



County of Fresno

Action Summary - Draft

Board of Supervisors

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

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

Tuesday, March 5, 2024

9:30 AM

Hall of Records

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

Invocation and Pledge of Allegiance

PASTOR MATTHEW MARKARIAN, PEOPLES CHURCH AND EXECUTIVE DIRECTOR OF THE FRESNO POLICE CHAPLAINCY, GAVE THE INVOCATION AND LED THE BOARD OF SUPERVISORS IN THE PLEDGE OF ALLEGIANCE

1. Approve Agenda

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

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

2. Approve Consent Agenda - Item Numbers 16-49

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR PACHECO, THAT THIS CONSENT AGENDA BE APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 33 AND 44 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Chairman Magsig

3. Proclaim March 2024 as American Red Cross Month in Fresno County

A MOTION WAS MADE BY CHAIRMAN MAGSIG, SECONDED BY VICE CHAIRMAN 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. 24-062

4. Proclaim March 2024 as Social Worker Appreciation Month in Fresno County

A MOTION WAS MADE BY CHAIRMAN MAGSIG, SECONDED BY VICE CHAIRMAN 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. 24-063

Administrative Office

5. Adopt recommended changes to the Fresno County State Legislative Platform; authorize the Chairman to execute letters of support, or opposition, in accordance with the platform; authorize the County Administrative Office to work with the County's State Legislative Delegation, Sacramento lobbyists, and/or other necessary parties to support, or oppose, legislation in accordance with the platform; and receive verbal report from Paul Yoder, State lobbyist, regarding legislative actions

RECEIVED VERBAL REPORT FROM PAUL YODER, STATE LOBBYIST, REGARDING LEGISLATIVE ACTIONS. A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

6. Sitting as the Fresno County Board of Supervisors: conduct a public hearing on Annual Water Conservation Report; and adopt Resolutions declaring Water Conservation Stages from April 1, 2024 - March 31, 2025, and impose corresponding regulations within County Service Area No. 1; 5; 10; 10A; 14; 23; 30; 32; 34, Zones A, C, D, F, & G; 34B; 39AB; 43W; 44C; 44D; 47; and 49 under Fresno County Ordinance Code Chapter 14.01;

Sitting as the Board of Directors of Waterworks District Nos. 37, 38, 40, 41W, and 42: conduct a public hearing on Annual Water Conservation Report; and adopt Resolutions declaring Water Conservation Stages from April 1, 2024 - March 31, 2025, and impose corresponding regulations within Waterworks District Nos. 37, 38, 40, 41W, and 42 under Fresno County Ordinance Code, Chapter 14.01

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, 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. 24-065, Resolution No. 24-066, Resolution No. 24-067, Resolution No. 24-068, Resolution No. 24-069, Resolution No. 24-070, Resolution No. 24-071, Resolution No. 24-072, Resolution No. 24-073, Resolution No. 24-074, Resolution No. 24-075, Resolution No. 24-076, Resolution No. 24-077, Resolution No. 24-078, Resolution No. 24-079, Resolution No. 24-080, Resolution No. 24-081, Resolution No. 24-082, Resolution No. 24-083, Resolution No. 24-084, Resolution No. 24-085

Public Works and Planning

7. Consider Appeal of the Planning Commission's approval of Unclassified Conditional Use Permit No. 3769 proposing to allow an unmanned freestanding 80-foot tall monopine style co-locatable wireless telecommunication facility on a 8.58-acre parcel within the R-E (Recreational) Zone District. If the Appeal is denied and the Planning Commission's approval of Unclassified Conditional Use Permit No. 3769 is upheld: a) Adopt the Mitigated Negative Declaration prepared for Initial Study No. 8429 and approve the proposal subject to the proposed Mitigation Measures and Conditions of Approval; and b) Make the required Findings specified in Fresno County Zoning Ordinance, Section 873(f) to uphold Unclassified Conditional Use Permit No. 3769 approval; and c) Adopt Resolution approving Unclassified Conditional Use Permit No. 3769, with Conditions of Approval and Project Notes (the subject parcel is located on the southwest corner of E. Nares Avenue and S. Pico Avenue, within the Unincorporated Community of Laton (APN: 057-090-34) (6345 Nares Avenue) (Sup. Dist. 4))

