



Board of Supervisors

Agenda - Final

Sal Quintero, 3rd District, Chairman
Nathan Magsig, 5th District, Vice-Chairman
Brian Pacheco, 1st District
Steve Brandau, 2nd District
Buddy Mendes, 4th District

Paul Nerland, County Administrative Officer
Daniel C. Cederborg, County Counsel
Bernice E. Seidel, Clerk of the Board of Supervisors

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Tuesday, December 12, 2023

9:30 AM

Hall of Records

PROGRAM ACCESSIBILITY AND ACCOMMODATIONS: The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities.

Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

To help ensure this meaningful access, the County will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. If, as an attendee or participant at the meeting, you need additional accommodations such as an American Sign Language (ASL) interpreter, an assistive listening device, large print material, electronic materials, Braille materials, or taped materials, please contact the Clerk of the Board of Supervisors staff, as soon as possible during office hours at (559) 600-3529, option 4, or at ClerkBOS@fresnocountyca.gov. Reasonable requests made at least 48 hours in advance of the meeting will help to ensure accessibility to this meeting. Later requests will be accommodated to the extent reasonably feasible.

The Fresno County Board of Supervisors welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. The number of the item being heard is indicated on the Clerk's desk. Please see note below regarding consent agenda items. The Chairman will call for public testimony as each item is heard. For those who are present and wish to speak to an individual item please step to the podium during this time period and state your name for the record. If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Presentation period at the end of the regular session.

All supporting documentation is available for public review in the office of the Clerk of the Board of Supervisors located in the Hall of Records building, 2281 Tulare Street, Room 301, Fresno, 93721, during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday. Agenda items are also available online at: <http://fresnocounty.legistar.com>.

Roll Call**Invocation and Pledge of Allegiance****Board of Supervisors**

1. Approve Agenda
2. Approve Consent Agenda - Item Numbers 20-52

These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the Board Members and the public will be given the opportunity to remove any item from the Consent Calendar. Items removed from the Consent Calendar may be heard immediately following approval of this Consent Calendar or set aside until later in the day

Supervisor Quintero

3. Proclaim December 12, 2023, as Tony Boren Day

Administrative Office

4. Accept the Fresno County Foster Care Standards and Oversight Committee report for activities from July 1, 2022 through June 30, 2023

Behavioral Health

5. Adopt resolution electing to defer the January 1, 2024, implementation date of the changes made to California Welfare and Institutions Code §5008 (WIC 5008) by Senate Bill (SB) 43 to January 1, 2026, which expands the criteria of "gravely disabled" and allows law enforcement and Fresno County designated healthcare professionals to place an involuntary hold on a broader population of individuals

Administrative Office

6. Receive report from State Legislative Advocates on the State of California's 2023 legislative session

Agriculture

7. Conduct first hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending subsection 3305 of Section 3300-Agriculture (Weights & Measures); waive reading of the Ordinance in its entirety; and set second hearing for January 9, 2024; Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and Direct the Clerk of the Board to post and publish the required summary of the proposed Ordinance in accordance with Government Code Section 25124(b)(1)

Internal Services

8. Conduct a public hearing in accordance with California Government Code § 4217.12 for the Board to determine that the terms of each of the proposed energy services Agreements with FFP BTM SOLAR, LLC (ForeFront Power) (in recommended action #3) are in the best interests of the County, and to find that the anticipated costs to the County for electrical energy or conservation services to be provided by the solar photovoltaic energy systems under each of those proposed Agreements, respectively, will be less than the County's anticipated marginal costs for the purchase of such energy and conservation services in the absence of each such proposed Agreement, respectively; Adopt and authorize the Chairman to execute Resolution making the determinations and findings as described in recommended action No. 1 (Gov. Code, § 4217.12); Approve and authorize the Chairman to execute the following Energy Services Agreements with ForeFront Power, to finance, design, construct, install, operate, and maintain solar photovoltaic energy systems, including solar panels, allowing the County purchase of energy at specified rates, at each of the following locations: a) Animal Control; b) Area 2 Sheriff Substation; c) Behavioral Health and Mental Health Services; d) Hamilton Yard; e) Health and Wellness Center; f) Pontiac Offices; g) Woodward Library; Effective upon execution for an initial twenty-year term, with an optional five-year renewal term, totaling a potential twenty-five (25) year term, with the option to purchase the solar photovoltaic energy systems after the fifth anniversary of commercial operation of each solar photovoltaic energy system; and Authorize the Director of Internal Services/Chief Information Officer (the Director/CIO) to approve and execute any further documents, instruments, estoppel, acknowledgement certificates, and memoranda of agreements, all subject to the approval of County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form, necessary to finalize the recommended ESAs, including any financing that ForeFront Power might later obtain in relation to such Agreements
9. Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances, as Rimini Street, Inc., a third-party vendor, is uniquely positioned to provide support of Oracle Peoplesoft, Database, and Technology licenses for custom Fresno County code; and Approve and authorize the Chairman to execute an Agreement with Rimini Street, Inc., to provide maintenance and support of Oracle Peoplesoft, Database, and technology licenses, effective January 1, 2024, through December 31, 2024, total not to exceed \$863,905

