



# Board of Supervisors

## Agenda - Final

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*Brian Pacheco, 1st District, Chairman*  
*Sal Quintero, 3rd District, Vice-Chairman*  
*Steve Brandau, 2nd District*  
*Buddy Mendes, 4th District*  
*Nathan Magsig, 5th 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, September 6, 2022

9:30 AM

Hall of Records

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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 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**

1. Approve Agenda
2. Approve Consent Agenda - Item Numbers 16 - 43

*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 Pacheco and Supervisor Magsig**

3. Adopt Resolution in support of Fresno Sheriff's Sergeants Association capital project to design and build the Fresno Sheriff Memorial at the site of the new Metro Substation

### **Chairman Pacheco and Supervisor Mendes**

4. Adopt Resolution in recognition of Westlands Water District's 70th Anniversary

### **Supervisor Quintero**

5. Proclaim September 2022 as Suicide Prevention Awareness Month

### **Supervisor Magsig**

6. Proclaim the Month of September 2022 as National Recovery Month in Fresno County

**Administrative Office**

7. Accept the Fresno County Foster Care Standards and Oversight Committee report for activities from July 1, 2021 through June 30, 2022

**Public Works and Planning**

8. Receive presentation on the Fresno County Multi-Jurisdictional 6th Cycle Housing Element Update

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

9. 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**

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

**Public Presentations**

11. 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*

12. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (2 Cases)
13. Conference with legal counsel - Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)
14. 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
15. Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - CMG Construction Management Group, Inc., a California corporation vs. City of Fresno, a municipality; County of Fresno, a municipality; and DOES 1 through 50, inclusive, Fresno Superior Court Case No.: 22CECG00271

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

*Budget Hearings September 12 - 13, 2022 - 9:30 AM*

*September 20, 2022 - 9:30 AM*

*October 11, 2022 - 9:30 AM*

**CONSENT AGENDA**

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

**Board of Supervisors**

16. Approve minutes of meeting for August 23, 2022

**Supervisor Brandau and Supervisor Magsig**

17. Adjourn in Memory of Officer Steven "Steve" Hunt, a highly respected member of the Fresno Police Department for 33 years

**Supervisor Brandau**

- 17.1 Adjourn in Memory of Julie Rodriguez

**Supervisor Magsig**

- 17.2 Adjourn in Memory of Dr. Venu Gopal, Chief Forensic Pathologist at the Fresno County Sheriff-Coroner's Office

**Supervisor Mendes**

18. Adopt Resolution honoring the 25th Anniversary of Aera Energy LLC in Coalinga, California

- 18.1 Adjourn in Memory of Mr. Earl Hudson, a member of a long-time farming family in the Sanger area

**Supervisor Quintero**

19. Adjourn in Memory of Vahan Chamlian
20. Proclaim September 2022 as Fresno Jr. Hockey Club's Try Hockey for Free Month
21. Proclaim September 6, 2022 Media Day
22. Proclaim September 6, 2022 Media Recognition Day

**Auditor Controller-Treasurer/Tax Collector**

23. Adopt Resolution establishing tax rates and levying taxes on the secured roll for the countywide rate of 1%, voter approved indebtedness, ad valorem taxes for revenue districts, and unitary taxes in Fresno County for the FY 2022-23

**County Clerk/Registrar of Voters**

24. Adopt a Resolution approving election consolidation requests filed by the entities included in the November 8, 2022 Statewide General Election as listed in the agenda item recommended action