PRIOR TO THE BOARD TAKING ACTION, DEPARTMENT STAFF PRESENTED ERRATA FOR PAGE 9, SECTION VIII, SUBSECTION C OF THE INITIAL STUDY FOR HAZARDS AND HAZARDOUS MATERIALS (ATTACHMENT B, EXHIBIT 8): THE SUBSECTION ORIGINALLY NOTED THE PROJECT WAS NOT ANTICIPATING USING A BACKUP GENERATOR; HOWEVER, STAFF CLARIFIED THE PROJECT WILL INCLUDE A BACKUP GENERATOR FOR EMERGENCY USE. DUE TO REQUIRED PERMITS, INCLUDING FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, AND THE EXTREMELY LIMITED SCALE AND USE OF THE BACKUP GENERATOR, STAFF FINDS THERE IS VERY LIMITED POTENTIAL FOR HAZARDOUS MATERIAL TO POSE SIGNIFICANT IMPACT IN THE VICINITY OF THE PROJECT SITE

CONSIDERED APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3769 PROPOSING TO ALLOW AN UNMANNED FREESTANDING 80-FOOT TALL MONOPINE STYLE CO-LOCATABLE WIRELESS TELECOMMUNICATION FACILITY ON AN 8.58-ACRE PARCEL WITHIN THE R-E (RECREATIONAL) ZONE DISTRICT. CONDUCTED PUBLIC HEARING. APPELLANT WAS PRESENT. RECEIVED PUBLIC TESTIMONY IN FAVOR AND OPPOSITION OF THE APPEAL. CLOSED PUBLIC HEARING. A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY CHAIRMAN MAGSIG, THAT THIS MATTER BE ACTED ON AS FOLLOWS: 1) DENY APPEAL AND UPHOLD THE PLANNING COMMISSION'S APPROVAL OF UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3769; 2) ADOPT THE MITIGATED NEGATIVE DECLARATION PREPARED FOR INITIAL STUDY NO. 8429 AND APPROVE THE PROPOSAL SUBJECT TO THE PROPOSED MITIGATION MEASURES AND CONDITIONS OF APPROVAL; 3) MAKE THE REQUIRED FINDINGS SPECIFIED IN FRESNO COUNTY ZONING ORDINANCE, SECTION 873(F) TO UPHOLD UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3769; 4) ADOPT RESOLUTION APPROVING UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3769, WITH CONDITIONS OF APPROVAL AND PROJECT NOTES; AND 4) INCLUDE AN ADDITIONAL CONDITION OF APPROVAL THAT THE APPLICANT SHALL ENTER INTO AN AGREEMENT INDEMNIFYING THE COUNTY FOR ALL LEGAL COSTS ASSOCIATED WITH ITS APPROVAL OF INITIAL STUDY NO. 8429 AND UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3769 AND PROVIDE SECURITY IN AN AMOUNT DETERMINED BY THE COUNTY FOR ANY SUCH LEGAL COSTS INCURRED. THE AGREEMENT AND PAYMENT OF SECURITY SHALL BE DUE UNLESS THE LITIGATION PERIOD HAS EXPIRED, IN WHICH CASE THE REQUIREMENTS FOR THE INDEMNIFICATION AGREEMENT AND SECURITY SHALL BE CONSIDERED NULL AND VOID. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 4 - Brandau, Magsig, Mendes, and Quintero

Noes: 1 - Pacheco

Resolution No. 24-086

8. Consider Appeal of Planning Commission's approval of Unclassified Conditional Use Permit No. 3709 and Variance Application No. 4112 proposing to allow a pistachio processing facility including irrigation of approximately 3,740 acres of agricultural land with process water, and waiver of height limitations for specific structures to permit 48 silos at 50-feet and two proposed huller buildings at 42.5-feet (maximum 35-foot allowed) in AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District; and if Appeal is denied and Planning Commission's approval of Unclassified Conditional Use Permit No. 3709 and Variance Application No. 4112 is upheld, Board should Adopt proposed Resolution consisting of following actions: find that Final EIR (FEIR) was presented to, reviewed, and considered by Board; and find that decision to certify FEIR reflects the Board's independent judgement; and adopt California Environmental Quality Act (CEQA) Findings of Fact and Statement of Overriding Considerations, approve Mitigation Monitoring and Reporting Program and certify Environmental Impact Report prepared for proposed project, and EIR No. 8077 prepared for Stamoules Pistachio Processing Facility; and direct staff to complete and file a Notice of Determination in compliance with State law; and make required Findings specified in Fresno County Zoning Ordinance, Section 873(F) and 877(A) to uphold Unclassified Conditional Use Permit No. 3709 and Variance Application No. 4112; and approve Unclassified Conditional Use Permit No. 3709 and Variance Application No. 4112, with mitigation measures, conditions of approval and project notes (project site is proposed on a 98-acre portion of a 316.22-acre parcel, located at the northwest corner of W. Muscat Avenue and S. Newcomb Avenues approximately 9.7 miles south of City of Firebaugh (APN 019-150-64S). The 3,760 acres of agricultural land to receive process water is located approximately two miles to northeast of project site at its closest point)

