



# County of Fresno

## Action Summary - Final

### Board of Supervisors

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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, February 22, 2022

9:30 AM

Hall of Records

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

### **Invocation and Pledge of Allegiance**

*SENIOR CHAPLAIN JANET GRIMSON, FRESNO COUNTY SHERIFF'S OFFICE, GAVE THE INVOCATION AND LED THE BOARD OF SUPERVISORS IN THE PLEDGE OF ALLEGIANCE*

1. Approve Agenda

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

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

2. Approve Consent Agenda - Item Numbers 19 - 58

**A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR MAGSIG, THAT THIS CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEMS 27 AND 50 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

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

### **Chairman Pacheco**

3. Proclaim March 2022 "Professional Social Worker Appreciation Month" in Fresno County

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

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

Resolution No. 22-045

**Chairman Pacheco and Supervisor Quintero**

- 4. Adopt resolution in recognition of Carter Memorial African Methodist Episcopal Church's 140th Anniversary

**A MOTION WAS MADE BY VICE CHAIRMAN QUINTERO, SECONDED BY CHAIRMAN 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. 22-047

**Supervisor Mendes**

- 5. Proclaim the month of February 2022 as Teen Dating Violence Awareness Month in Fresno County

**A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR 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. 22-048

**Administrative Office**

- 6. Receive presentation by the Children and Families Commission of Fresno County on the Commission's FY 2020-21 Financial Audit Report and State Annual Report, per County Ordinance Code, section 2.38.030

**A MOTION WAS MADE BY SUPERVISOR 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

**Behavioral Health**

- 7. Approve Amendment to the Salary Resolution adding two Staff Analyst I/II/III and one Program Technician I/II positions to the Department of Behavioral Health Org 5630, effective March 7, 2022 as reflected in Appendix C

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

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

Salary Resolution No. 22-012

**Public Works and Planning**

- 8. Consider appeal of Planning Commission’s denial of Classified Conditional Use Permit Application No. 3655, proposing to allow a Rural Commercial Center consisting of a convenience store/fast-food restaurant, a gasoline fueling facility (fuel island canopy with gasoline pumps), and related improvements on an approximately 1.78-acre portion of a 4.99-acre parcel in RR (Rural Residential, two-acre minimum parcel size) Zone District; and if Appeal is granted and Planning Commission’s denial of Classified Conditional Use Permit Application No. 3655 is overturned: a. adopt Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared based on Initial Study No. 7665 with recommended Mitigation Measures and Conditions of Approval with inclusion of an additional Condition of Approval that appellant indemnify County for any legal costs; and b. make required Findings specified in Section 873(F) for approval of Classified Conditional Use Permit Application No. 3655; and c. adopt a Resolution approving Classified Conditional Use Permit Application No. 3655 to allow convenience store/fast-food restaurant, a fuel island canopy with gasoline pumps, and related improvements (project site is located on northwest corner of W. Belmont and N. Cornelia Avenues approximately 2,190 feet south of nearest city limits of City of Fresno (APN: 312-390-13))

**CONSIDERED APPEAL OF PLANNING COMMISSION’S DENIAL OF CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3655, PROPOSING TO ALLOW A RURAL COMMERCIAL CENTER CONSISTING OF A CONVENIENCE STORE/FAST-FOOD RESTAURANT, A GASOLINE FUELING FACILITY (FUEL ISLAND CANOPY WITH GASOLINE PUMPS), AND RELATED IMPROVEMENTS ON AN APPROXIMATELY 1.78-ACRE PORTION OF A 4.99-ACRE PARCEL IN THE RR (RURAL RESIDENTIAL, TWO-ACRE MINIMUM PARCEL SIZE) ZONE DISTRICT. OPENED PUBLIC HEARING. RECEIVED PUBLIC TESTIMONY. CLOSED PUBLIC HEARING**

**A MOTION WAS MADE BY CHAIRMAN PACHECO, SECONDED BY SUPERVISOR MENDES, THAT THIS MATTER BE ACTED ON AS FOLLOWS: DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION’S DENIAL OF CLASSIFIED CONDITIONAL USE PERMIT APPLICATION 3655 AS THE BOARD IS UNABLE TO MAKE THE REQUIRED FINDINGS FOR GRANTING CUP NO. 3655. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

