

II. 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.**

- There were no public presentations.

The meeting was adjourned at 5:42 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tony Boren". The signature is written in a cursive, flowing style.

Tony Boren

Public:

None

Staff:

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