CONSIDERED APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3709 AND VARIANCE APPLICATION NO. 4112 PROPOSING TO ALLOW A PISTACHIO PROCESSING FACILITY INCLUDING IRRIGATION OF APPROXIMATELY 3,740 ACRES OF AGRICULTURAL LAND WITH PROCESS WATER, AND WAIVER OF HEIGHT LIMITATIONS FOR SPECIFIC STRUCTURES TO PERMIT 48 SILOS AT 50-FEET AND THE TWO PROPOSED HULLER BUILDINGS AT 42.5-FEET (MAXIMUM 35-FOOT ALLOWED) IN THE AE-20 (EXCLUSIVE AGRICULTURAL, 20-ACRE MINIMUM PARCEL SIZE) ZONE DISTRICT. CONDUCTED PUBLIC HEARING. APPELLANT WAS NOT PRESENT. RECEIVED PUBLIC TESTIMONY IN OPPOSITION TO THE APPEAL. CLOSED PUBLIC HEARING. A MOTION WAS MADE BY SUPERVISOR PACHECO, SECONDED BY SUPERVISOR BRANDAU, THAT THIS MATTER BE ACTED ON AS FOLLOWS: 1) DENY APPEAL AND UPHOLD THE PLANNING COMMISSION'S APPROVAL OF UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3709 AND VARIANCE APPLICATION NO. 4112; 2) ADOPT RESOLUTION FINDING THAT THE FINAL EIR (FEIR) WAS PRESENTED TO, REVIEWED, AND CONSIDERED BY THE BOARD; FINDING THAT THE DECISION TO CERTIFY THE FEIR REFLECTS THE BOARD'S INDEPENDENT JUDGMENT; ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, APPROVE THE MITIGATION MONITORING AND REPORTING PROGRAM AND CERTIFY THE ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROPOSED PROJECT, AND EIR NO. 8077 PREPARED FOR THE STAMOULES PISTACHIO PROCESSING FACILITY; DIRECTING STAFF TO COMPLETE AND FILE THE NOTICE OF DETERMINATION IN COMPLIANCE WITH STATE LAW; MAKING THE REQUIRED FINDINGS SPECIFIED IN FRESNO COUNTY ZONING ORDINANCE, SECTION 873(F) AND 877(A) TO UPHOLD UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3709 AND VARIANCE APPLICATION NO. 4112; AND APPROVING UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3709 AND VARIANCE APPLICATION NO. 4112, WITH MITIGATION MEASURES, CONDITIONS OF APPROVAL AND PROJECT NOTES; AND 3) INCLUDE AN ADDITIONAL CONDITION OF APPROVAL THAT THE APPLICANT SHALL ENTER INTO AN AGREEMENT INDEMNIFYING THE COUNTY FOR ALL LEGAL COSTS ASSOCIATED WITH ITS APPROVAL OF EIR NO. 8077, CUP NO. 3709, VA NO. 4112 AND PROVIDE SECURITY IN AN AMOUNT DETERMINED BY THE COUNTY FOR ANY SUCH LEGAL COSTS INCURRED. THE AGREEMENT AND PAYMENT OF SECURITY SHALL BE DUE UNLESS THE LITIGATION PERIOD HAS EXPIRED, IN WHICH CASE THE REQUIREMENTS FOR THE INDEMNIFICATION AGREEMENT AND SECURITY SHALL BE CONSIDERED NULL AND VOID. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Resolution No. 24-087