**Administrative Office**

25. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the solicitation of services to promote and market the resources and economy of Fresno County; and approve and authorize the Chairman to execute a retroactive sole source Agreement with The Economic Development Corporation Serving Fresno County to promote and market the resources and economy of Fresno County, effective July 1, 2022 through June 30, 2023 (\$188,000)
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 Severe Drought and request that the Governor provide resources and support to mitigate and recover from the drought
28. Approve Panoche Drainage District, Panoche Water District and Mercy Springs Water District requests to move from odd to even-numbered year elections and set the date for the Panoche Drainage District and Panoche Water District's elections to occur on the same day as the November 2022 Statewide General Election and Mercy Springs Water District's election to occur on the same day as the November 2024 Statewide General Election
29. Approve and authorize the Chairman to execute Subrecipient Agreement for American Rescue Plan Act State Local Fiscal Recovery Funds with Del Rey Community Service District in the amount of \$418,000 to fund the design, surveying and engineering, environmental review, and construction of a groundwater recharge project in the unincorporated Community of Del Rey; and, approve and authorize the Chairman to execute Subrecipient Agreement for American Rescue Plan Act State Local Fiscal Recovery Funds with the ACTS Foundation in the amount of \$500,000 to fund increased service capacity in its food and supplies distribution programs: Grocery Giveaway, CityServe, and the Senior Citizens Grocery Delivery for calendar years 2023 and 2024

**Behavioral Health**

30. Retroactively approve and authorize the Department of Behavioral Health Director's previous submittal of Chairman to execute the Biennial 2022-2024 Application / Agreement with the California Department of Health Care Services (DHCS) for Substance Abuse and Mental Health Services Administration (SAMHSA) Community Mental Health Services Block Grant (MHBG) funds for dual diagnosis mental health services in licensed residential board and care facilities, effective July 1, 2022 through June 30, 2024 (\$10,000,000.00); and approve and authorize the Director of the Department of Behavioral Health, or designee, as signatory on behalf of the Board of Supervisors on associated grant agreement documents, expenditure forms and reports, with no change to the compensation amount or term

**Human Resources**

31. 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 George Hills Company is the only provider with specific knowledge of the County's General Liability Program; and approve and authorize the Chairman to execute an Agreement with George Hills Company for general liability third party claims administration effective September 6, 2022, not to exceed four years, which includes a two-year base contract, and two optional one-year extensions, total not to exceed \$700,000
32. Resolutions Rejecting Claims for Damages

**Internal Services**

33. Approve and authorize the Chairman to execute Amendment No. 2 to Energy Services Agreement-Solar with ForeFront Power BTM Solar, LLC., effective upon execution, to extend the term by 90 days from March 24, 2045 to June 22, 2045, with no change to the compensation maximum; and, approve and authorize the Chairman to execute Amendment No. 1 to Energy Services Agreement-Energy Storage with ForeFront Power BTM Solar, LLC., to update provisions of the agreement to reflect the final overall size of the system, effective upon execution, with no change to the term of February 4, 2020 through June 22, 2045, or compensation maximum of \$814,600

**Probation**

34. Approve and authorize the Chairman to execute a First Amendment to an Agreement with the Board and State Community Corrections for the Edward Byrne Memorial Justice Assistance Grant Program, to extend the term of the existing Agreement by six months from December 31, 2022 to June 30, 2023, with no change to the compensation maximum (\$3,136,875)

35. 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; and approve and authorize the Chairman to execute a grant application/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, 2022 through September 30, 2023 (\$100,000); 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

### **Public Health**

36. Accept termination letter from City of Selma for fire dispatch services, revenue Agreement 20-264, retroactively effective August 1, 2022; and, approve voluntary without cause termination of Agreement 20-265 with K.W.P.H, dba American Ambulance, for fire dispatch service for Selma Fire Department, retroactively effective August 1, 2022
37. Approve and authorize the Chairman to execute a retroactive Future of Public Health Award Agreement with California Department of Public Health, effective July 1, 2022 through June 30, 2023, with the allocated funds to be available for encumbrance or expenditure until June 30, 2024 (\$6,126,172); and retroactively authorize the Director of Public Health's previous submittal of the Acknowledgement of Allocation Letter acknowledging receipt of the letter and accepting the funds to be used as outlined under the submission requirements; and approve and authorize the Director of Public Health, or designee, as signatory on behalf of the Board of Supervisors on associated grant documents, including submission of all future reports, claims, and adjustments to subsequent Future of Public Health Funding work plans and spend plans, as well as the Annual Certification form

