



1 conduct their business; and

2 WHEREAS, the Brown Act, Government Code section 54953(e), makes  
3 provisions for remote teleconferencing participation in meetings by members of a  
4 legislative body, without compliance with the requirements of Government Code  
5 section 54953(b)(3), subject to the existence of certain conditions; and

6 WHEREAS, a required condition is that a state of emergency is declared by the  
7 Governor pursuant to Government Code section 8625, proclaiming the existence of  
8 conditions of disaster or of extreme peril to the safety of persons and property within  
9 the state caused by conditions as described in Government Code section 8558; and

10 WHEREAS, a proclamation is made when there is an actual incident, threat of  
11 disaster, or extreme peril to the safety of persons and property within the  
12 jurisdictions that are within Fresno County, caused by natural, technological, or  
13 human-caused disasters; and

14 WHEREAS, it is further required that state or local officials have imposed or  
15 recommended measures to promote social distancing, or, the legislative body  
16 meeting in person would present imminent risks to the health and safety of  
17 attendees; and

18 WHEREAS, the Board of Retirement previously adopted a Resolution on  
19 October 6, 2021, finding that the requisite conditions exist for the legislative bodies  
20 of FCERA to conduct remote teleconference meetings without compliance with  
21 paragraph (3) of subdivision (b) of section 54953; and

22 WHEREAS, as a condition of extending the use of the provisions found in  
23 section 54953(e), the Board of Retirement must reconsider the circumstances of the  
24 state of emergency that exists in Fresno County, and the Board of Retirement has  
25 done so; and

26 WHEREAS, emergency conditions persist within Fresno County, specifically,  
27 Governor Newsome has signed Order N-12-21 declaring a state of emergency; and

28 WHEREAS, the County of Fresno continues to recommend social distancing to

1 combat the imminent risk to the public health and safety due to COVID-19; and

2 WHEREAS, the Board of Retirement does hereby find that the Governor's  
3 declared State of Emergency and the County's recommended social distancing has  
4 caused, and will continue to cause, conditions of peril to the safety of persons within  
5 Fresno County that are likely to be beyond the control of services, personnel,  
6 equipment, and facilities of the agency, and desires to affirm a local emergency  
7 exists and re-ratify the proclamation of state of emergency by the Governor of the  
8 State of California; and

9 WHEREAS, as a consequence of the local emergency persisting, the Board of  
10 Retirement does hereby find that the legislative bodies of FCERA shall continue to  
11 conduct their meetings without compliance with paragraph (3) of subdivision (b) of  
12 Government Code section 54953, as authorized by subdivision (e) of section 54953,  
13 and that such legislative bodies shall continue to comply with the requirements to  
14 provide the public with access to the meetings as prescribed in paragraph (2) of  
15 subdivision (e) of section 54953; and

16 WHEREAS, FCERA shall ensure that the public has the opportunity to  
17 participate electronically, in real-time, in all 100% electronic meetings of the  
18 legislative bodies of FCERA during all public comment periods; and

19 WHEREAS, FCERA shall ensure that the public has the opportunity to  
20 participate in-person, in real-time, in all hybrid physical and electronic meetings of  
21 the legislative bodies of FCERA during all public comment periods, at 7772 N Palm  
22 Ave, Fresno, CA 93711 or other location as listed on the publicly posted agendas.

23 NOW, THEREFORE, BE IT RESOLVED that the Board of Retirement of the  
24 Fresno County Employees' Retirement Association does hereby resolve as follows:

25 SECTION 1. Recitals. The Recitals set forth above are true and correct and are  
26 incorporated into this Resolution by this reference.

27 SECTION 2. Affirmation that Local Emergency Persists. The Board of  
28 Retirement hereby considers the conditions of the state of emergency and

1 acknowledges that a local emergency persists throughout Fresno County.

2 SECTION 3. Re-Ratification of Governor's Proclamation of a State of  
3 Emergency. The Board of Retirement hereby ratifies the Governor of the State of  
4 California's Proclamation of State of Emergency, effective as of its issuance date of  
5 August 16, 2021.

6 SECTION 4. Remote Teleconference Meetings. The FCERA staff and  
7 legislative bodies of FCERA are hereby authorized and directed to take all actions  
8 necessary to carry out the intent and purpose of this Resolution including, continuing  
9 to conduct open and public meetings in accordance with Government Code section  
10 54953(e) and other applicable provisions of the Brown Act.


11 SECTION 5. Effective Date of Resolution. This Resolution shall take effect on  
12 November 3, 2021 and shall be effective until the earlier of (i) December 3, 2021, or  
13 (ii) such time the Board of Retirement adopts a subsequent resolution in accordance  
14 with Government Code section 54953(e)(3) to extend, or end, the time during which  
15 the FCERA staff and legislative bodies of FCERA may continue to teleconference  
16 without compliance with paragraph (3) of subdivision (b) of section 54953.

17  
18 THE FOREGOING was passed and ADOPTED by the following vote of the  
19 Board of Retirement of the Fresno County Employees' Retirement Association this  
20 \_\_\_\_ day of \_\_\_\_\_ 2021, to-wit:

21  
22 AYES:

23 NOES:

24 ABSENT:

25  
26   
27 \_\_\_\_\_  
28 Nathan Magsig, Chairman of the  
Board of Retirement of the Fresno  
County Employees' Retirement  
Association