Board of Supervisors' Committee Reports and Comments

9. 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)

CHAIRMAN MAGSIG ENCOURAGED VOTING FOR ELECTION DAY TODAY; SHARED HIS APPRECIATION AND RESPECT TOWARDS HIS COLLEAGUES ON THE BOARD; AND CONGRATULATED THE ATHLETES WHO COMPETED AT THE CALIFORNIA INTERSCHOLASTIC FEDERATION (CIF) HIGH SCHOOL STATE WRESTLING CHAMPIONSHIPS HELD THIS PAST WEEKEND

Board Appointments

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

RECEIVED VACANCY REPORT. A MOTION WAS MADE BY SUPERVISOR BRANDAU, SECONDED BY VICE CHAIRMAN MENDES, THAT THE NOMINATION FOR REAPPOINTMENT BE APPROVED AS FOLLOWS:

**COALINGA-HURON MOSQUITO ABATEMENT DISTRICT
REAPPOINT RONALD GLEN RAMSEY (TERM TO EXPIRE 01/03/28)**

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Public Presentations

11. 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

12. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (2 Cases)
HELD; NO REPORTABLE ACTION
13. Conference with legal counsel - Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)
HELD; NO REPORTABLE ACTION
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
HELD; NO REPORTABLE ACTION

15. Conference with legal counsel - Existing Litigation pursuant to Government Code Section 54956.9(d)(1): Gregg Collins: ADJ17588049

HELD; NO REPORTABLE ACTION

Adjourn

A MOTION WAS MADE BY VICE CHAIRMAN 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:

NATHAN MAGSIG, 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 _____

CONSENT AGENDA

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR PACHECO, THAT THIS CONSENT AGENDA BE APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 33 AND 44 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Board of Supervisors

16. Approve minutes for February 20, 2024

APPROVED AS RECOMMENDED

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

17. Approve amendments to Conflict of Interest Code for Fresno Unified School District

APPROVED AS RECOMMENDED

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

Chairman Magsig and Supervisor Quintero

18. Adjourn in Memory of James Hallowell

APPROVED AS RECOMMENDED

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

Supervisor Quintero

19. Proclaim Hye Sharzhoom Day in honor of their 45 years of circulation

APPROVED AS RECOMMENDED

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

Resolution No. 24-054

20. Proclaim Armenian Student Organization Day in honor of their 50th Anniversary

APPROVED AS RECOMMENDED

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

Resolution No. 24-055

21. Adjourn in Memory of Fred Savala**APPROVED AS RECOMMENDED**

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

District Attorney

- 22.** Retroactively approve and authorize the District Attorney's Office's previous submittal of a multi-agency partnership application with the City of Fresno to the Board of State and Community Corrections for the Organized Retail Theft Prevention Grant Program, effective October 1, 2023 to June 1, 2027 (\$23,663,194); approve and authorize the Chairman to execute the retroactive Memorandum of Understanding with the City of Fresno so that the County may receive Board of State and Community Corrections Organized Retail Theft Prevention Grant Program funds from the City of Fresno, effective October 1, 2023 to June 1, 2027, total not to exceed \$854,519; retroactively approve and ratify execution by District Attorney of Operational Agreement Between Fresno Police Department, Clovis Police Department, Fresno County Probation Department, and Fresno County District Attorney's Office, which establishes each party's intention to work toward the mutual goal of creating a task force to combat and prosecute Organized Retail Theft offenders (\$0); and adopt Budget Resolution increasing FY 2023-24 appropriations and estimated revenue for District Attorney Org 2860 in the amount of \$250,071 (4/5 vote)

APPROVED AS RECOMMENDED

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

Agreement No. 24-094, Resolution No. 24-056

County Counsel

- 23.** 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 2024-25, effective July 1, 2024, through and including June 30, 2025, total compensation not to exceed \$75,000; and 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 2024-25 tax and revenue anticipation notes, effective upon execution by the parties until it is terminated by either or both parties, total compensation not to exceed the amounts payable for legal fees of \$40,000, and out-of-pocket expenses of \$1,500 plus actual and reasonable costs for certain publications, reports, and transcripts

