



# Board of Supervisors

## Agenda - Final-Revised

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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, August 9, 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 20 - 62

*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*

### **Board of Supervisors**

3. Presentation of Retirement Plaque to Joy J. Moreno - Social Services - 32 Years of Service
4. Presentation of Retirement Plaque to Armando Hindman - Internal Services - 26 Years of Service

### **Supervisor Brandau**

5. Proclaim August 7-13, 2022 as International Assistance Dog Week in Fresno County

### **Board of Supervisors**

6. Approve and adopt the revised 2022 regular meeting schedule of the Board of Supervisors; and Direct the Clerk of the Board to publish the amended 2022 meeting schedule of the Board of Supervisors on the Fresno County website and to advise all County departments of the revised meeting schedule and submission dates for agenda items

**Human Resources**

7. Approve adjustments to the salaries of the County Administrative Officer, Assistant County Administrative Officers, and appointed Department Heads, effective August 8, 2022, as reflected in Appendix C

**County Clerk/Registrar of Voters**

8. Receive the Certified Statement of Vote for the June 7, 2022, Consolidated Statewide Primary Election and declare elected the candidates with majority vote totals and the results of each measure voted on in each consolidated election
- 8.1 Receive "Certificate of Sufficiency" dated August 4, 2022, with respect to the initiative petition entitled "California State University, Fresno Facility and Academic Program Improvement Initiative Measure" filed with the County Clerk/Registrar of Voters on July 25, 2022, pursuant to Elections Code Section 9114; and Pursuant to California Elections Code Section 9118, the Board of Supervisors shall take action on one of the following: a. Submit the "California State University, Fresno Facility and Academic Program Improvement Initiative Measure," without alteration, to the voters pursuant to Elections Code Section 1405; and adopt Resolution calling an election for the "California State University, Fresno Facility and Academic Program Improvement Initiative Measure" to be consolidated with the November 8, 2022 Consolidated Statewide General Election; or b. Refer the "California State University, Fresno Facility and Academic Program Improvement Initiative Measure" to a county agency or agencies for a report or reports on the effect of the proposed ordinance (e.g., fiscal impact), pursuant to Elections Code Section 9111, and direct staff to present the report(s) to the Board of Supervisors no later than 30 days after today's date, at which time your Board would adopt a Resolution calling for an election pursuant to Elections Code Section 1405

**Public Works and Planning**

9. Approve the form of the Direct Payment Agreement (Agreement) with Horne LLP for the County to receive direct payments from Horne LLP for the benefit of the customers of County-maintained water systems who qualify for the California Department of Community Services and Development Low-Income Household Water Assistance Program except for the provisions of Section 2.5 of the Agreement (i.e., County's return of funds relating to previously discharged (written-off) customer account balances) and Section 2.6 of the Agreement (i.e., County's return of funds relating to previously closed customer accounts); and Authorize the Director of Public Works and Planning (Director) or his designee to complete negotiations with Horne LLP concerning the provisions of Sections 2.5 and 2.6 of the Agreement upon terms and conditions that would be in the Director's determination as in the best interest of the County; and Authorize the Director to approve and execute the Agreement with Horne LLP, including the provisions of Sections 2.5 and 2.6 of the Agreement that are in his determination as in the best interest of the County
  
10. Consider petition for partial Cancellation of Agricultural Land Conservation Contract No. 6899 filed by Walter James Bledsoe and Elizabeth D. Bledsoe to remove a 6.64-acre portion of a 79.89-acre parcel from Williamson Act contract to allow creation of a 4.62-acre parcel and a 2.02-acre parcel for residential use; and if your Board is able to make all five required Consistency Findings listed under Government Code, Section 51282(b), adopt a Resolution authorizing partial Cancellation of Agricultural Land Conservation Contract No. 6899; and authorize Chairman to sign Certificate of Tentative Cancellation and approve recordation of Certificate of Cancellation when all conditions included in Certificate of Tentative Cancellation have been satisfied (subject parcel is located on south side of Harlan Avenue and on east and west sides of Bryan Avenue, approximately one mile northeast of unincorporated community of Lanare (20141 Bryan Avenue) (APN: 053-031-03s)

