



County of Fresno

Action Summary - Final

Board of Supervisors

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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

Tuesday, August 8, 2023

9:30 AM

Hall of Records

Present: 5 - Supervisor Steve Brandau, Vice Chairman Nathan Magsig, Supervisor Buddy Mendes, Supervisor Brian Pacheco, and Chairman Sal Quintero

Invocation and Pledge of Allegiance

PASTOR JOEY FERRER, CORNERSTONE CHURCH, GAVE THE INVOCATION AND LED THE BOARD OF SUPERVISORS IN THE PLEDGE OF ALLEGIANCE

Board of Supervisors

1. Approve Agenda

A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THIS AGENDA BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

2. Approve Consent Agenda - Item Numbers 15-42

A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY VICE CHAIRMAN MAGSIG, THAT THIS CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEM 20 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Chairman Quintero and Supervisor Pacheco

3. Adopt Proclamation recognizing Mendota Jr. High School MESA Team for winning the National Engineering Design Competition; and present Certificates of Recognition to the 4 MESA Team Students

A MOTION WAS MADE BY SUPERVISOR PACHECO, SECONDED BY CHAIRMAN QUINTERO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 23-261

Chairman Quintero

4. Proclaim August 2023 as Breastfeeding Awareness Month

A MOTION WAS MADE BY CHAIRMAN QUINTERO, SECONDED BY SUPERVISOR MENDES, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 23-262

Supervisor Magsig

5. Proclaim August 2023 as Valley Fever Awareness Month in the County of Fresno

A MOTION WAS MADE BY VICE CHAIRMAN MAGSIG, SECONDED BY SUPERVISOR PACHECO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 23-263

Public Works and Planning

6. Adopt plans and specifications for Contract 23-07-M Road Maintenance and Rehabilitation Account (SB-1) Asphalt Concrete Overlays at various locations in Fresno County, receive verbal report on bid opening, and award to bidder with lowest responsive bid

AT APPROXIMATELY 10:26 A.M., THE BOARD OF SUPERVISORS WENT INTO RECESS DUE TO A DISRUPTION BY MEMBERS OF THE PUBLIC ASSOCIATED WITH SEIU LOCAL 2015 CHANTING DEMANDS FOR WAGE INCREASES

AT APPROXIMATELY 10:39 A.M., THE BOARD OF SUPERVISORS RECONVENED THE MEETING

A MOTION WAS MADE BY VICE CHAIRMAN MAGSIG, SECONDED BY SUPERVISOR MENDES, THAT THIS MATTER BE ACTED ON AS FOLLOWS: 1) ADOPT SPECIFICATIONS FOR CONTRACT NO. 23-07-M, ASPHALT CONCRETE OVERLAYS, VARIOUS LOCATIONS IN FRESNO COUNTY, RECEIVE VERBAL REPORT ON BID OPENING; AND AWARD TO THE BIDDER WITH THE LOWEST BID, YARBS GRADING AND PAVING, INC., 11339 S. DEWOLF AVENUE, FRESNO, CALIFORNIA 93725, IN THE TOTAL AMOUNT OF \$14,570,998.05 FOR THE BASE BID AND ALL OF THE ADDITIVE BIDS; AND 2) AUTHORIZE THE CHAIRMAN TO EXECUTE CONTRACT CHANGE ORDERS FOR CONTRACT NO. 23-07-M, IN EXCESS OF THE DIRECTOR'S ALLOWANCE OF \$210,000, UP TO 6% OF THE CONSTRUCTION CONTRACT TOTAL UP TO \$874,259, INCREASING THE CONTRACT MAXIMUM TO \$15,445,257.05. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Public Health

7. Receive verbal update regarding the Reedley lab abatement

RECEIVED VERBAL UPDATE REGARDING THE REEDLEY LAB ABATEMENT

Board of Supervisors' Committee Reports and Comments

8. 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)