Public Health

10. Conduct first hearing to amend the Fresno County Ordinance code, Title 8, to add Chapter 8.52, "Fresno County Infectious Materials Ordinance;" waive reading of the Ordinance in its entirety and set the second hearing for January 9, 2024; direct County Counsel to draft a Memorandum of Understanding for incorporated cities within the County of Fresno which may grant authority to the County of Fresno's Department of Public Health to enforce the proposed ordinance within city jurisdictional boundaries; designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124 (b) (1)

Public Works and Planning

11. Consider appeal of Planning Commission's denial of General Plan Amendment Application No. 570 and Amendment Application No. 3860 proposing to amend County-adopted Caruthers, Clovis, Del Rey, Fresno High-Roeding, and Riverdale Community Plans to encompass and/or redesignate APN Nos: 043-201-27 (3.41 acres), 495-061-25 (2.84 acres), 350-080-68T (18 acres), 442-341-07 (1.73 acres), and APN 053-260-24S (6.48 acres) from Medium Density Residential, Rural Residential, Agriculture, and Community Commercial to Medium High Density Residential allowing a maximum density of 20 dwelling units per acre pursuant to the Fresno County General and rezone said parcels from the R-1 (Single Family Residential, 6,000 square foot minimum parcel size), C-2 (Community Shopping Center), AE-20 (Exclusive Agriculture, 20 acre minimum parcel size), and RR (Rural Residential, two acre minimum parcel size) Zone Districts to the R-1 (Single Family Residential, 6,000 square foot minimum parcel size), R-2 (Low Density Multiple Family Residential, 6,600 minimum parcel size) and R-3 (Medium Density Multiple Family Residential, 7,500 square foot minimum parcel size) Zone Districts; and if Appeal is granted thereby approving General Plan Amendment No. 570 and Amendment Application No. 3860: a. Adopt Addendum to Fresno County General Plan Final Environmental Impact Report No. 99051024 pursuant to California Environmental Quality Act Section 15164(a); and b. Adopt Resolution approving General Plan Amendment Application No. 570 as the First General Plan Amendment of the Agriculture and Land Use Element of the Fresno County General Plan for 2023; and c. Approve Ordinance pertaining to Amendment Application No. 3860 thereby rezoning the above referenced parcels from the R-1, C-2, AE-20 and RR Zone Districts to the R-1, R-2, and R-3 Zone Districts; and if approved, designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance and direct the Clerk of the Board to post and publish required summary in accordance with Government Code, Section 25124(b)1 (subject parcels are located at: southeast quadrant of intersection of W. Caruthers and S. Marks Avenues in community of Caruthers; northwest quadrant of intersection of S. Marks and W. Kruger Avenues in the community of Riverdale; the north side of E. Jefferson Avenue between S. Del Rey and S. McCall Avenues in the community of Del Rey; the northeast corner of N. Feland and W. McKinley Avenues adjacent to City of Fresno; and southeast quadrant of N. Clovis and E. Ashlan Avenues in the Tarpey community area)
12. Consider petition for partial cancellation of Agricultural Land Conservation Contract No. 1326 filed by Gerald E. Feaver, to remove a 2.50-acre portion of a 121.29-acre parcel from Williamson Act contract to allow creation of a 2.50-acre homesite exception parcel for residential use; and if your Board is able to make all five required findings listed under Government Code, Section 51282(b), take following actions: adopt Negative Declaration prepared for Initial Study 8296; and adopt Resolution authorizing partial cancellation of Agricultural Land Conservation Contract No. 1326; and authorize Chairman to sign Certificate of Tentative Cancellation and approve recording Certificate of Cancellation when all conditions included in Certificate of Tentative Cancellation have been satisfied (subject parcel is located at northwest corner of S. Armstrong Avenue and E. Lincoln Avenue, approximately one-half mile North of nearest boundary limits of City of Fowler (APN 340-020-76))