**Administrative Office**

11. Consider request by the Fresno County Transportation Authority (FCTA) and approve a resolution to place a ballot measure on the November 2022 general election ballot to extend for 30 years the current one-half percent local sales tax to be used for transportation purposes in accordance with the approved Transportation Expenditure Plan

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

12. 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**

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

**Public Presentations**

14. 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*

15. Conference with Legal Counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - John Lee vs. County of Fresno; Workers' Compensation Appeals Board Number ADJ10813919
16. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (2 Cases)
17. Conference with legal counsel - Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)
18. 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
19. Public Employee Performance Evaluation - County Administrative Officer (Government Code section 54957(b))
- 19.1 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
- 19.2 Conference with Legal Counsel - Existing Litigation - Government Code section 54956.9(d)(1) - Hall, et all. v. County of Fresno, et al., United States District Court, Eastern District of California, Case No. 1:11-CV-02047

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

*August 23, 2022 - 9:30 AM*

*September 6, 2022 - 9:30 AM*

**CONSENT AGENDA**

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

**Board of Supervisors**

20. Approve minutes of meeting for July 12, 2022

**Supervisor Magsig**

21. Adopt a Resolution Commemorating the Grand Opening of Table Mountain Casino Resort on July 21, 2022

**Supervisor Magsig and Supervisor Mendes**

- 21.1 Adjourn in Memory of Jack Hannah; a man of great faith in Jesus Christ, educator, coach, musician, and a larger-than-life legend in Fresno County

**Supervisor Quintero**

22. Adjourn in Memory of Andrew V. Ochoa Jr.
23. Adjourn in Memory of Ron A. Donaldson
24. Adjourn in Memory of Sidney Chun Tuck

**Auditor Controller-Treasurer/Tax Collector**

25. Make a finding that it is in the best interest of the County to waive the competitive bidding process under Administrative Policy No. 34 under the “when the contract is with a federal, state, or local governmental agency” exception; and authorize the Chairman to execute an Agreement with the State of California Employment Development Department for the procurement of confidential wage and benefit information related to the collection of court ordered debt, effective September 1, 2022, through June 30, 2025 for a maximum amount of \$5,104; and Approve and authorize the Chairman to execute the standard, State-provided Indemnity Agreement

**Sheriff/Coroner/Public Administrator**

26. Approve and authorize Chairman to execute a Memorandum of Understanding (MOU) with the City of Fresno, which provides dedicated grant funds for equipment to the Internet Crimes Against Children (ICAC) task force member agencies to be used in the course of ICAC investigations, to allow a Fresno Police Department Officer to use a County vehicle (\$50,000); and approve and authorize the waiving of Administrative Policy No. 17 (regarding the use of County vehicles by County officials and employees only) to allow a Fresno Police Department Officer, as a member of the ICAC Task Force, to use a County vehicle
27. Approve and authorize the Chairman to execute a Second Amendment to Agreement with RR-M Reyna Inc., for decedent removal services, to update contractor rates, with no change to the term of May 16, 2019 through May 15, 2024 and increasing the maximum by \$100,000 to a total of \$2,100,000
28. Adopt and authorize Chairman to execute Resolution approving special tax amount, and levying special tax in the maximum total amount of \$387,030.46, on developed real properties within (Mello-Roos) Countywide Community Facilities District (CFD) No. 2006-01 (District), including its Annexation Territories, for enhanced police protection services for FY 2022-23

**County Counsel**

29. Approve and authorize Chairman to execute the Settlement Agreement and Release, by which the City of Fresno will pay \$25,000 to the County for its deductible for insurance coverage from Lexington Insurance Company for damage from the flooding of the Brix-Mercer Building

**Administrative Office**

30. Retroactively approve the submittal of an engagement letter to CalRecycle, requesting CalRecycle’s assistance in cleaning up an illegal dump located at 20526 S. Garfield Avenue, in Riverdale, CA; and Adopt Resolution authorizing the use of \$120,000 from the American Avenue Disposal Site Refund Trust account 0700/15060 for the cleanup of an illegal privately-operated dump located at 20526 S. Garfield Avenue, Riverdale, CA, and authorizing the Director of Public Works and Planning and the Auditor-Controller/Treasurer-Tax Collector to take all steps necessary to carry out this authorization