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

- 9. Approve Resolution adopting the Pleasant Valley Subbasin Groundwater Sustainability Plan for portions of Fresno County in the Pleasant Valley Groundwater Subbasin where the County serves as Groundwater Sustainability Agency

**A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR 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. 22-049

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

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

**SUPERVISOR MAGSIG SUMMARIZED HIS ATTENDANCE AT LAST WEEK'S NATIONAL ASSOCIATION OF COUNTIES (NACO) LEGISLATIVE CONFERENCE: THE FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS SUBCOMMITTEE, OF WHICH HE CHAIRS, PASSED A RESOLUTION FOR HR 5735, OFFERING COUNTIES AND CITIES FLEXIBILITY ON ARPA FUNDS; HE HEARD SPEAKERS, INCLUDING THE PRESIDENT OF THE UNITED STATES; HE RECEIVED A SENATE INTELLIGENCE BRIEFING; AND HE APPRECIATES WHAT NACO DOES FOR FRESNO COUNTY AT THE NATIONAL LEVEL. SUPERVISOR MAGSIG ADDRESSED THE MOUNTAIN COMMUNITIES' CONCERNS WITH TRASH HAULERS; IF HAULERS ARE NOT FULFILLING THE CURRENT CONTRACT, END IT AND GO TO BID OR DETERMINE A DIFFERENT SOLUTION FOR RESIDENTS. SUPERVISOR MAGSIG INQUIRED ON THE STATUS OF THE MILLERTON ROAD IMPROVEMENTS. DIRECTOR OF PUBLIC WORKS AND PLANNING STEVE WHITE EXPLAINED THE PROJECT SHOULD DELIVER IN 2025; THE DELAY IS NOT DUE TO LACK OF DEPARTMENT RESOURCES, BUT REQUESTED DISTRICT 5'S ASSISTANCE TO CONTACT OUTSIDE AGENCIES INVOLVED. VICE CHAIRMAN QUINTERO EXPRESSED CONCERN WITH THE COUNTY'S CODE ENFORCEMENT PROCESS; REQUESTED AN AGENDA ITEM OR WORKSHOP TO ADDRESS CONCERNS; AND SUGGESTED PRIORITIZING MONIES FOR THE BUDGET AS CONSTITUENT FRUSTRATION GROWS IN BOTH URBAN AND RURAL AREAS. SUPERVISOR BRANDAU AGREED WITH VICE CHAIRMAN'S CONCERNS WITH CODE ENFORCEMENT; ANNOUNCED HIS INTENT TO MEET WITH DIRECTOR OF PUBLIC HEALTH DAVID LUCHINI AND COUNTY ADMINISTRATIVE OFFICER PAUL NERLAND TO DETERMINE WAYS TO MOVE FORWARD FROM THE PANDEMIC AND RE-FOCUS ON OTHER PRIORITIES; AND STRESSED SUPPORTING LOCAL CONTROL ON PANDEMIC ISSUES. CAO PAUL NERLAND REPORTED BUILDING A CODE ENFORCEMENT WORKING GROUP AS CODE ENFORCEMENT INVOLVES NOT JUST PUBLIC WORKS, BUT OTHER DEPARTMENTS INCLUDING COUNTY COUNSEL; COMMENDED PUBLIC WORKS FOR PARTNERING WITH THE SHERIFF'S DEPARTMENT ON THE PREVENTION SIDE OF THE ISSUE; AND WILL BRING AN AGENDA ITEM ADDRESSING RESOURCES AND PROJECTED NEEDS**

**Board Appointments**

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

**A MOTION WAS MADE BY SUPERVISOR BRANDAU, SECONDED BY SUPERVISOR MENDES, THAT THE NOMINATIONS FOR APPOINTMENTS AND REAPPOINTMENTS BE APPROVED AS FOLLOWS:**