SUPERVISOR MENDES ACKNOWLEDGED THE END OF FLOOD SEASON AND THE WORK OF DAM OPERATORS: MICHAEL JACKSON AT FRIANT, AND STEVE HAUGEN AND THE KINGS RIVER WATER AUTHORITY (KRWA) AT PINE FLAT. VICE CHAIRMAN MAGSIG REPORTED ATTENDING THE NATIONAL ASSOCIATION OF COUNTIES (NACo) ANNUAL CONFERENCE: HE CHAIRED THE FINANCE, PENSIONS, AND INTERGOVERNMENTAL COMMITTEE, WHICH PASSED A RESOLUTION REGARDING FIRE INSURANCE; NACo ADDED FIRE INSURANCE TO ITS PLATFORM; AND NACo WILL REQUEST WASHINGTON TO FORM A COMMITTEE TO INVESTIGATE INSURANCE EXPENSES RELATED TO NATURAL DISASTERS. VICE CHAIRMAN MAGSIG ALSO REPORTED ATTENDING RECENT EVENTS AT HUNTINGTON LAKE: THE LOGGERS JAMBOREE, WHICH HIGHLIGHTS THE COUNTY'S LOGGING AND FOREST MANAGEMENT HISTORY; AND A TOUR OF GOLD ARROW CAMP, ONE OF MANY CAMPS FOR CHILDREN IN THE COUNTY. VICE CHAIRMAN MAGSIG ALSO COMMENTED THAT THE REOPENING OF DAMAGED PARKS ALONG THE RIVERS IS A TOP PRIORITY FOR PUBLIC WORKS; ANNOUNCED THE BOIL WATER NOTICE WAS LIFTED IN WATERWORKS DISTRICT NO. 18; AND REPORTED THE STATE IS WORKING TO OBTAIN FUNDS FOR RESTORING THE MILLERTON COURTHOUSE. SUPERVISOR BRANDAU REPORTED THE FRESNO COUNTY PUBLIC LAW LIBRARY BOARD OF TRUSTEES MET LAST WEEK AND PASSED THE UPCOMING YEAR'S BUDGET

Board Appointments

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

RECEIVED VACANCY REPORT. A MOTION WAS MADE BY VICE CHAIRMAN MAGSIG, SECONDED BY SUPERVISOR BRANDAU, THAT THE NOMINATIONS FOR APPOINTMENT AND REAPPOINTMENTS BE APPROVED AS FOLLOWS:

COMMISSION ON THE STATUS OF WOMEN
REAPPOINT EVE CASTELLANOS (TERM TO EXPIRE 07/01/25)

EMERGENCY MEDICAL CARE COMMITTEE
APPOINT DUSTIN HAIL TO THE POSITION PREVIOUSLY HELD BY JOHN BINASKI (TERM TO EXPIRE 01/04/27)

WEST FRESNO COUNTY RED SCALE PROTECTIVE DISTRICT
REAPPOINT JAMES KARLE (TERM TO EXPIRE 07/29/26)

THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Public Presentations

10. 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
HELD; RECEIVED

Closed Session

11. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (2 Cases); Conference with legal counsel - Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (3 Cases)

HELD; NO REPORTABLE ACTION

12. 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

HELD; NO REPORTABLE ACTION

13. Conference with Real Property Negotiators - Government Code 54956.8. Property: Courthouse Park (APN 466-160-01T) which is bordered by Tulare St., Van Ness Ave., Fresno St., and M. St.; County Negotiator: Paul Nerland, County Administrative Officer or Designee. Negotiating Parties: Judicial Council of California, Under Negotiations: Instructions to County's negotiator may concern exchange, purchase, or lease of properties, price, terms and conditions

HELD; NO REPORTABLE ACTION

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

14. Sitting as the In-Home Supportive Services Public Authority Governing Board: Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Erica Hartsfield; Employee Organization: SEIU-Local 2015 - Hours, Wages and Terms and Conditions of Employment