31. Approve and authorize the Chairman to execute Subrecipient Agreement for American Rescue Plan Act State Local Fiscal Recovery Funds with Tranquillity Public Utility District in the amount of \$661,500 to fund a sewer system rehabilitation project in the Community of Tranquillity; and approve and authorize the Chairman to execute Subrecipient Agreement for American Rescue Plan Act State Local Fiscal Recovery Funds with Malaga County Water District in the amount of \$2,567,225 to fund the design and construction of a water storage tank in the Community of Malaga
  
32. Approve and authorize the Chairman to execute Subrecipient Agreement for American Rescue Plan Act State Local Fiscal Recovery Funds with Fresno Community Hospital and Medical Center in the amount of \$2,720,670 to fund the purchase of six adult Stryker beds for its intensive care unit and a computed tomography scanner that will treat and diagnose patients with COVID-19 and serve patients in Community Medical Center's network of hospitals

**Behavioral Health**

33. Approve and authorize the Chairman to execute a retroactive Supersede Agreement with Pacific Clinics for the final year of the Assertive Community Treatment full service partnership mental health services for children and youth ages 10-18 with serious emotional disturbances, effective July 1, 2022 through June 30, 2023 (\$3,741,278); and, approve and authorize the Chairman to execute a retroactive Supersede Agreement with Pacific Clinics, Exceptional Parents Unlimited, Inc., and Comprehensive Youth Services of Fresno, Inc., for the final year of the Bright Beginnings For Families full services partnership mental health services for children ages 0-10 with serious emotional disturbances, effective July 1, 2022 through June 30, 2023 (\$7,408,023)
34. Approve and authorize the Chairman to execute a Participation Agreement with California Mental Health Services Authority to provide support in developing Behavioral Health Quality Improvement Program projects, effective upon execution through June 30, 2024, total not to exceed \$200,590
35. Approve and authorize the Chairman to execute a Lease Agreement with Fresno-Air LTD for 38,921 square feet of office space located at 2719 N. Air Fresno Drive, Ste 107, Fresno CA 93727, commencing on the Delivery of Possession for an initial term of two years (\$837,175 in rent plus approximately \$196,162 in operating costs, for a total of \$1,033,337 for the initial term), then converting to a month-to-month lease (\$35,932 per month), for use by the Department of Behavioral Health while the Olive and Heritage Campuses are under construction; and, authorize the Director of Internal Services to terminate the existing month-to-month Lease Agreement with Fresno-Air LTD at the same location of 2719 N. Air Fresno Drive, Suite 107, Fresno, CA 93727, upon completion of tenant improvements

**Human Resources**

36. Adopt a Resolution increasing the minimum amount of claims that must be reviewed by the Claims Review Committee from \$5,000 to \$25,000
37. Approve Addendum to the Memorandum of Understanding for Representation Unit 42, represented by the Association of County Engineers, effective August 8, 2022; and approve the successor MOU for Representation Unit 42, represented by the Association of County Engineers, effective November 14, 2022; and approve the related Salary Resolution Amendments as reflected on Appendix "B"
38. Adopt Resolutions Rejecting Claims for Damages