**AUDIT COMMITTEE**

**REAPPOINT MANUEL VILANOVA (TERM TO EXPIRE 12/31/23)**

**COALINGA-HURON CEMETERY DISTRICT**

**REAPPOINT VIRGINIA "GINA" LOPEZ (TERM TO EXPIRE 01/05/26)**

**COMMISSION ON THE STATUS OF WOMEN**

**APPOINT DR. EVE CASTELLANOS TO REPLACE SIMRAN KAUR (TERM TO EXPIRE 06/30/23)**

**FOWLER CEMETERY DISTRICT**

**REAPPOINT DWIGHT DOUGLAS CAUDLE (TERM TO EXPIRE 01/05/26)**

**HOUSING AND COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE**

**APPOINT JORDAN HOUSTON TO POSITION PREVIOUSLY HELD BY KYLE CHANEY (TERM TO EXPIRE 01/03/24)**

**KINGSBURG CEMETERY DISTRICT**

**REAPPOINT TAMARA JACKSON (TERM TO EXPIRE 01/05/26)**

**OAK GROVE CEMETERY DISTRICT**

**REAPPOINT RICHARD SCHULTZ (TERM TO EXPIRE 01/05/26)**

**PLANNING COMMISSION**

**APPOINT JOHN ARABIAN TO THE POSITION PREVIOUSLY HELD BY FRED EDE (TERM TO EXPIRE 01/06/25)**

**RECREATION AND WILDLIFE COMMISSION**

**APPOINT JORDAN HOUSTON TO REPLACE WARD SCHEITRUM (TERM TO EXPIRE 01/06/25)**

**THE MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**Public Presentations**

- 12. 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  
**HELD; RECEIVED**

**Closed Session**

- 13. Conference with Legal Counsel - Initiation of Litigation; Government Code, section 54956.9(d) (4) (4 Cases)

**THE BOARD OF SUPERVISORS, BY A 5-0 VOTE, AUTHORIZED THE INITIATION OF LITIGATION AGAINST BEANT SINGH, AT PROPERTY ADDRESS 2341 N. GRANTLAND, AND ANY OTHER OWNERS OR RESPONSIBLE PARTIES, FOR NUISANCE CODE VIOLATIONS FOR OPERATIONS OF A TRUCK DEPOT IN AN UNPERMITTED AREA AND, WITH THE DISTRICT ATTORNEY’S CONSENT, AN ACTION UNDER BUSINESS AND PROFESSIONS CODE 17200**

- 14. Conference with Legal Counsel – Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)

**HELD; NO REPORTABLE ACTION**

- 15. 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**

- 16. Conference with Legal Counsel - Existing Litigation; Government Code Section 54956.9(d)(1); CMG Construction Management Group, Inc. v. City of Fresno, County of Fresno et al., Superior Court of the State of California, County of Fresno, Case No. 22-CECG-00271

**HELD; NO REPORTABLE ACTION**

- 17. Conference with Legal Counsel - Existing Litigation; Government Code Section 54956(d)(1); JHS Family Limited Partnership et al. v. County of Fresno et al.; Superior Court of California, County of Fresno, Case No. 15-CECG-02007

**HELD; NO REPORTABLE ACTION**

- 18. 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: Paul Nerland or designee. Negotiating Parties: City of Fresno, Under negotiations: Instructions to County's negotiator may concern sale, lease and escrow terms and conditions including price

**HELD; NO REPORTABLE ACTION**

**Adjourn**

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

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

APPROVED:

/s/ Brian Pacheco  
BRIAN PACHECO, CHAIRMAN OF THE  
BOARD OF SUPERVISORS OF THE  
COUNTY OF FRESNO

ATTEST:

BY: /s/ Bernice E. Seidel  
BERNICE E. SEIDEL  
CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF FRESNO, STATE OF CALIFORNIA

APPROVED ON MARCH 8, 2022

**CONSENT AGENDA**

A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR MAGSIG, THAT THIS CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEMS 27 AND 50 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**