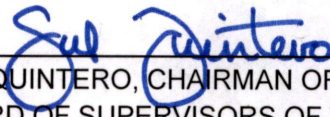
HELD; NO REPORTABLE ACTION

Adjourn

A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THIS MEETING BE ADJOURNED FOLLOWING CLOSED SESSION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero


APPROVED:



SAL QUINTERO, CHAIRMAN OF THE
BOARD OF SUPERVISORS OF THE
COUNTY OF FRESNO

ATTEST:

BY:



BERNICE E. SEIDEL

CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF FRESNO, STATE OF CALIFORNIA

APPROVED ON AUGUST 22, 2023

CONSENT AGENDA

A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY VICE CHAIRMAN MAGSIG, THAT THIS CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEM 20 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Board of Supervisors

15. Approve minutes for July 18, 2023

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

16. Approve amendments to Conflict of Interest Codes for California Virtual Academy @ Fresno, Oro Loma Water District, and Stinson Water District; and approve initial Conflict of Interest Code for South Kings Groundwater Sustainability Agency

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

17. Appoint Allison Febbo to the Broadview Water District Board of Directors, for a short term expiring December 2023, to fill a vacancy

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Chairman Quintero

18. Adjourn in Memory of Mike Reynolds

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

19. Adjourn in Memory of Dolly Arredondo

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Supervisor Brandau

20. Adjourn in Memory of Dr. Richard Hovannisian

A MOTION WAS MADE BY SUPERVISOR BRANDAU, SECONDED BY VICE CHAIRMAN MAGSIG, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Supervisor Magsig

21. Adjourn in Memory of Elizabeth "Betsy" Sandoval who was a long-time resident, insurance agent, and school trustee in the Clovis community

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Sheriff/Coroner/Public Administrator

22. Approve and authorize the Chairman to execute an Agreement with Codex Corporation dba Guardian RFID for software, hardware, and support services for management, monitoring, and tracking of incarcerated persons at the County's Jail facilities, effective August 8, 2023 and extended to the first anniversary of the Go-Live date, with up to three (3) additional one-year renewal periods, total not to exceed \$439,061

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-386

23. Conduct second hearing and adopt proposed ordinance, which retroactively adds Chapter 10.66, "Military Equipment Use Policy" to Title 10, Public Peace, Morals and Welfare, to the Ordinance Code of the County of Fresno

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Ordinance No. 23-010

Administrative Office

- 24.** 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.

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 23-264

- 25.** 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

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 23-265

- 26.** 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

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 23-266

- 27.** Review the findings and recommendations of the 2022-23 Fresno County Civil Grand Jury Final Report No. 2, "Has Measure B Benefitted the Fresno County Free Library? Measuring Performance," and adopt the recommended responses; and order the Board's responses to the 2022-23 Fresno County Civil Grand Jury Final Report No. 2 be filed with the Presiding Judge of the Superior Court

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Behavioral Health

28. Approve and authorize the Chairman to execute Amendment II to Master Agreement with various School Districts for the coordination of office space to perform mental health services at various School Districts, to add Fresno Unified School District with no change to term of July 1, 2023 through June 30, 2028 (\$0)

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-387

Human Resources

29. 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 for the engagement of third-party workplace investigations firms to provide workplace investigative services and post-investigative services; and approve and authorize the Chairman to execute a Master Agreement with third-party workplace investigations firms to provide workplace investigative services and post-investigative services, effective August 8, 2023, not to exceed five consecutive years, which includes a three-year base term and two optional one-year extensions, total not to exceed \$500,000

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-388

Internal Services

30. Approve and authorize the Chairman to execute Amendment No. 1 to Lease Agreement No. 22-059 with Heritage Centre, LLC, to revise the scope of work for additional tenant improvements, effective upon execution with no change to the term of March 1, 2022 through February 29, 2032, and increasing the maximum by \$3,200,000 to a total of \$44,771,212

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-389

31. Approve and authorize the Chairman to execute a Memorandum of Understanding (MOU) with the California Department of Forestry and Fire Protection and the City of Kingsburg, to allow for remote access to County interfaces for fire apparatus dispatching services, effective upon execution, for an initial five-year term with the option to renew for an additional five-year term (\$0)