Board of Supervisors' Committee Reports and Comments

13. Board of Supervisors' Committee Reports and Comments - Receive and provide direction (this item is reserved for committee reports by members of the Board of Supervisors)

Board Appointments

14. Receive Boards, Commissions and Committees Vacancy Report; and Appoint Applicants as necessary

Public Presentations

15. Public Presentations - This portion of the meeting is reserved for persons desiring to address the Board on any matter not on this agenda - Pursuant to Administrative Policy No. 29, presentations are limited to 3 minutes per person and no more than 15 minutes total per topic

Closed Session

The public may comment on Closed Session items prior to the Board's recess to Closed Session

16. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Hollis Magill; Employee Organization: All Bargaining Units and Management and Unrepresented Employees - Hours, Wages and Terms and Conditions of Employment
17. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (2 Cases)
18. Conference with legal counsel - Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)

Sitting as the Fresno County In-Home Supportive Services Public Authority Governing Board:

19. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Oralía Gomez; Employee Organization: SEIU-Local 2015 - Hours, Wages and Terms and Conditions of Employment.

Adjourn**NEXT MEETINGS:**

January 9, 2024 - 9:30 A.M.

January 23, 2024 - 9:30 A.M.

CONSENT AGENDA

(Any Board Member may pull any consent item for discussion or separate vote)

Board of Supervisors

20. Approve minutes for November 28, 2023

Auditor Controller-Treasurer/Tax Collector

21. Approve and authorize the Chairman to execute an Assignment of Agreement to provide that the rights, benefits, responsibilities, and obligations of FHN Financial Main Street Advisors, LLC, under the Agreement for Investment Advisory and Reporting Services (Agreement No. 20-422), relating to the County's Treasury Investment Pool, are transferred to Meeder Public Funds, Inc.
22. Adopt a resolution approving a March 14-15, 2024 sale of tax-defaulted properties that are subject to the Tax Collector's power to sell and authorizing the Tax Collector to reduce the minimum bids on certain previously offered properties in specified circumstances

Administrative Office

23. Approve and authorize the Chairman to execute an Agreement with Two Q, Inc., through its JP Marketing division, for media and mass communication services, effective upon execution, not to exceed five years consecutively, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$10,925,000; and Approve and authorize the County Administrative Officer, or his or her designee, to shift the approximate departmental budgeted amounts on Exhibit B of the Agreement, with no change to the Agreement's annual compensation limit (\$2,185,000), and to update the department points of contact designated on Exhibit E of the Agreement, as needed
24. Approve and authorize the Chairman to execute First Amendment to Agreement No. 19-309 with Brown Armstrong Accountancy Corporation for audit services, effective upon execution with no change to the term and increasing the maximum compensation for services for the Fiscal Year 2022-23 audit by \$46,750 to a total not to exceed \$244,750
25. Adopt Resolution proclaiming continuation of the local emergency status relating to the Winter Storms and request that the Governor continue to provide resources and support to recover from this event
26. Adopt Resolution proclaiming continuation of the local emergency status relating to the February 2023 Winter Storms and request that the Governor provide resources and support to mitigate and recover from the event
27. Adopt Resolution proclaiming continuation of the local emergency status relating to the extremely high levels of tree mortality and hazardous conditions created by the drought and request that the Governor continue to provide resources and support to mitigate risk of falling trees and increased fire hazard