19. Approve minutes of meeting for February 1, 2022

**APPROVED AS RECOMMENDED**

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

**Chairman Pacheco**

19.1 Adjourn In Memory of Joseph Barcelos

**APPROVED AS RECOMMENDED**

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

**Supervisor Mendes**

20. Adjourn in Memory of David Barber, a life-long resident of Caruthers

**APPROVED AS RECOMMENDED**

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

21. Adjourn in Memory of John Maddox, a farmer and life-long resident of Burrel

**APPROVED AS RECOMMENDED**

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

**Supervisor Quintero**

22. Adjourn in Memory of Rebecca Klisch

**APPROVED AS RECOMMENDED**

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

22.1 Adjourn in Memory of Richard Stockle

**APPROVED AS RECOMMENDED**

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

**Assessor/Recorder**

23. 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 BMI Imaging Services, Inc. hosts digital images of vital records, recorded documents, and indexes in a proprietary product produced by BMI Imaging Systems, Inc.; and, approve and authorize Chairman to execute a retroactive Agreement with BMI Imaging Systems, Inc. for hosting services and support, effective December 6, 2021, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$650,000

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-056

**Auditor Controller-Treasurer/Tax Collector**

24. Receive and file the County of Fresno Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2021

**APPROVED AS RECOMMENDED**

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

**County Clerk/Registrar of Voters**

25. Adopt a Resolution approving the County Clerk/Registrar of Voters to conduct a Consolidated School District Special Election on April 12, 2022, for Fresno Unified School District and West Park Elementary School District; Adopt Budget Resolution increasing the FY 2021-22 appropriations and estimated revenues for the County Clerk - Scheduled Elections Org 28500600 in the amount of \$160,000 (4/5 vote)

**APPROVED AS RECOMMENDED**

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

Resolution No. 22-032, Resolution No. 22-033

26. Approve and authorize the Chairman to execute Agreement No. 21G30105 with the State of California for Federal reimbursement funds for the Help America Vote Act (HAVA) Section 301 Voting Systems Program effective upon execution by the State Department of General Services through January 18, 2025 (\$1,001,535)

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-057

27. Approve and authorize the Clerk of the Board to execute Budget Transfer No. 40 transferring FY 2021-22 appropriations within the County Clerk - Elections Org 2850 (\$601,763), from Account 7295 (Professional and Specialized Services) to Account 8300 (Equipment) for the purchase of a polling location hardware and an election management server

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

**Ayes:** 4 - Magsig, Mendes, Pacheco, and Quintero

**Noes:** 1 - Brandau

### **District Attorney**

28. Make it 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 a Fentanyl Awareness Campaign; and Approve and authorize the Chairman to execute an Agreement with OUTFRONT Media Inc. for a Fentanyl Awareness Campaign, effective March 7, 2022, not to exceed five consecutive years, which includes a three-year base contract with two optional one-year extensions, total not to exceed \$156,170; and Approve and authorize Clerk of the Board to execute Budget transfer number 42 transferring FY 2021-22 appropriations in the amount of \$100,000 from Account 6100 (Salaries) to Account 7295 (Professional and Specialized Services) within the District Attorney Org 2860, to fund the District Attorney portion of the agreement

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-058

**Sheriff/Coroner/Public Administrator**

29. Retroactively approve and authorize the Sheriff’s previous submittal of an online grant application on behalf of the County to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Juvenile Justice and Delinquency Prevention (OJJDP), for the Central California Internet Crimes Against Children (ICAC) Task Force Program, effective October 1, 2021 to September 30, 2022, in the amount of \$508,393; approve, ratify, and authorize the Sheriff’s, or her designee’s, execution of retroactive Grant Award/Agreement Number 2019-MC-FX-K028, which requires compliance with assurances and certifications that relate to conduct during the performance of the award/agreement on behalf of the County to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Juvenile Justice and Delinquency Prevention (OJJDP), for the Central California Internet Crimes Against Children (ICAC) Task Force Program, effective October 1, 2021 to September 30, 2022, in the amount of \$508,393; and authorize the Sheriff, or her designee, to sign claims for reimbursement, activity reports, extend the grant ending date to expend allocated funding, and add participating law enforcement, investigative, and prosecutorial agencies to the ICAC task force

**APPROVED AS RECOMMENDED**

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

30. Adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues in the amount of \$145,500 in the Sheriff-Coroner-Public Administrator Org 3111 for the purchase and up-fitting of non-patrol vehicles (4/5 vote)