**Internal Services**

39. 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 American Alarm Co., Inc., is the only provider with specified knowledge of the established Juvenile Justice Campus security electronic control system; and, approve and authorize the Chairman to execute an Agreement with American Alarm Co., Inc., for security electronic control system programming and upgrade services at the Juvenile Justice Campus, effective August 9, 2022, not to exceed five consecutive years, which includes a one-year base contract with four automatic one-year extensions, total not to exceed \$1,000,000
40. Approve and authorize the Chairman to execute an Agreement with R.F. MacDonald Co. to provide inspection, maintenance, monitoring, testing, and repair for boiler systems, effective upon execution, not to exceed five consecutive years with no optional extensions, total not to exceed \$2,000,000
41. Approve and authorize the Chairman to execute an Agreement with Core Business Interiors for purchase and installation of Haworth modular furniture systems at County facilities, effective August 22, 2022, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$25,000,000
42. 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, 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
43. Approve and authorize the Chairman to execute Second Amendment to Agreement No. 20-074 with Peraton State & Local, Inc. (formerly Perspecta State & Local Inc.) for Auditor-Controller / Treasurer-Tax Collector Property Tax Collection for mainframe hosting services, effective upon execution, to increase unit rate costs, effective March 1, 2023, adding fixed staff rates previously omitted, extending the term by one year with an optional one-year extension (February 27, 2023, to February 26, 2025), with no change to the compensation maximum of \$2,550,000
44. Approve and authorize the Chairman to execute an Agreement with Lorbel, Inc., for maintenance and repair services of uninterruptible power supply systems in County facilities, effective upon execution, not to exceed five consecutive years, which includes a one-year base contract with four automatic one-year extensions, total not to exceed \$1,107,500; and, authorize the Internal Service Director/Chief Information Officer to add or replace systems and change service levels of systems pursuant to the methodology described in the recommended agreement, with no increase to the maximum compensation

45. Authorize a waiver of the nepotism rule in accordance with Management Directive, Chapter 200 - Personnel Practices & Procedures, section 230 - Nepotism and Section 43 of the Fresno County Charter for the son of the County Administrative Officer selected as an Information Technology Specialist I with the Internal Services Department and authorize the Chairman to sign the Employee Hire Data Form (Unanimous)

### **Public Defender**

46. Approve and authorize the Chairman to execute a retroactive Revenue Agreement and all required forms and certifications with the Fresno Regional Workforce Development Board for post-conviction relief services to be provided by the Fresno County Public Defender, effective July 1, 2022, not to exceed one year (\$45,000); and adopt Budget Resolution increasing the FY 2022-23 appropriations and estimated revenues for the Public Defender Org 2880 in the amount of \$45,000 (4/5 vote)

### **Public Health**

47. Approve the allocation of American Rescue Plan Act State and Local Fiscal Recovery Funds in the total amount of \$11,225,000 to the Department of Public Health Org 5620 for: a) Rural Mobile Health - Medical Services, up to \$6,000,000 in the underserved agricultural and rural communities; b) Rural Mobile Health - Medical System Navigation and Linkage, up to \$2,000,000 in the underserved agricultural and rural communities; c) Public Health Building Roof Repair - up to \$225,000; d) Public Health Building Basement Rebuild to support community meetings, health education forums and trainings, and health supply storage capacity - up to \$3,000,000; and, adopt Budget Resolution increasing FY 2022-23 appropriations and estimated revenues for the Department of Public Health Org 5620 in the amount of \$6,225,000 for facility project costs related to the Brix/Mercer building and contracted services (4/5 vote)
48. Accept termination letter from City of Kingsburg for fire dispatch services, revenue Agreement 20-268, retroactively effective August 1, 2022; Approve voluntary without cause termination of Agreement 20-269 with K.W.P.H, dba American Ambulance, for fire dispatch service for Kingsburg Fire Department, retroactively effective August 1, 2022