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-390

32. Approve and authorize the Chairman to execute a License Agreement with Harmoni Towers LLC for radio tower space at 468 Oller Street, Mendota, CA 93640, effective upon execution, not to exceed 25 consecutive years, which includes a five-year base contract with four automatic five-year extensions, total to not exceed \$635,000

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-391

33. Approve and authorize the Chairman to retroactively execute an Assignment of Agreement with Fujitsu America, Inc. and Fujitsu North America, Inc., effective April 1, 2022, relating to County Agreement No. A-21-363, for services for the County's Property Management Information System, including the County's consent for Fujitsu America, Inc. to assign all of its rights to, and delegation of all of its obligations and duties under the Agreement to Fujitsu North America, Inc. (collectively, the Assignment) effective upon execution; and Approve and authorize the Chairman to execute a First Amendment to the Agreement with Fujitsu North America, Inc., for additional services and increased software testing time, and to increase the maximum compensation by \$500,000, from \$3,652,108 to a total of \$4,152,108, with no change to the potential three-year term of September 7, 2021, to September 6, 2024

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-392, Agreement No. 23-393

- 34.** Approve and authorize the Chairman to execute an Agreement with Fire Systems Solutions, Inc. for fire suppression and pump, maintenance, inspection, inventory, and minor repair services, effective upon execution, not to exceed five consecutive years, which includes a two-year base contract and three optional one-year extensions, total not to exceed \$500,000; and Authorize the Director of Internal Services/Chief Information Officer, or his or her designee, to add or remove buildings, and change service levels pursuant to the methodology described in the recommended agreement and as operational needs require, with no change to the maximum compensation

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-394

- 35.** Retroactively approve and authorize the Director of Internal Services/Chief Information Officer's previous submittal of a grant application to the California Public Utilities Commission for the Local Agency Technical Assistance (LATA) grant (\$999,643); Approve and authorize the Director of Internal Services/Chief Information Officer, or their designee, to execute the required Consent Form and Government Agency Tax Payer ID Form; and Authorize the Director of Internal Services/Chief Information Officer to submit requests to modify to the County's LATA grant work plan, and to execute any document necessary with the California Public Utilities Commission to affect any potential changes to the LATA grant work plan

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Probation

- 36.** Approve and authorize the Chairman to ratify the Chief Probation Officer's previous execution and submission of an application to the California Department of Public Health for a Standing Order for administration of Naloxone, effective June 27, 2023 through June 27, 2025

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

37. Retroactively approve and authorize the Chief Probation Officer's previous submittal of a grant application to the State of California, Governor's Office of Emergency Services (Cal OES), for the Probation Specialized Units Program (\$100,000), to provide funding for specialized supervision of high-risk domestic violence offenders and support to their victims through the Specialized Supervision Program; approve and authorize the Chairman to execute a grant agreement with the State of California, Governor's Office of Emergency Services for the Probation Specialized Units Program with Cal OES, for the period of October 1, 2023 through September 30, 2024 (\$100,000), as well as all required certifications; and approve and authorize the Auditor-Controller/Treasurer-Tax Collector, or his designee, to execute the required Authorization for the Grant Subaward Certification of Assurance of Compliance

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-395

Public Health

38. 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 for implementing the school-based dental sealant program, as Fresno County Economic Opportunities Commission is the only provider that has worked alongside the Department of Public Health as they were developing and incorporating the oral health component into the community-wide services offered; and approve and authorize the Chairman to execute a retroactive Agreement with Fresno County Economic Opportunities Commission to implement the school-based dental sealant program from July 1, 2023 to June 30, 2027, which includes two optional one-year extensions, total not to exceed \$920,000