**APPROVED AS RECOMMENDED**

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

Resolution No. 22-034

31. Retroactively approve and authorize the Sheriff's previous submittal of an online grant application on behalf of the County of Fresno to the U.S. Department of Justice (DOJ), Bureau of Justice Assistance, for the 2021 Forensic DNA Capacity Enhancement and Backlog Reduction Program Grant; approve, ratify and authorize the Sheriff's, or her designee's, execution of retroactive Grant Award Agreement Number 15PBJA-21-GG-02984-DNAX, which requires compliance with assurances and certifications that relate to conduct during the performance of the award/agreement on behalf of the County of Fresno to the U.S. Department of Justice (DOJ), Bureau of Justice Assistance for the 2021 Forensic Casework DNA Backlog Reduction Grant, effective October 1, 2021 through September 30, 2023 in the amount of \$350,448; and adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues for Sheriff-Coroner-Public Administrator's Org 3111 in the amount of \$178,635 (4/5 vote); and authorize the Sheriff, or her designee, to sign and submit claims for reimbursement, activity reports, notices, extend the grant ending date to expend allocated funding, and other related documents consistent with the grant award

**APPROVED AS RECOMMENDED**

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

Resolution No. 22-046

**County Counsel**

32. Approve Amendment to the Salary Resolution increasing allocation for the Chief Deputy County Counsel position by one (1) and revising one (1) Assistant County Counsel position and three (3) Chief Deputy County Counsel positions to be in combination, effective March 21, 2022, as reflected in Appendix "D"

**APPROVED AS RECOMMENDED**

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

Salary Resolution No. 22-008

**Administrative Office**

33. Direct that the unexpended District Attorney FY 2014-15 Indian Gaming Special Distribution Fund grant carryover (\$142,653 plus accrued interest) be reallocated to the Fresno Sheriff-Coroner's Office; adopt Budget Resolution increasing FY 2021-22 appropriations for the Indian Gaming Special Distribution Fund 0020, IGSDF District Attorney - Org 2868 Subclass 10021 to transfer \$142,653 plus accrued interest (4/5 vote); and, adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues for the Sheriff-Coroner Org 3111 in the amount of \$142,653 plus accrued interest, for law enforcement services (4/5 vote)

**APPROVED AS RECOMMENDED**

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

Resolution No. 22-035, Resolution No. 22-036

34. 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

**APPROVED AS RECOMMENDED**

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

Resolution No. 22-037, Resolution No. 22-038

35. 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

**APPROVED AS RECOMMENDED**

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

Resolution No. 22-039

## **Human Resources**

36. Approve Salary Resolution Amendment reclassifying the Office Assistant I/II and the Property Recording Clerk positions in the Assessor-Recorder's Office Org 1048 upwards to Recording Technician I/II, effective February 21, 2022, as reflected on Appendix "A"; and approve Salary Resolution Amendment deleting the Property Recording Clerk classification, effective February 21, 2022, as reflected on Appendix "A"; and approve Salary Resolution Amendment reclassifying the Supervising Office Assistant positions in the Assessor-Recorder's Office Org 1048 upward to Supervising Recording Technician, effective February 21, 2022, as reflected in Appendix "A"

**APPROVED AS RECOMMENDED**

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

Salary Resolution No. 22-009

37. Approve the successor Memorandum of Understanding for Representation Unit 25, Engineering Technicians, represented by the Association of Engineering Technicians, effective February 21, 2022, through February 18, 2024; and approve the related Salary Resolution Amendment as reflected on Appendix "B"

**APPROVED AS RECOMMENDED**

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

Salary Resolution No. 22-010

38. Approve salary adjustments of 0.5% for Unrepresented classifications (excluding confidential classifications covered by Footnote “y” and Supervising Communications Dispatcher), Management classifications (excluding Deputy County Counsel I/II/III/IV/Senior), Senior Management classifications (excluding Chief Deputy District Attorney, Assistant District Attorney, Assistant County Counsel, Principal County Counsel, Chief Deputy County Counsel, Chief Defense Attorney, Chief Child Support Attorney, and Assistant Public Defender), and Department Heads (excluding Elected Officials), effective February 21, 2022 as reflected on Appendix “E”; approve salary adjustments of 0.5% for Unrepresented classifications (excluding confidential classifications covered by Footnote “y” and Supervising Communications Dispatcher), Management classifications (excluding Deputy County Counsel I/II/III/IV/Senior), Senior Management classifications (excluding Chief Deputy District Attorney, Assistant District Attorney, Assistant County Counsel, Principal County Counsel, Chief Deputy County Counsel, Chief Defense Attorney, Chief Child Support Attorney, and Assistant Public Defender), and Department Heads (excluding Elected Officials), effective September 19, 2022, as reflected on Appendix “E”; approve salary adjustment for the Agricultural Technician - Seasonal classification, consistent with Footnote “4”, effective February 21, 2022, as reflected on Appendix “E”; approve salary adjustment for the Agricultural Technician - Seasonal classification, consistent with Footnote “4”, effective September 19, 2022, as reflected on Appendix “E”