APPROVED AS RECOMMENDED

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

Agreement No. 24-095, Agreement No. 24-096

Administrative Office

24. Verify that the members of the Child Care and Development Local Planning Council identified in the Certification Statement Regarding the Child Care and Development Local Planning Council Membership meet the council representation categories mandated by California Welfare and Institutions Code section 10485 and that a good faith effort has been made by the County Board of Supervisors to ensure that the ethnic, racial, and geographic composition of the Child Care and Development Local Planning Council is reflective of the population of Fresno County, and authorize the Chairman to execute Certification Statement Regarding the Child Care and Development Local Planning Council Membership

APPROVED AS RECOMMENDED

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

25. Adopt Resolution to suspend and supersede prior Board action taken on May 12, 2009, which established a Fresno County High School Art Project and Gallery located in the Hall of Records, and authorize the County Administrative Office, in conjunction with the Clerk of the Board and the Chairman of the Board, to select and oversee the installation of art to be displayed in the lobby located outside of Board Chambers

APPROVED AS RECOMMENDED

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

Resolution No. 24-057

26. Approve and authorize the Chairman to execute First Amendment to Subrecipient Agreement No. 22-171 with Tranquillity Irrigation District (Subrecipient) for the provision of American Rescue Plan Act - State Local Fiscal Recovery Funds (ARPA-SLFRF), which will revise the expenditure plan and update the modification clause; and Authorize the County Administrative Officer or designee to approve and execute written changes to the items in the project budget, which, when added together during the term of the Agreement, do not exceed ten percent (10%) of the total maximum compensation payable to Subrecipient, and which do not result in any change to the maximum compensation amount payable to Subrecipient

APPROVED AS RECOMMENDED

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

Agreement No. 24-097

Behavioral Health

27. Approve and authorize the Chairman to execute First Amendment to Agreement with Fresno County Superintendent of Schools eliminating the Prevention and Outreach for Recognition strategies, effective July 1, 2024 with no change to the term of July 1, 2023 through June 30, 2025 and decreasing the maximum by \$4,739,650 to a total of \$74,775,612

APPROVED AS RECOMMENDED

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

Agreement No. 24-098

28. Approve and authorize the Chairman to execute a retroactive Agreement with the California Mental Health Services Authority for the Presumptive Transfer Program, to supersede existing Participation Agreement (State No. 421-2018-PT-FC-A1) with a new Participation Agreement (State No. 4928-PT-2023-FC), effective July 1, 2023 to June 30, 2025, total not to exceed \$1,184,325; and approve and Authorize the Department of Behavioral Health Director, or designee, to be the signatory and act as the Fresno County representative on behalf of the Board of Supervisors on associated California Mental Health Services Authority Presumptive Transfer Program related reports and forms, without modifying the maximum compensation

APPROVED AS RECOMMENDED

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

Agreement No. 24-099

29. Retroactively authorize the Director of the Department of Behavioral Health's previous submission of a 60-day written notice to Mental Health Patient's Rights Advocate Program to terminate Agreement No. 23-079, pursuant to the Without Cause provision of the Agreement, to be effective March 15, 2024

APPROVED AS RECOMMENDED

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

30. 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 a master agreement as the contractors are the only vendors eligible to provide supplemental residential board and care home services; and, approve and authorize the Chairman to execute Amendment II to Master Agreement to add BHC Alhambra Hospital, Inc. d.b.a. BHC Alhambra Hospital, with no change to the term of July 1, 2023 to June 30, 2025, or compensation maximum of \$13,500,000

APPROVED AS RECOMMENDED

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

Agreement No. 24-100

Child Support Services

31. Adopt resolution approving application for discharge from accountability, pursuant to Government Code section 25257, for collecting overtime overpayments made to 43 DCSS employees from May 19, 2019, to April 16, 2023, in the total amount of \$1,996.37

APPROVED AS RECOMMENDED

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

Resolution No. 24-058

Human Resources

32. Adopt a Resolution amending and restating the County of Fresno 401(a) Defined Contribution Plan; and Approve and authorize the Chairman to execute the amended Adoption Agreement for Nationwide Financial Services, Inc. Non-Standardized Governmental 401(a) Pre-Approved Plan amending and restating the County of Fresno 401(a) Defined Contribution Plan

