



# Board of Supervisors

## Agenda - Final-Revised

Hall of Records, Room 301  
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*Steve Brandau, 2nd District, Chairman*  
*Brian Pacheco, 1st District, Vice-Chairman*  
*Sal Quintero, 3rd District*  
*Buddy Mendes, 4th District*  
*Nathan Magsig, 5th District*

*Jean M. Rousseau, County Administrative Officer*  
*Daniel C. Cederborg, County Counsel*  
*Bernice E. Seidel, Clerk of the Board of Supervisors*

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Tuesday, March 9, 2021

10:00 AM

Hall of Records

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### **\*IMPORTANT NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19\***

Due to the current Shelter-in-Place Order covering the State of California and Social Distance Guidelines issued by Federal, State, and Local Authorities, the County is implementing the following changes for attendance and public comment at all Board of Supervisors meetings until notified otherwise. The Board chambers will be open to the public. Any member of the Board of Supervisors may participate from a remote location by teleconference pursuant to California Governor Gavin Newsom's Executive Order N-25-20.

- The meeting will be webcast. The public may observe the live stream of the Board of Supervisors Meeting at: <https://fresnocounty.Legistar.com>
- If you attend the Board of Supervisors meeting in person, you will be required to maintain appropriate social distancing, i.e., maintain a 6-foot distance between yourself and other individuals. Due to Shelter-in-Place Order requirements, the number of people in the Board of Supervisors Chambers will be limited. Members of the public who wish to make public comments will be allowed in on a rotating basis even if seating in the chambers is limited.
- If you choose not to attend the Board of Supervisors meeting but desire to make general public comment, or comment on a specific item on the agenda, you may do so as follows:

#### **Written Comments**

• Members of the public may submit written comments as follows: by email to [BOSScomments@fresnocountyca.gov](mailto:BOSScomments@fresnocountyca.gov), by mail or by hand delivery at the Clerk of the Board's office in the Hall of Records at the above address. Comments should be submitted as soon as possible but not later than 15 minutes before start of meeting. You will need to provide the following information:

- Board Meeting Date
- Item Number
- Comments

- Please submit a separate e-mail for each item you are commenting on.
- Please be aware that public comments received that do not specify a particular agenda item will be made part of the record of proceedings as a general public comment.
- If a written comment is received after the start of the meeting it will be made part of the record of proceedings, provided that such comments are received prior to the end of the Board meeting.
- Written comments will be provided to the Board members. Comments received during the meeting may not be distributed to Board members until after the meeting has concluded.

**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](mailto: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 online at: <http://fresnocounty.legistar.com>.

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

1. Approve Agenda
2. Approve Consent Agenda - Item Numbers 18 - 39

*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*

**Chairman Brandau**

3. Proclaim March 2021 as American Red Cross Month

**District Attorney**

4. Approve Amendment to the Salary Resolution adding two Senior District Attorney Investigators, and one Investigative Technician position to the District Attorney Org 2860, effective March 22, 2021 as reflected in Appendix D; adopt Budget Resolution increasing FY 2020-21 appropriations and estimated revenues in the amount of \$181,782 in the District Attorney Org 2860 (4/5 vote); and adopt Budget Resolution increasing FY 2020-21 appropriations and estimated revenues for the Internal Services Department, Fleet Services-Equipment Org 8911 in the amount of \$35,000 (4/5 vote)