Behavioral Health

28. Approve and authorize the Chairman to execute Amendment IV to Agreement for substance use disorder and co-occurring mental health services at the Juvenile Justice Campus with Mental Health Systems, Inc. extending the term by six months from January 1, 2024 to June 30, 2024 and increasing the maximum compensation by \$450,000 to a total of \$5,613,333
29. Approve and authorize the Chairman to execute Amendment I to Agreement with California State University, Fresno Foundation for evaluation services for The Lodge Innovation Programs, extending the term by eighteen (18) months from January 1, 2024 to June 30, 2025, and increasing the maximum compensation by \$68,520 to a total of \$218,520
30. Approve and authorize the Clerk of the Board to execute Budget Transfer No. 2 transferring FY 2023-24 appropriations in the amount of \$14,000 from Account 7295 (Professional and Specialized Services) to Account 8300 (Equipment) within the Department of Behavioral Health Org 5630 (\$14,000) for the purchase of a Canon EOS C70 Cinema Camera and associated accessories

County Counsel

31. Approve and authorize the Chairman to execute Amendment No. 2 to Legal Services Agreement, which amends Agreement No. P-21-497 with the law firm of Prentice Long, PC, to extend the term of the Agreement by six months to December 31, 2024, and to increase the maximum compensation payable under the Agreement by \$50,000 to a total of \$250,000

Human Resources

32. Approve the authorize the Chairman to execute Participation Agreement with the San Joaquin Valley Insurance Authority (SJVIA), for the purpose of participating in the SJVIA health insurance (Anthem Blue Cross and Kaiser), pharmacy program (EmpiRx Health), dental insurance (Delta Dental) and vision insurance (Vision Service Plan) for employees and retirees, effective December 11, 2023 through December 9, 2024; approve and authorize the Chairman to execute Agreement with Kaiser Permanente for group medical services for the period January 1, 2024 through December 31, 2024 for retirees; approve and authorize the Chairman to execute Agreement with MyWorkplace, Inc. for Medicare retiree eligibility and accounting services, effective January 1, 2024 through December 31, 2024; approve and authorize the Chairman to execute agreement with Navia Benefit Solutions, Inc. for retiree billing and accounting services, effective January 1, 2024 through December 31, 2024; and approve and authorize the Director of Human Resources, or designee, to approve and execute any health plan documents, business associate agreements and any other related agreements, or amendments, to the foregoing, to implement such agreement in recommended actions 1 through 4, subject to review and approval by County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form

33. Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for obtaining the services of special counsel to assist the County; and Approve and authorize the Chairman to execute an Agreement with the firm Porter Scott to represent the County and its employees in General Liability, Auto Liability, Employment Law, and Medical Malpractice legal services cases, effective December 12, 2023, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$7,500,000
34. Approve and authorize Chairman to execute six Agreements to Defend Public Officers or Employees for Lakeisha Akins, Social Worker, Marshunda Harding, Social Work Supervisor, Department of Social Services; Annette Jones, Unlicensed Mental Health Clinician, Department of Behavioral Health; Sergio Klassen, Defense Investigator, Public Defender; Christina Lara, Social Work Practitioner, Eva Torres, Social Worker, Department of Social Services; Veronica Hernandez, et al. v County of Fresno, et al.
35. Adopt Resolutions Rejecting Claims for Damages
36. Conduct second hearing and adopt an Ordinance amending Fresno County Ordinance Code Title 3 - Personnel, Chapter 3.08 - Civil Service System, Section 3.08.110 - Employees - Political Activity by deleting Subsection (A)(5) prohibiting County officers and employees from directly or indirectly soliciting political funds or contributions, knowingly, from other County officers or employees or persons on the employment list of the County and making other non-substantive revisions; and waive reading of the Ordinance in its entirety
37. Approve the successor Memorandum of Understanding for Representation Unit 43, represented by the Stationary Engineers - Local 39, effective December 11th, 2023; and approve the related Salary Resolution Amendment as reflected on Appendix "B"
38. Approve the successor Memorandum of Understanding for Representation Unit 39, represented by the Stationary Engineers - Local 39, effective December 11th, 2023; and approve the related Salary Resolution Amendment as reflected on Appendix "C"
39. Approve the successor Memorandum of Understanding for Representation Unit 31 - Public Defenders, represented by the Professional Association County Employees, effective December 11, 2023, and approve the related Salary Resolution Amendment as reflected on Appendix "D"
40. Approve Amendment to the Salary Resolution, Section 411 - Hiring Rate and Salary Range Step Advancement, effective December 11, 2023, as reflected on Appendix "A"; and approve Amendment to the Personnel Rules, Section 4012 - Types of Recruitments - Employment Lists, effective December 11, 2023, as reflected on Appendix "A"