APPROVED AS RECOMMENDED

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

Resolution No. 24-059, Agreement No. 24-110

33. Approve Addendum to the Memorandum of Understanding (MOU) for Representation Unit 2 - Sheriff's and Probation Personnel, represented by the Fresno County Public Safety Association, effective March 18, 2024; Approve Addendum to the Memorandum of Understanding for Representation Unit 35 - Sheriff's and Correctional Lieutenants, represented by the Sheriff's and Correctional Lieutenants Association, effective April 1, 2024; Approve Addendum to the Memorandum of Understanding for Representation Unit 37 - Correctional Sergeants, represented by the Fresno Sheriff's Correctional Sergeants Association, effective March 18, 2024; and Approve the related Salary Resolution Amendment, as reflected on Appendix "B"

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

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

Salary Resolution No. 24-010

Internal Services

34. Approve and authorize the Chairman to execute a Resolution expressing support for the electrification of the County's vehicle fleet, by supporting the goal of an eighty percent electric vehicle fleet by 2050; and Approve and authorize the Director of the Internal Services Department/Chief Information Officer to submit a grant application for an amount not to exceed \$336,680, and to complete and submit all required forms and documentation in support of the application to the United States Department of Energy for the Energy Efficiency and Conservation Block Grant Program

APPROVED AS RECOMMENDED

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

Resolution No. 24-060

35. Approve and authorize the Chairman to execute an Agreement with San Joaquin Glass Company, Inc. to provide glass replacement, installation, and repair services on an as-needed basis for a three-year initial term with two optional one-year extensions, effective upon execution, total not to exceed \$550,000

APPROVED AS RECOMMENDED

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

Agreement No. 24-101

36. Approve and authorize the Chairman to execute a Second Amendment to Agreement No. 19-247 with Carahsoft Technology Corporation, for software and associated implementation services related to County Information Technology service requests, effective upon execution, increasing the maximum compensation by \$1,031,422 to a total of \$4,031,422, with no change to the five-year term of June 18, 2019 through June 17, 2024

APPROVED AS RECOMMENDED

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

Agreement No. 24-102

37. 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 Sound Contracting, Inc. has extensive knowledge of the County's operating system, network, and equipment, and is the only local vendor that can respond timely to requests for warranty and maintenance work; and Approve and authorize the Chairman to execute a retroactive Agreement with Sound Contracting, Inc., for audiovisual equipment and services, effective December 4, 2023, not to exceed five consecutive years, which includes a one-year base contract and four optional one-year extensions, total not to exceed \$5,000,000

APPROVED AS RECOMMENDED

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

Agreement No. 24-103

38. Approve and authorize the Chairman to execute an Agreement with Pacific Storage Company for confidential document shredding and media destruction services, effective March 12, 2024, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$765,376

APPROVED AS RECOMMENDED

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

Agreement No. 24-104

Library

39. Approve and authorize the Clerk of the Board to execute Budget Transfer No. 6 transferring FY 2023-24 appropriations from Org 75110502 (\$9,100), from Account 7385 (Small Tools & Instruments) to Org 75110502 Account 8300 (Equipment), in the amount of \$9,100 to appropriately categorize the equipment as capital assets

APPROVED AS RECOMMENDED

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

Public Health

40. Approve and authorize the Chairman to execute a retroactive grant Application/Revenue Agreement including Assurances, Certifications and Authorized Agent Form with the State of California, Governor's Office of Emergency Services for the FY 2023 Emergency Management Performance Grant, for the period of July 1, 2023 through June 30, 2025 (\$650,292); retroactively authorize the Director of Public Health, or Designee's previous execution of the grant award letter for the FY 2023 Emergency Management Performance Grant; and approve and authorize the Vice-Chairman to execute the Governing Body Resolution

APPROVED AS RECOMMENDED

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

Agreement No. 24-105

41. Approve and authorize the Chairman to execute a retroactive grant Application/Revenue Agreement, including Assurances, Certifications and Authorized Agent Form, with the State of California, Governor's Office of Emergency Services for the FY 2023 Homeland Security Grant Program, for the period of September 1, 2023 through May 31, 2026 (\$1,039,636); retroactively approve and authorize the Director of Public Health's previous execution and submission of the grant award letter for the FY 2023 Homeland Security Grant Program; and approve and authorize the Vice-Chairman to execute the Governing Body Resolution