**Public Works and Planning**

49. Approve and authorize Chairman to execute an Agreement with Willdan Engineering for engineering consultant services for update to Public Improvement Standard Plans and Specifications manual, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$226,247
50. Approve and authorize Chairman to execute Amendment I to Agreement No. 20-512 with City of Fowler for Fowler Senior Meals, Coronavirus Aid, Relief, and Economic Security Act Community Development Block Grant Project No. 19232-CV, effective upon execution with no change in term through June 30, 2023, to provide additional senior meals, and increasing maximum Coronavirus Aid, Relief, and Economic Security Act Community Development Block Grant funding by \$9,026 to a total Coronavirus Aid, Relief, and Economic Security Act Community Development Block Grant funding amount not to exceed \$38,081
51. Approve and authorize Chairman to execute Amendment I to Agreement No. 20-513 with City of Kingsburg for Kingsburg Senior Meals, Coronavirus Aid, Relief, and Economic Security Act Community Development Block Grant Project No. 19392-CV, effective upon execution with no change in term through June 30, 2023, to provide additional senior meals, and increasing maximum Coronavirus Aid, Relief, and Economic Security Act Community Development Block Grant funding by \$28,057 to a total Coronavirus Aid, Relief, and Economic Security Act Community Development Block Grant funding amount not to exceed \$80,661
52. Approve and authorize the Chairman to execute a retroactive Second Amendment to Agreement 17-316 with Clean Earth Environmental Solutions, Inc. to extend the term of the agreement by six months from August 1, 2022, to January 31, 2023, and increase the maximum by \$750,000 total not to exceed \$5,404,500
53. Approve and authorize Chairman to execute Second Amended and Restated Memorandum of Understanding between County of Fresno and City of Parlier; and determine that approval and authorization of Chairman to execute Second Amended and Restated Memorandum of Understanding between County of Fresno and City of Parlier is exempt from requirements of California Environmental Quality Act, Public Resources Code 2100, et seq., and direct staff to file a Notice of Exemption with Office of Fresno County Clerk
54. Adopt a Resolution approving Classified Conditional Use Permit Application No. 3690 (project site is located on northwest corner of N. Chateau Fresno Avenue and W. Shields Avenue, approximately 0.53 miles west of city limits of City of Fresno (APN 512-120-19S) (3025 N. Chateau Fresno Avenue))

55. Approve request by City of Fresno to acquire right-of-way from parcels adjacent to existing County right-of-way in an identified unincorporated area of County as needed in conjunction with development of street and intersection improvements on Veterans Boulevard, between W. Shaw Avenue and W. Gettysburg Avenue, and on N. Grantland Avenue, between W. Rialto Avenue and W. Gettysburg Avenue; authorization under full extent of Section 1810 of the Streets and Highways Code allows City of Fresno to acquire, by purchase or eminent domain, right-of-way from these parcels
56. Approve petition for waiver of absences for Austin Ewell to allow him to retain his position on Fresno County Planning Commission

### **Social Services**

57. Approve and authorize the Chairman to execute Amendment No. 2 to Agreement with WestCare California, Inc. for Home Safe services to align the scope with updated California Department of Social Services guidance and augment services to utilize an expanded allocation, effective upon execution with no change to the term of August 20, 2019 through June 30, 2024 and increasing the maximum by \$2,142,558 to a total of \$3,601,483
58. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Veterans Affairs for Proposition 63 Mental Health Services Act funding for the Fresno County Department of Social Services - Veterans Services Office, effective July 1, 2022 through June 30, 2024 (\$110,000)
59. Approve and authorize the Chairman to execute retroactive California Department of Veterans Affairs Annual Subvention Certificate of Compliance FY 2022-23, for the Fresno County Department of Social Services - Veterans Services Office (Org 7110), effective July 1, 2022 to June 30, 2023 (\$149,525); and, retroactive California Department of Veterans Affairs Annual Medi-Cal Cost Avoidance Program Certificate of Compliance FY 2022-23, for the Fresno County Department of Social Services - Veterans Services Office (Org 7110), effective July 1, 2022 to June 30, 2023 (\$6,031)
60. Approve and authorize the Chairman to execute a retroactive Memorandum of Understanding between the Fresno Regional Workforce Development Board and the County of Fresno Department of Social Services for workforce development services, effective July 1, 2022 through June 30, 2025, total not to exceed \$48,726
61. Authorize a waiver of the 28 hours per week maximum limitation for the Extra-Help Deputy Director position in the Department of Social Services as listed on Attachment A, pursuant to the provisions set forth in Salary Resolution, section 1100 and Personnel Rules 2040 and 4240
62. Retroactively approve and authorize the Department of Social Services' submittal of two letters of intent to the California Department of Social Services to opt-in for Family First Transition Act Transition Grant Allocation (\$1,958,467) and Family First Prevention Services Program Block Grant Allocation (\$8,109,466)