**APPROVED AS RECOMMENDED**

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

Salary Resolution No. 22-011

**Internal Services**

39. Adopt Resolution making the determination that 1,787 square feet of County-owned real property located at 200 H Street, Fresno, CA is exempt surplus land, is no longer necessary for County or other public purposes, and has an estimated value of less than \$25,000, and approve the sale of the property to John M. Valentino for \$7,148; Authorize the Director of Internal Services/Chief Information Officer, subject to review and approval by County Counsel as to legal form, and the Auditor-Controller/Treasurer-Tax Collector, as to accounting form, to execute a Purchase/Sale Agreement and Grant Deed, as well as any other documents necessary, for the sale/conveyance of the property to John M. Valentino; Adopt Resolution making the determination that additional 1,462 square feet of real property abandoned by the City of Fresno, which may be owned by the County of Fresno, located at 200 H Street, Fresno, CA, is exempt surplus land, is not necessary for County or other public purposes, and has an estimated value of less than \$25,000, and approve the conveyance of the property to John M. Valentino for \$0; and Authorize the Director of Internal Services/Chief Information Officer, subject to review and approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector, to execute a Transfer Agreement and Quitclaim Deed, as well as any other documents necessary, subject to review and approval by County Counsel as to legal form, and the Auditor-Controller/Treasurer-Tax Collector, as to accounting form, for the conveyance of an additional 1,462 square feet of property abandoned by the City of Fresno, to John M. Valentino

**APPROVED AS RECOMMENDED**

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

Resolution No. 22-040, Resolution No. 22-041

40. Approve and authorize the Chairman to execute a Lease Agreement with Heritage Centre, LLC for approximately 173,200 square feet of combined office and storage space located at 3109, 3115, 3119, 3121, 3127, 3133, 3147, 3151, and 3155 N. Millbrook Avenue and 3676 and 3708 E. Shields Avenue, CA 93726, for use by the Department of Behavioral Health, effective March 1, 2022, not to exceed ten years, which includes tenant improvements and a purchase option (\$43,559,311); and, authorize the Director of the Internal Services Department/Chief Information Officer, or designee, upon review by County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form, to execute an Estoppel Certificate and/or Subordination and Attornment Agreement required by the Lessor, and any other such necessary agreements, certificates, notices, instruments, or documents

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-059

41. Approve and authorize the Chairman to execute First Amendment to Agreement with San Joaquin Glass Company for additional glass replacement, installation, and repair services, effective upon execution with no change to the term of December 1, 2018 through November 30, 2023 and increasing the maximum by \$145,000 to a total of \$505,000

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-060

42. 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 Valley Center for the Blind is the most cost-effective service provider for county operator phone administration/management and COVID-19 contact tracing; and, approve and authorize the Chairman to execute an Agreement with VCB to provide county operator phone administration/management and COVID-19 contact tracing, effective February 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 \$811,000

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-061

43. Approve and authorize the Chairman to execute an Agreement with Cintas Corporation No. 3 for rental, laundering, and delivery of uniforms and miscellaneous dust materials, effective March 7, 2022, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$2,500,000

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-062

44. Approve and authorize the Chairman to execute First Amendment to Agreement with Troncore, LLC, for additional IT security auditing and testing, effective upon execution, with no change to the term of October 5, 2020 through October 5, 2025 and increasing the maximum by \$300,000 to a total of \$615,000

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-063

- 45.** Approve and authorize the Chairman to execute an Agreement with Pre-sort Center of Stockton, Inc., doing business as PacWest Direct, for presorting and metering service, effective March 1, 2022, 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

