

BEFORE THE BOARD OF RETIREMENT
OF THE
FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

IN THE MATTER OF:)
)
ACKNOWLEDGING A LOCAL EMERGENCY,)
RE-RATIFYING THE PROCLAMATION OF)
A STATE OF EMERGENCY BY N-21-21)
ISSUED ON NOVEMBER 10, 2021, AND)
RE-AUTHORIZING REMOTE TELE-)
CONFERENCE MEETINGS OF THE)
LEGISLATIVE BODIES OF THE)
FRESNO COUNTY EMPLOYEES')
RETIREMENT ASSOCIATION FOR THE)
PERIOD BETWEEN FEBRUARY 16, 2022,)
TO MARCH 18, 2022, PURSUANT TO)
BROWN ACT PROVISIONS.)
_____)

RESOLUTION
No. 2022-03

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

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

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

WHEREAS, all meetings of the FCERA legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any 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, 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, as authorized by subdivision (e) of
22 section 54953, and that such legislative bodies shall comply with the requirements to
23 provide the public with access to the meetings as prescribed in paragraph (2) of
24 subdivision (e) of section 54953, and desire to further adopt another such resolution;
25 and

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

3 WHEREAS, emergency conditions persist within Fresno County, specifically, by
4 the Governor's Order N-21-21, the Governor has extended the order declaring a
5 State of Emergency due to the impacts of COVID-19; and

6 WHEREAS, the County of Fresno continues to recommend social distancing to
7 combat the imminent risk to the public health and safety due to COVID-19; and

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

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

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

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

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

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

5 SECTION 2. Affirmation that Local Emergency Persists. The Board of
6 Retirement hereby considers the conditions of the state of emergency and
7 acknowledges that a local emergency persists throughout Fresno County.

8 SECTION 3. Re-Ratification of Governor's Proclamation of a State of
9 Emergency. The Board of Retirement hereby ratifies the Governor of the State of
10 California's Proclamation of State of Emergency, effective as of its issuance date of
11 November 10, 2021.

12 SECTION 4. Remote Teleconference Meetings. The FCERA staff and
13 legislative bodies of FCERA are hereby authorized and directed to take all actions
14 necessary to carry out the intent and purpose of this Resolution including, continuing
15 to conduct open and public meetings in accordance with Government Code section
16 54953(e) and other applicable provisions of the Brown Act.

17 SECTION 5. Effective Date of Resolution. This Resolution shall take effect on
18 February 16, 2022 and shall be effective until the earlier of (i) March 18, 2022, or (ii)
19 such time the Board of Retirement adopts a subsequent resolution in accordance
20 with Government Code section 54953(e)(3) to extend, or end, the time during which
21 the FCERA staff and legislative bodies of FCERA may continue to teleconference
22 without compliance with paragraph (3) of subdivision (b) of section 54953.

23 THE FOREGOING was passed and ADOPTED by the following vote of the
24 Board of Retirement of the Fresno County Employees' Retirement Association this
25 16th day of February 2022, to-wit:

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27 AYES: BASUA, BONNER, COBURN, GARCIA, JOLLY, MCDIVITT,
28 ROBINSON, TALFORD

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NOES: NONE

ABSENT: MAGSIG



Dr. Rauden H. Coburn, III, D.D.S.
Chairman of the Board of Retirement
of the Fresno County Employees'
Retirement Association