Internal Services

41. Approve and authorize the Chairman to execute First Amendment to Agreement No. 17-635 with the City of Fresno for parking stalls for County employees, increasing the maximum number of parking stalls from 600 to 1,550, with no change to the term through December 31, 2032

42. Approve and authorize the Chairman to execute First Amendment to the Agreement with Siemens Industry, Inc., for upgrades to portions of the Fresno County Main Jail control system, extending the termination date from December 31, 2023, to project completion, not to extend beyond June 30, 2025, with no change to the maximum compensation
43. Conduct a second hearing and adopt Chapter 13.28 of the Fresno County Ordinance Code, as amended, entitled "Leasing and Licensing of Any Real Property Belonging to, Leased by, or Licensed by the County," which sets the informal bidding procedures for the leasing and licensing of any real property belonging to, leased by, or licensed by the County; and waive reading of the proposed Ordinance in its entirety

Probation

44. Approve and authorize the Chairman to execute an Agreement with RDA Consulting, SPC, to provide evaluations of the County of Fresno Community Corrections Partnership funded programs effective January 16, 2024 through January 15, 2027, with an annual maximum compensation of \$100,000, not to exceed the contract maximum compensation of \$300,000
45. Approve and authorize the Chairman to execute Amendment II to Service Agreement with CFMG for comprehensive medical and behavioral health care services to youth at the County Probation Department Juvenile Justice Campus, extending the term by six months, commencing on January 1, 2024, to June 30, 2024, and increasing the maximum by \$1,806,996 to a total of \$20,661,543

Public Health

46. Approve retroactive submission of the FY 2023-24 California Department of Health Care Services allocation plan for child health services under California Children's Services; and approve and authorize the Chairman to execute the retroactive Certification Statement as required by the California Department of Health Care Services, effective July 1, 2023 to June 30, 2024 (\$7,738,562)
47. Approve and authorize the Chairman to execute a retroactive revenue agreement with the California Department of Resources, Recycling and Recovery for FY 2023-24 Local Enforcement Agency Grant Program funding, effective July 1, 2023 through October 29, 2024 (\$28,676)
48. Adopt a Resolution to appoint a Solid Waste Independent Hearing Officer to maintain the County's Local Enforcement Agency designation through the California Department of Resources, Recycling and Recovery, effective upon execution, not to exceed four consecutive years, through December 11, 2027

Public Works and Planning

49. Approve and authorize Chairman to execute an Agreement with Carahsoft Technology Corporation, for OpenGov, Inc.'s Cartegraph Cloud-Based Enterprise Asset Management Platform, through NASPO Cooperative Agreement, effective December 15, 2023, not to exceed five consecutive years, which includes a two-year initial term and three optional one-year extensions, total compensation not to exceed \$1,265,979

50. Approve a three-year extension of the Millerton New Town Infrastructure Plan for the Millerton Specific Plan (Infrastructure Plan), including its associated Millerton New Town Area Implementation Procedures (Implementation Procedures), to allow the Infrastructure Plan including its associated Implementation Procedures to continue through December 31, 2026

Social Services

51. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34), determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted due to unusual or extraordinary circumstances, and that the best interests of the County would be served by entering into an agreement with WestCare California, Inc. as the vendor is uniquely qualified to provide Housing and Disability Advocacy Program services; and Approve and authorize the Chairman to execute an agreement with WestCare California, Inc. for Housing and Disability Advocacy Program services, effective upon execution through June 30, 2026, which includes a 19-month base contract, with one optional one-year extension, total not to exceed \$4,696,879
52. Authorize a waiver of the 28 hours per week and 960 hours per year maximum limitations for Extra-Help positions in the Department of Social Services as listed on Attachment A for calendar year 2024, pursuant to the provisions set forth in the Salary Resolution, section 1100 and Personnel Rules 2040 and 4240