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-064

**Public Health**

- 46.** Approve and authorize the Chairman to execute retroactive Amendment No. 3 to State Agreement No. 17-10306, A03 with the California Department of Public Health for immunization services, effective July 1, 2021, with no change to the term through June 30, 2022, and increasing the maximum by \$10,559,074 to a total of \$13,394,375; and approve and Authorize the Director of the Department of Public Health to submit future requests to roll over funds and submit reimbursement claims through June 2024 upon release of State processes, without change to total award (\$0)

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-065

- 47.** Approve and authorize the Chairman to execute Amendment No. 3 with Two Q, Inc. dba JP Marketing for communication and advertising services, effective upon execution with no change to the term of May 8, 2018 through June 30, 2023 and increasing the maximum by \$825,000 to a total of \$6,897,223; and adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues for the Department of Public Health Org 5620 in the amount of \$475,000 for media related services (4/5 vote)

**APPROVED AS RECOMMENDED**

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

Resolution No. 22-042, Agreement No. 22-066

48. 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 as The Regents of the University of California is uniquely qualified to facilitate development of a Voices Fresno public awareness campaign; and approve and authorize the Chairman to execute a retroactive Agreement with The Regents of the University of California, on behalf of the San Francisco campus, to facilitate development of a public awareness campaign, effective September 1, 2021 through February 28, 2023, total not to exceed \$248,400

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-067

49. Approve and authorize the Chairman to execute a Data Access Agreement with the California Department of Public Health, for access to the COVID-19 Dataset in Snowflake, a cloud-based data repository, effective February 22, 2022 through February 21, 2024 (\$0)

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-068

50. Retroactively approve the Director of Public Health's previous submittal of the California Resilience Challenge 2021 Grant Program proposal and application to the California Resilience Challenge and authorize the Chairman to execute grant award Agreement with the California Resilience Challenge for the California Resilience Challenge 2021 Grant Program in support of the Fresno Understands Environmental Resilience Through Equity (FUERTE) Project beginning April 1, 2022 thru March 31, 2024, total to not exceed \$176,938 and authorize the Director of Public Health or designee to execute any and all notices, certificates, applications, reports, spending plans, work plans, amendments, extensions, and other documentation as may be required to carry out the grant except those that alter fiscal or material change terms of the Grant which are subject to approval by both the County Counsel's Office and the Auditor-Controller/Treasurer-Tax Collector's Office

**A MOTION WAS MADE BY SUPERVISOR BRANDAU, SECONDED BY SUPERVISOR MAGSIG, THAT THIS MATTER BE DENIED. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**Public Works and Planning**

51. Adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues for Public Works and Planning Capital Projects Org 4360 in the amount of \$8,300,000 for architectural and construction work associated with the Recorder's Office tenant improvements (4/5 vote)
- APPROVED AS RECOMMENDED**
- Ayes:** 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero
- Resolution No. 22-043
52. Retroactively approve and authorize the Director of Public Works and Planning's previous submittal of a grant application to the California Department of Transportation (Caltrans) for FY 2022-23 Sustainable Transportation Planning Grant (\$584,298)
- APPROVED AS RECOMMENDED**
- Ayes:** 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero
53. Approve and authorize Chairman to execute Second Amendment to Amended and Restated Memorandum of Understanding (MOU) between County of Fresno and City of Selma extending term of the MOU from February 27, 2022, to February 27, 2023; and determine that approval and authorization of Chairman to execute Second Amendment to Amended and Restated Memorandum of Understanding between County of Fresno and City of Selma 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 the Office of Fresno County Clerk
- APPROVED AS RECOMMENDED**
- Ayes:** 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero
- Agreement No. 22-069
54. Conduct second hearing on and adopt an Ordinance to amend Chapter 11.24 - Speed Limits of Fresno County Ordinance Code, Sections 11.24.050 through 11.24.080, to reflect various changes to Ordinance Code as a result of recent traffic studies; and waive reading of Ordinance in its entirety
- APPROVED AS RECOMMENDED**
- Ayes:** 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero
- Ordinance No. 22-002