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-396

Public Works and Planning

39. Adopt proposed Payment Programs Resolution authorizing the submittal of individual or regional applications for various payment programs, administered by the California Department of Resources Recycling and Recovery, for a period of five years from date of adoption of said Resolution and authorize Chairman of the Board of Supervisors and the Director of Public Works and Planning, or his/her designee, as Signature Authorities for all documents necessary to secure payment and implement payment program activities; and adopt proposed Grant Programs Resolution authorizing the submittal of individual or regional applications for various grant programs, administered by the California Department of Resources Recycling and Recovery, for a period of five years from date of adoption of said Resolution and authorize the Chairman of the Board of Supervisors or his/her designee, as Signature Authority for all grant-related documents necessary to secure grant funds and implement grant program activities and authorize Director of Public Works and Planning, or his/her designee, as Signature Authority for all grant-related documents, excepting only grant agreements and amendments thereto, necessary to secure funds and implement grant program activities

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 23-267, Resolution No 23-268

40. Approve and authorize Chairman to execute a Joint Powers Agreement with cities of Fowler, Kerman, Kingsburg, Mendota, Orange Cove, Reedley, Sanger, and Selma for the County of Fresno's Urban County Program to receive Community Development Block Grant, Home Investment Partnerships, and Emergency Solutions Grants Entitlement Funding administered by Department of Housing and Urban Development for period of July 1, 2024 through June 30, 2027

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-397

41. Approve and authorize Chairman to execute Amendment I to Agreement No. 20-082 with Sierra Unified School District for the Sierra Oaks Community Center Solar, Roofing, and Americans with Disabilities Act Improvements, Community Development Block Grant Project No. 18011, effective upon execution to complete the Project by the previously extended completion date of December 31, 2023, and increasing the maximum by \$83,866 for a total amount not to exceed \$242,086

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-398

42. Approve and authorize the Chairman to execute a 32-year Solar Project Reclamation Agreement (Reclamation Agreement), including the Reclamation Plan, Exhibit A thereto, with CES Electron Farm One, the project applicant (Applicant), to implement project mitigation measures and specific conditions of approval placed on Unclassified Conditional Use Permit (CUP) No. 3742 for a solar photovoltaic electricity generating facility (the Project), encompassing approximately 40 acres, generally located on the West side of South Fairfax Avenue, between West Panoche Road and West South Avenue, in unincorporated Fresno County, approximately 12 miles southwest of the City of Mendota; and If your Board approves Recommended Action 1 above, approve and authorize the Chairman to execute the Escrow Agreement with the Applicant and United Security Bank, located in Fresno, as the Escrow Agent to accept a cash deposit of \$117,960 as the Applicant's initial security to the County for the Reclamation Agreement, and to identify the County's initially designated representatives who are authorized on behalf of the County to initiate and approve transactions of all types for the escrow account established under the Escrow Agreement (each, a County Representative); and Authorize the Director to give any notice on behalf of the County, under the Escrow Agreement, including providing any revised form of Sight Draft (Exhibit A-1 to the Escrow Agreement) (the Revised Form of Sight Draft) and/or any revised Certificate as to Authorized Signatures-County of Fresno (Exhibit A-2 to the Escrow Agreement) (the Revised Form of Authorized Signatures), as applicable, to the Escrow Agent with respect to any County Representative having a title change or erroneous signature, or to identify any replacement County Representative or any County Representative who has been replaced, as the case may be; and Authorize each County Representative who may be identified by the Director in any notice given to the Escrow Agent, and any related Revised Form of Sight Draft and/or Revised Form of Authorized Signatures, in Recommended Action 3, to execute any supplemental certificate substantially in the form of the Revised Form of Authorized Signatures, and to provide any of their identifying information, including any updated or corrected information, as the case may be; and Authorize the Director, following your Board's approval of Recommended Action 1, to accept grants of limited access easements to the County from the owners of the properties upon which the Project will be situated for purposes of any Reclamation (defined in the Reclamation Agreement) by the County including its contractors, officers, agents, employees, and representatives, if and to the extent the County elects to do so

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 23-399, Agreement No. 23-400