**Administrative Office**

5. Receive presentation by the Sheriff-Coroner - Public Administrator regarding the West Annex Jail project, at 2208 Merced Street, in downtown Fresno; approve and authorize the Chairman to execute A Resolution of The Board of Supervisors of The County of Fresno Authorizing The Execution And Delivery of A Facility Sublease For And Ratifying All Previous Actions With Respect To The Fresno Jail Project And Authorizing Certain Actions In Connection Therewith (the Resolution) [such actions include, but are not limited to, ratifying the Project Delivery and Construction Agreement dated May 31, 2016 by and among the County, the State Public Works Board of the State of California (SPWB), and the Board of State and Community Corrections of the State of California (BSCC), the Ground Lease dated August 25, 2017 by and between the County and the BSCC, and the Easement Agreement for Grants of Access, Utilities and Repairs dated August 25, 2017 granted by the County to the BSCC, and approving the following proposed Site Lease and Facility Lease for the County's consent thereto], relating to the BSCC's lease of the Fresno Jail Project (also known as the West Annex Jail project) to the SPWB under the proposed Site Lease to be by and between those parties, the SPWB's lease-back of the Fresno Jail Project to the BSCC under the proposed Facility Lease to be by and between those parties, and the BSCC's sublease of the Fresno Jail Project to the County under the proposed Facility Sublease to be by and between the BSCC and the County, all in connection with the SPWB's proposed financing of the Fresno Jail Project, under Senate Bill 1022, through the SPWB's issuance and sale of its lease revenue bonds, 2021 Series B, for various capital projects, including, but not limited to, the Fresno Jail Project (approximately \$79.2 million principal amount of such SPWB bonds to be attributable to the Fresno Jail Project), and the portion of such SPWB bonds to be attributable to the Fresno Jail Project to be secured, in part, by the base rental payments to be made by the BSCC to the SPWB under such Facility Lease; ratify the Cooperation Agreement dated August 4, 2017 by and between the County and the SPWB; and authorize each of the Authorized Officers (defined in the Resolution) to approve and execute any amendments and/or agreements, if needed in the determination of any such Authorized Officers, for the subordination (or similar conditions, restrictions, or terms) of existing County agreements with contractors providing kiosks, infrastructure, equipment, or fixtures in the WAJ (such contractors to include, but are not limited to, Canteen of Fresno, Inc. (Jail commissary), Touch Legal, Inc. (legal research) TOUCHPAY Payment Systems, LP (inmate money handling kiosk service), Global Tel\*Link Corporation (telephone system, video visitation, victim notification system)) to the SPWB's bond financing agreements, including but not limited to, the Ground Lease, the Site Lease and/or the Facility Lease, and authorizing the County and the respective contractor to agree to execute same by electronic signatures
6. Appointment of James Kus as Fresno County Clerk/Registrar of Voters to fill vacancy resulting from retirement of incumbent, effective March 1, 2021 through January 2, 2023

**Behavioral Health**

7. Receive the Fresno County Behavioral Health Board Annual Report for 2020

**Probation**

8. Approve and authorize the Chairman to execute a retroactive Agreement with the City of Fresno for the National Sexual Assault Kit Initiative (SAKI) Grant Program, effective October 1, 2020, not to exceed three consecutive years, total not to exceed \$280,500; adopt Budget Resolution increasing the FY 2020-21 appropriations and estimated revenues for Probation Org 3432 in the amount of \$68,460 for the SAKI Program (4/5 vote); and approve Amendment to the Salary Resolution adding one Victim-Witness Advocate to the Probation Org 3432, effective March 22, 2021, as reflected in Appendix "C"

**Public Health**

9. Conduct first hearing to amend the Fresno County Ordinance Code, Title 2, Chapter 2.44, Section 2.44.060 relating to the Board of Supervisors' review of local emergency continuations; waive reading of Ordinance in its entirety; and set the second hearing for March 23, 2021; 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)

**Sitting as the Board of Directors of Waterworks District Nos. 37, 38, 40, 41, and 42 and Sitting as the Fresno County Board of Supervisors**

10. Sitting as the Fresno County Board of Supervisors  
Conduct a public hearing on Annual Water Conservation Report; and adopt Resolution declaring Water Conservation Stage Two from May 1, 2021 through November 30, 2021 and Stage Three from April 1, 2021 through April 30, 2021 and December 1, 2021 through March 31, 2022 and impose corresponding regulations within County Service Area No. 39 Zones A & B under Fresno County Ordinance, Chapter 14.01

Sitting as the Board of Directors of Waterworks District Nos. 37, 38, 40, 41, and 42  
Conduct a public hearing on the Annual Water Conservation Report; and adopt Resolution declaring Water Conservation Stage Four from April 1, 2021 - March 31, 2022 and impose corresponding regulations within Waterworks District No. 40 under Fresno County Ordinance Code, Chapter 14.01

**Board of Supervisors' Committee Reports and Comments**

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

**Board Appointments**

12. Board Appointments - Receive Boards, Commissions and Committees Vacancy Report; and Appoint Applicants as necessary

**Public Presentations**

13. Public Presentations - This portion of the meeting 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*

14. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (2 Cases)
15. Conference with legal counsel – Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)
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 Real Property Negotiators - Government Code, Section 54957(a); UMC Campus located at the corner of South Cedar Avenue and East Kings Canyon Road, Fresno, CA; County Negotiator: Jean M. Rousseau or designee. Negotiating Parties: CMG, Inc. Under negotiations: Instructions to County's negotiator may concern sale, lease and escrow terms and conditions including price

**Adjourn****NEXT MEETINGS:**

*March 23, 2021 - 10:00 AM*

*April 13, 2021 - 10:00 AM*

**CONSENT AGENDA**

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

**Board of Supervisors**

18. Approve minutes of meeting for February 23, 2021

**Chairman Brandau**

- 18.1 Adjourn in memory of Bob Smittcamp, a Fresno County business leader and philanthropist

