

1 BEFORE THE BOARD OF RETIREMENT
2 OF THE
3 FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
4

5
6 IN THE MATTER OF:)

7 PROCLAIMING A LOCAL EMERGENCY,)
8 RATIFYING THE PROCLAMATION OF)
9 A STATE OF EMERGENCY BY N-12-21)
10 ISSUED ON AUGUST 16, 2021 AND)
11 AUTHORIZING REMOTE TELE-)
12 CONFERENCE MEETINGS OF THE)
13 LEGISLATIVE BODIES OF THE)
14 FRESNO COUNTY EMPLOYEES')
15 RETIREMENT ASSOCIATION FOR THE)
16 PERIOD FROM OCTOBER 6, 2021 TO)
17 NOVEMBER 5, 2021 PURSUANT TO)
18 BROWN ACT PROVISIONS.)

RESOLUTION

No. 2021-02

16 WHEREAS, the Fresno County Employees' Retirement Association ("FCERA")
17 is the retirement system for the County of Fresno (the "County"), and for participating
18 governmental employer entities (each a "Special District" or collectively, "Special
19 Districts"), under the County Employees Retirement Law of 1937 ("CERL," Gov.
20 Code, § 31450 *et seq.*) and the Public Employees' Pension Reform Act of 2013
21 ("PEPRA," Gov. Code § 7522 *et. seq.*); and

22 WHEREAS, the Board of Retirement of FCERA is the governing board of
23 FCERA (the "Board of Retirement"); and

24 WHEREAS, the FCERA is committed to preserving and nurturing public access
25 and participation in meetings of the Board of Retirement; and

26 WHEREAS, all meetings of the FCERA legislative bodies are open and public,
27 as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any
28 member of the public may attend, participate, and watch FCERA's legislative bodies

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, such conditions now exist, specifically, by the Governor's Order N-
19 12-21, the Governor has extended the order declaring a State of Emergency due to
20 the impacts of COVID-19 to December 31, 2021; and

21 WHEREAS, the County of Fresno has recommended continued social
22 distancing to combat the imminent risk to the public health and safety due to COVID-
23 19; and

24 WHEREAS, the Board of Retirement does hereby find that such conditions has
25 caused, and will continue to cause, conditions of peril to the safety of persons within
26 Fresno County that are likely to be beyond the control of services, personnel,
27 equipment, and facilities of FCERA, and desires to proclaim a local emergency and
28

1 ratify the proclamation of state of emergency by the Governor of the State of
2 California; and

3 WHEREAS, as a consequence of the local emergency, the Board of Retirement
4 does hereby find that the legislative bodies of FCERA shall conduct their meetings
5 without compliance with paragraph (3) of subdivision (b) of Government Code
6 section 54953, as authorized by subdivision (e) of section 54953, and that such
7 legislative bodies shall comply with the requirements to provide the public with
8 access to the meetings as prescribed in paragraph (2) of subdivision (e) of section
9 54953; and

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

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

17
18 NOW, THEREFORE, BE IT RESOLVED that the Board of Retirement of the
19 Fresno County Employees' Retirement Association does hereby resolve as follows:

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

23 SECTION 2. Proclamation of Local Emergency. The Board of Retirement
24 hereby proclaims that a local emergency now exists throughout Fresno County, and
25 full in-person meetings could cause an imminent risk to the Members of the Board,
26 staff and public.

27 SECTION 3. Ratification of Governor's Proclamation of a State of Emergency.
28 The Board of Retirement hereby ratifies the Governor of the State of California's

1 Proclamation of State of Emergency, effective as of its issuance date of August 16,
2 2021.

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

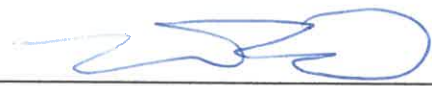
8 SECTION 5. Effective Date of Resolution. This Resolution shall take effect on
9 October 6, 2021 and shall be effective until the earlier of (i) November 5, 2021, or (ii)
10 such time the Board of Trustees adopts a subsequent resolution in accordance with
11 Government Code section 54953(e)(3) to extend, or end, the time during which the
12 FCERA staff and legislative bodies of FCERA may continue to teleconference
13 without compliance with paragraph (3) of subdivision (b) of section 54953.

14
15 THE FOREGOING was passed and ADOPTED by the following vote of the
16 Board of Retirement of the Fresno County Employees' Retirement Association this
17 6th day of October 2021, to-wit:

18
19 AYES: ADAMS, BASUA, COBURN, GARCIA, JOLLY, MCDIVITT,
20 ROBINSON, TALFORD

21 NOES: NONE

22
23 ABSENT: MAGSIG

24
25 
26 _____
27 Nathan Magsig, Chairman of the
28 Board of Retirement of the Fresno
County Employees' Retirement
Association