### **Public Works and Planning**

38. Approve and authorize the Chairman to execute Amendment I to Agreement No. 20-083 with Stearns Conrad, & Schmidt, Consulting Engineers, Inc., dba SCS Engineers for consultant services related to solid waste planning and implementation of solid waste management programs compliant with both State regulations and the Fresno County Ordinance Code, increasing the maximum compensation amount by \$190,000 to a total of \$480,000
39. Adopt and authorize Chairman to execute Resolution approving Measure C Extension Local Transportation Program Funds Claim for FY 2022-23, authorize the Director of the Department of Public Works or his designee to transmit a copy of the adopted Resolution to the Fresno County Transportation Authority (FCTA), and confirm County's intent to complete reporting requirements for prior year no later than November 15, 2022; and approve and authorize Chairman to execute six Measure C Extension Local Transportation Pass Through Revenues Certification and Claims for FY 2022-23, and certify that funds will not substitute property tax funds, which were previously used for local transportation purposes (\$9,619,126)

40. Approve request by City of Clovis to acquire right-of-way, including eminent domain condemnation actions, from parcels adjacent to existing County right-of-way in an identified unincorporated area of County as needed in conjunction with City's development of utilities and street improvements adjacent to E. Shepherd Avenue east of N. Sunnyside Avenue; and authorization under full extent of Section 1810 of the Streets and Highways Code allows City of Clovis to acquire, by purchase or eminent domain, the right-of-way from these parcels
41. Retroactively authorize Department of Public Works and Planning's submittal of four 2023 Active Transportation Program Cycle 6 Applications to California Department of Transportation; Del Rey Sidewalk Project, Tranquillity Sidewalk Project, Calwa Sidewalk Project, and Cantua Creek & El Porvenir (Three Rocks) Sidewalk Project; and adopt a Resolution required by Fresno Council of Governments regarding the County's approval of and commitment to the projects, relating to Fresno County's application to the Active Transportation Program (\$14,382,000)
42. Approve and authorize Chairman to execute Amendment to Escrow Agreement, amending the April 2, 2020 Escrow Agreement with Wells Fargo Bank, N.A. and Table Mountain Rancheria, providing a mechanism to release \$1,000,000.00 security (along with any interest) held in escrow by Wells Fargo Bank, N.A. and required under Security Agreement No. 09-615, between County and Table Mountain Rancheria, for the now-completed undergrounding of utilities along Millerton Road between Sky Harbour Road and Winchell Cove Road; and following approval of Recommended Action No. 1, authorize each of County officers specified in Exhibit B-3 to the recommended Amendment to Escrow Agreement to provide notice under Section 1.6 of the April 2, 2022, Escrow Agreement, as amended by recommended Amendment to Escrow Agreement, to Wells Fargo Bank, N.A. and Table Mountain Rancheria authorizing Wells Fargo Bank, N.A. to release the above-described \$1,000,000.00 security; and approve and authorize Chairman to execute the attached Reconveyance of the Deed of Trust, reconveying to Table Mountain Rancheria County's deed of trust (Document No. 98114187) recorded on August 14, 1998, as to four parcels along Millerton Road between Sky Harbour Road and Winchell Cove Road
43. Receive change order status report on West Annex Jail construction project, located at 2208 Merced Street, Fresno, CA 93721, regarding approval by Chairman of Change Order # 25, providing for a net increase in contract amount of \$102,945, leaving a remaining balance of \$363,342 from original contingency amount of \$4,087,800 which is 5% of original construction contract of \$81,756,000; and approve an increase of \$4,087,800 original contingency amount by \$1.1 Million, for a revised contingency amount of \$5,187,800 to address anticipated remaining change orders