**Supervisor Magsig**

19. Adjourn in Memory of Robert Lyle Huey, a longtime Fresno County farmer and Sanger community member

**Auditor Controller-Treasurer/Tax Collector**

20. Receive and file the Fresno County Audit Committee Minutes from May 15, 2020, August 14, 2020, and December 4, 2020 meetings
21. Approve one (1) resolution granting forty-six (46) claims for excess proceeds, and ordering distribution after the 90-day waiting period, where claimants submitted information and proof sufficient to establish a right to all or any portion of the excess proceeds; and denying twenty-two (22) claims for excess proceeds either because claimants failed to submit information and proof sufficient to establish a right to all or any portion of the excess proceeds, the claim was not timely submitted, there are not sufficient proceeds available, or the claims were satisfied by other means

**Sheriff/Coroner/Public Administrator**

22. 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 countywide Ford parts and maintenance as Decker Ford, Inc., dba Future Ford, of Clovis is a Ford factory provider of parts and service meeting manufacturer's specified requirements; and approve and authorize the Chairman to execute a retroactive Sole Source Agreement with Decker Ford, Inc., dba Future Ford of Clovis, to provide vehicle maintenance services and parts for the Sheriff-Coroner-Public Administrator's Office, Department of Public Works and Planning, and Internal Services Department, effective March 1, 2021 through February 28, 2026, not to exceed five consecutive years, which includes a three-year base contract and two optional one year extensions, total not to exceed \$2,150,000; 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 countywide Ford parts and maintenance as Lithia FMF, Inc., dba Lithia Ford Lincoln of Fresno is a Ford factory provider of parts and service meeting manufacturer's specified requirements; and approve and authorize the Chairman to execute a retroactive Sole Source Agreement with Lithia FMF, Inc., dba Lithia Ford Lincoln of Fresno, to provide vehicle maintenance services and parts for the Sheriff-Coroner-Public Administrator's Office, Department of Public Works and Planning, and Internal Services Department, effective March 1, 2021 through February 28, 2026, not to exceed five consecutive years, which includes a three-year base contract and two optional one year extensions, total not to exceed \$925,000
23. Adopt Budget Resolution increasing FY 2020-21 appropriations for the Sheriff-Coroner-Public Administrator Fund 0095, Subclass 17665, Federal Asset Forfeiture Org 1466 in the amount of \$478,000 (4/5 vote); and adopt Budget Resolution increasing FY 2020-21 appropriations and estimated revenues for Sheriff-Coroner-Public Administrator Org 31116313 in the amount of \$478,000 to purchase a drug analyzer, undercover vehicles and an engine rebuild for the Sheriff's helicopter (4/5 vote)

**County Counsel**

24. Approve and authorize the Chairman to execute a specialized legal services agreement with Hawkins Delafield & Wood LLP to act as bond counsel for special projects that may arise during FY 2021-22, effective July 1, 2021 (maximum compensation for services to be limited by amount appropriated by the Board in the FY 2021-22 budget, plus reimbursements from outside funding sources, if any). Approve and authorize the Chairman to execute a specialized legal services agreement with Hawkins Delafield & Wood LLP to act as bond counsel and disclosure counsel for the issuance if the County issues FY 2021-22 tax and revenue anticipation notes (maximum amounts payable for legal fees of \$45,000, and out-of-pocket expenses of \$1,500, plus actual and reasonable costs for certain publications, reports, and transcripts), effective upon execution by the parties until it is terminated by either or both parties



**Administrative Office**

25. Nominate Ms. Ginny Hovsepien to the Governor for appointment of a public member representing the landowners in the San Joaquin River bottom to the San Joaquin River Conservancy Governing Board
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
27. Adopt Resolution proclaiming continuation of the local emergency status relating to the 2020 Creek Fire and request that the Governor continue to provide resources and support to mitigate and recover from this wildfire; and adopt Resolution proclaiming continuation of the Local Health Emergency, due to the public health threat of the 2020 Creek Fire

**Behavioral Health**

28. Make a finding that 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 California State University, Fresno Foundation is a government agency with unique knowledge and experience working with the County's homeless population; and approve and authorize the Chairman to execute an Agreement with California State University, Fresno Foundation for evaluation services for The Lodge Innovation pilot program, effective upon execution, not to exceed two years and nine months, which includes a two-year three-month base contract and one optional six-month extension, total not to exceed \$150,000