55. Approve and authorize Chairman to execute a 35-year Reclamation Agreement with Fifth Standard Solar PV, LLC, the project applicant (the Applicant), to implement project mitigation measures and specific conditions of approval placed on Unclassified Conditional Use Permit (CUP) Nos. 3562 and 3564 for the first phase of a two-phase solar photovoltaic electricity generating and energy storage facility (the Project) initially on approximately 950 acres in the unincorporated area near the City of Huron; approve the proposed unexecuted form of an Irrevocable Standby Letter of Credit initially in the amount of \$6,368,598.50 (Letter of Credit) to be issued by Sumitomo Mitsui Banking Corporation, New York Branch (SMBC, New York Branch), as security to the County for the Reclamation Agreement for up to a total of seven years, and the proposed unexecuted form of an Incumbency Certificate of the Director and Associate General Counsel, Americas Division Sumitomo Mitsui Banking Corporation (Incumbency Certificate), certifying the authorization of the authorized officer who will execute the Letter of Credit; authorize the Director of the Department of Public Works and Planning or his/her designee (Director) to accept the Letter of Credit to be executed and issued by SMBC, New York Branch (and any amendment that may extend the term of the Letter of Credit), and the Incumbency Certificate to be executed by the Director and Associate General Counsel, Americas Division Sumitomo Mitsui Banking Corporation, certifying the authorization of the authorized officer who will execute the Letter of Credit (and any amendment that may extend the term of the Letter of Credit), and to accept any replacement Letter of Credit in the then-current amount of the Letter of Credit being replaced (and any amendment that may extend the term of the replacement Letter of Credit), to be issued by an eligible financial institution under the Reclamation Agreement, as security to the County for the Reclamation Agreement, for the balance of its 35-year term, and any incumbency certificate, certificate, resolution, or similar document to be provided by the eligible financial institution, including any officer thereof, certifying the authorization of the authorized officer who will execute the replacement Letter of Credit (and any amendment that may extend the term of the replacement Letter of Credit), to satisfy a condition of approval of CUP Nos. 3562 and 3564, all of which shall be subject to approval as to legal form by County Counsel; approve and authorize the Chairman to execute a Road Repair Agreement with the Applicant, in order to satisfy a mitigation measure for the Project; authorize the Director to accept deposits of funds required under the Road Repair Agreement; and authorize the Director of the Department of Public Works and Planning to accept a grant of limited access easements from the owners of the properties upon which the Project is to be situated for purposes of any reclamation by the County, if the County elects to do so; the Project site is located in unincorporated Fresno County on the west side of State Route 269 (Lassen Avenue), between Gale Avenue and Jayne Avenue, approximately one and a half-miles south of the City of Huron and approximately two miles east of Interstate 5

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-070, Agreement No. 22-071

56. Adopt a Resolution authorizing submittal to the Department of Resources Recycling and Recovery of a Notification of Intent to Comply with Senate Bill 1383 Regulations pertaining to implementation of organic waste management programs

**APPROVED AS RECOMMENDED**

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

Resolution No. 22-044

57. Approve and authorize the Chairman to execute the annual Water Transfer Agreement with Arvin-Edison Water Storage District, for the transfer of 950 acre-feet of surface water for County Service Area No. 34 benefitting the residences and golf course in Zone A (Brighton Crest), residences in Zone C (Bella Vista), residences in Zone D (Renaissance at Bella Vista), residences in Zone F (The Vistas), and residences in Zone G (Granville), effective during the 2022 water year from March 1, 2022 through February 28, 2023, for a total maximum cost of \$574,750

**APPROVED AS RECOMMENDED**

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

Agreement No. 22-072

### **Social Services**

58. Approve and authorize the Clerk of the Board to execute Budget Transfer No. 38 transferring FY 2021-22 appropriations within the Department of Social Services Org 56107441 from account 7296 (Data Processing Services) to account 8300 (Equipment) in the amount of \$47,920 to appropriately categorize the equipment as capital assets; and, Approve and authorize the Clerk of the Board to execute Budget Transfer No. 38 transferring FY 2021-22 appropriations within the Department of Social Services Organization 56108550 from account 7295 (Professional & Specialized Services) to account 8300 (Equipment) in the amount of \$159,750 to appropriately categorize the equipment as capital assets

**APPROVED AS RECOMMENDED**

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