APPROVED AS RECOMMENDED

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

Agreement No. 24-106

42. 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 Nurse-Family Partnership as it is the only early childhood program that meets the Coalition for Evidence-Based Policies; and, Approve and authorize the Chairman to execute a retroactive Agreement with Nurse-Family Partnership for a nurse home visitation program, effective July 1, 2023, not to exceed four consecutive years, which includes a three-year base contract and one optional twelve-month extension, total not to exceed \$227,712

APPROVED AS RECOMMENDED

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

Agreement No. 24-107

Public Works and Planning

43. Adopt specifications for Contract No. 23-09-SW, Southeast Regional Disposal Site Perimeter Fence Replacement and award to the lowest bidder AJ Excavation Inc., 9662 W Kearney Blvd., Fresno, CA, in the total amount of \$381,814

APPROVED AS RECOMMENDED

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

44. Adopt resolution determining that certain County-owned real property located at 1155 Fifth Street, Clovis, CA (existing Clovis Regional Library property, APN: 492-131-23ST), is exempt surplus land and is not required for County use, and that certain City-owned real property (APN: 492-131-11ST, proposed new Clovis Regional Library) owned by City of Clovis to be acquired by exchange is required for County use (4/5 vote required), all in accordance with Government Code sections 54221(f)(1)(C) and 25365; and approve and authorize Chairman to execute Cooperative Agreement and Agreement for Exchange of Real Property (Agreement) with City of Clovis to exchange existing County-owned Clovis Regional Library property for a parcel of City-owned real property (APN: 492-131-11ST) to construct a new Clovis Regional Library (\$0); and approve and authorize Chairman to execute Parking and Access Easement for ingress, egress, and parking for Clovis Regional Library with City of Clovis, attached to Agreement as Exhibit F (\$0); and approve and authorize Director of Internal Services/Chief Information Officer to execute grant deed necessary to convey existing Clovis Regional Library property to City of Clovis, subject to approval as to legal from by County Counsel

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

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

Resolution No. 24-064, Agreement No. 24-109

45. Make findings required under Sections 66001 and 66015.5 of the Government Code for enactment of development fees requested by Fresno County Metropolitan Flood Control District; adopt Resolution memorializing those findings and amending Schedule of Drainage Costs and Fees for local drainage areas and Storm Drainage and Flood Control Master Plan pursuant to Section 17.64.050 of Fresno County Ordinance Code; and determine that Recommended Actions 1 and 2 above are exempt from review under California Environmental Quality Act and direct staff to file a notice of exemption with County Clerk and State Clearinghouse

APPROVED AS RECOMMENDED

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

Resolution No. 24-061

46. Make a finding as required by Public Contract Code Section 3400 that specification of certain products for the holophane lighting components by brand or trade name for the lighting system at the Biola Community Sidewalk Improvements project is compliant with provisions of Public Contract Code Sections 3400(c)(2) and 3400(c)(3); and authorize staff to incorporate these specific lighting system components within existing project design which will be put out to bid

APPROVED AS RECOMMENDED

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

Social Services

47. Approve Termination of MOU No. 20-407 with UP Holdings California, LLC; UPA, LLC; and RH Community Builders LP for Non-Allocation of Funds effective April 4, 2024; Approve and authorize the Director of the Department of Social Services to give 30 days written notice terminating MOU No. 20-407 to UP Holdings California, LLC; UPA, LLC; and RH Community Builders LP pursuant to the Non-Allocation of Funds provision within the agreement, effective April 4, 2024

APPROVED AS RECOMMENDED

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

48. Approve and authorize the Chairman to execute an agreement with the Marjaree Mason Center, Inc., for the provision of Domestic Violence Shelter-Based Services funded through the County's Domestic Violence Special Revenue Fund effective upon execution, not to exceed five consecutive years, including a three-year base contract with two optional one-year extensions; and Accept the Marjaree Mason Center Annual Report for the period of October 1, 2022 through September 30, 2023

APPROVED AS RECOMMENDED

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

Agreement No. 24-108

49. Conduct second hearing and adopt an Ordinance amending the Fresno County Ordinance Code, Title 2, Chapter 2.80, Section 2.80.150, "Fresno County In-Home Supportive Services Public Authority"; and waive reading of Ordinance in its entirety

APPROVED AS RECOMMENDED

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

Ordinance No. 24-004