**Child Support Services**

29. Adopt Budget Resolution increasing the FY 2020-21 appropriations and estimated revenues for the Department of Child Support Services Org 5110 in the amount of \$650,000; and approve and authorize the Clerk of the Board to execute Budget Transfer No. 14 transferring FY 2020-21 appropriations in the amount of \$550,000 within the Department of Child Support Services Org 5110, from Accounts 6100 (Regular Salaries), 6400 (Retirement Contribution), 6500 (OASDI), and 6600 (Health Insurance Contribution) to Accounts 7295 (Professional & Specialized Services), 7345 (Facility Operations & Maintenance), and 7910 (Operating Transfers Out) for facility improvement projects

**Human Resources**

30. Adopt Resolution to authorize provisions of the California Military & Veterans Code (MVC), Section 395.03, to any permanent County employee who is a member of the California National Guard or a United States Military reserve unit, is eligible for pay provisions under MVC sections 395.01 and 395.02, and is involuntarily called into active duty for thirty-one (31) days or more, shall be entitled to receive, for a period not to exceed 12 months, his/her regular County base pay offset by all military pay received for such duty, effective March 8, 2021 through December 12, 2021
31. Make a finding that it is in the best interest of the County to suspend the competitive bidding process in an emergency when goods or services are immediately necessary for the preservation of the public health, welfare, or safety, or for the protection of County property, consistent with Administrative Policy No. 34, for urgent and necessary COVID-19 vaccination services for County of Fresno Employees; and approve and authorize the Chairman to execute a retroactive agreement with Pinnacle Training Systems, LLC., to provide urgent and necessary COVID-19 vaccination services to County of Fresno Employees from February 15, 2021 through December 31, 2021, total not to exceed \$500,000
32. Approve and authorize the Chairman to execute a Second Amendment to Agreement No. 13-417 with Great-West Trust Company, LLC., to add the 2060 Great-West Lifetime target retirement date option to the current County of Fresno 457(b) Deferred Compensation Plan investment lineup
33. Approve Amendment to the Salary Resolution adjusting the range for the Senior Engineer and Supervising Engineer classifications and the hourly rate for the Law Clerk classification, effective March 8, 2021, as reflected in Appendix B
34. Approve and authorize Chairman to execute Agreement to Defend Public Officers or Employees for; Lisa Gamoian, Judge, Fresno County Superior Court; Ricky Foster v County of Fresno, et al.

**Public Health**

35. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Forestry and Fire Protection, for Local Assistance for Tree Mortality Grant Program funds, effective July 1, 2020 through January 31, 2022, total not to exceed \$149,494

**Public Works and Planning**

36. Approve and authorize the Clerk of the Board to execute Budget Transfer No. 13 transferring FY 2020-21 appropriations from Sheriff Jail Improvements - Capital Projects Org 8852 (\$111,000), from account 8150 (Buildings and Improvements) Program No. 90998 to account 8150 Program No. 91672, in the amount of \$111,000 for the Sheriff Headquarter Restroom Remodel

37. Authorize Chairman to execute Third Amendment to Amended and Restated Memorandum of Understanding between the County of Fresno and City of Clovis regarding annexation of 40 acres of unincorporated land to City of Clovis, known as the Ashlan-Thompson Southeast Reorganization; and determine that approval and authorization of Chairman to execute Third Amendment to Amended and Restated Memorandum of Understanding between County of Fresno and City of Clovis is exempt from the requirements of California Environmental Quality Act, Public Resources Code 2100, et seq., and direct staff to file a Notice of Exemption with the Office of the Fresno County Clerk
38. Approve and authorize Chairman to execute First Amendment to the Amended and Restated Memorandum of Understanding, Agreement No. 06-071, between County of Fresno and City of Orange Cove extending term of the MOU from March 21, 2021, to March 21, 2022; and determine that approval and authorization of Chairman to execute First Amendment to Amended and Restated Memorandum of Understanding between County of Fresno and City of Orange Cove is exempt from requirements of the California Environmental Quality Act, Public Resources Code 2100, et seq., and direct staff to file a Notice of Exemption with the Office of the Fresno County Clerk

### **Social Services**

39. Approve and authorize the Chairman to ratify retroactive Agreement with RH Community Builders for Emergency Shelter Services in response to the COVID-19 pandemic, previously executed on February 25, 2021 by the County Administrative Officer acting as the Emergency Services Director, which includes a six-month contract and three optional month-to-month extensions, total not to exceed \$2,089,485; and, Agreement with Poverello House for Emergency Shelter Services in response to the COVID-19 pandemic, previously executed on February 25, 2021 by the County Administrative Officer acting as the Emergency Services Director, which includes a six-month contract and three optional month-to-month extensions, total not to exceed \$570,160