



# Board of Supervisors

## Agenda - Final-Revised

**Sal Quintero, 3rd District, Chairman**  
**Nathan Magsig, 5th District, Vice-Chairman**  
**Brian Pacheco, 1st District**  
**Steve Brandau, 2nd District**  
**Buddy Mendes, 4th 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, May 9, 2023**

**9:30 AM**

**Hall of Records**

**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 27-51

*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 Cathleen Leyva - Department of Behavioral Health - 25 Years of Service
4. Presentation of Retirement Plaque to Sonya Lara - Department of Social Services - 18 Years of Service

**Chairman Quintero**

5. Proclaim May 2023 as Mental Health Matters Month
6. Proclaim May 1st to May 7th Maternal Mental Health Week

**Supervisor Brandau**

7. Proclaim May 2023 as National Historic Preservation Month

**Supervisor Magsig**

8. Proclaim the month of May as Foster Care Month
9. Proclaim May 2023 as Lyme Disease Awareness Month in the County of Fresno

**Supervisor Mendes**

10. Proclaim the month of May 2023 as Water Safety and Drowning Prevention month in Fresno County

**Supervisor Brandau**

11. Conduct first hearing and take action to: Approve proposed Ordinance amending the Ordinance Code, Title 13 of The County of Fresno by amending Chapter 13.24 (Grounds and Buildings) to add 13.24.050 - Flags permitted to be flown at County Facilities; Set the second hearing for May 23, 2023 and waive reading of the Ordinance in its entirety; Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and Direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1)

**Sheriff/Coroner/Public Administrator**

12. Retroactively approve and authorize the Sheriff-Coroner-Public Administrator's previous submittal of an online grant application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for the Body-worn Camera Policy and Implementation Program to Support Law Enforcement Agencies, effective October 1, 2022 to September 30, 2025, (\$430,000); retroactively approve, authorize and ratify the Sheriff-Coroner-Public Administrator's, or his designee's, execution of retroactive Grant Award/Agreement Number 15PBJA-22-GG-03303-BWCX, 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, Office of Justice Programs, Bureau of Justice Assistance, for the Body-worn Camera Policy and Implementation Program to Support Law Enforcement Agencies, effective October 1, 2022 to September 30, 2025, (\$430,000); approve and authorize the Sheriff-Coroner-Public Administrator, or his designee, to execute claims for reimbursement, activity reports, and extend the grant ending date to expend allocated funding; and approve Amendment to the Salary Resolution adding one Sheriff's Information Technology Analyst IV position, deleting two vacant Office Assistant positions and deleting one vacant Administrative Assistant position from the Sheriff-Coroner-Public Administrator's Org 3111, effective May 15, 2023 as reflected in Appendix "F"

**Behavioral Health**

13. Approve amendment to the Salary Resolution adding one Principal Staff Analyst position to the Department of Behavioral Health Org 5630, effective May 15, 2023, as reflected in Appendix C

**Public Works and Planning**

14. Consider and adopt proposed Mitigated Negative Declaration, including the Mitigation Monitoring and Reporting Program based on Initial Study No. 8312; find that the proposed rezone of the subject 16.89-acre parcel from AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an R-R (Rural Residential, two-acre minimum parcel size) Zone District is consistent with the County's General Plan and County-adopted Northeast Rural Residential area; adopt an ordinance pertaining to Amendment Application No. 3851 thereby rezoning subject 16.89-acre site from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District; and designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance and direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)1 (subject parcel is located on the southeast corner of E. Herndon Avenue and N. Highland Avenue, approximately 0.8-miles north of the City of Clovis (APN: 308-280-63) (9045 E. Herndon Ave.) (Sup. Dist. 5))

15. Consider petition for partial cancellation of Agricultural Land Conservation Contract No. 1042 filed by Quad Knopf, Inc. on behalf of Hewitson, Limited Partnership, to remove a 40.00-acre parcel from Williamson Act contract to establish a solar electrical generation facility; 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. 1042; and authorize Chairman to sign Certificate of Tentative Cancellation and approve recordation of Certificate of Cancellation when all conditions included in the Certificate of Tentative Cancellation have been satisfied (subject parcel is located on north side of Manning Avenue, between Interstate 5 and Fairfax Avenue, approximately thirteen miles southwest of the nearest city limits of the City of Mendota (APNs 027- 121-15s))
16. Conduct public hearing to receive testimony on proposed County community development, housing, and homeless grant programs; approve 2023-24 Annual Action Plan, including use of Community Development Block Grant, HOME Investment Partnerships Grant, and Emergency Solutions Grants; authorize Director of Department of Public Works and Planning to execute Standard Form 424 (Application for Federal Assistance), Certifications, and Entitlement Grant Agreements for Community Development Block Grant and HOME Investment Partnerships Grant; and authorize Director of the Department of Social Services to execute Standard Form 424 (Application for Federal Assistance), Certification, and Entitlement Agreement for Emergency Solutions Grants

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

17. 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)

#### **Board Appointments**

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

#### **Public Presentations**

19. 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

**Closed Session**

*The public may comment on Closed Session items prior to the Board's recess to Closed Session*

20. 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
21. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (3 Cases)
22. Conference with legal counsel - Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)
23. Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - Maria C. Cruz v. County of Fresno, Fresno County Superior Court Case No.19CECG01954
24. Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - County of Fresno, et al., v. Tyler Ortman, et al., Fresno County Superior Court Case No. 22CECG02847
25. Conference with Real Property Negotiators - Government Code 54956.8. Property: APN 466-160-01T; County Negotiator: Paul Nerland, County Administrative Officer or Designee. Negotiating Parties: Judicial Council of California, Under Negotiations: Instructions to County's negotiator may concern purchase or lease of properties, price, terms and conditions
26. Conference with Real Property Negotiators - Government Code 54956.8. Property: 200 W. Pontiac Way, Clovis, CA 93612; County Negotiator: Paul Nerland, County Administrative Officer or Designee. Negotiating Parties: Pontiac 4 LLC., Under Negotiations: Instructions to County's negotiator may concern purchase or lease of properties, price, terms and conditions
- 26.1 Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - ACLU of Northern California v. Fresno County Sheriff's Office, Fresno County Superior Court Case No. 21CECG00813
- 26.2 Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - County of Fresno v. Garry Bredefeld, et al., Fresno County Superior Court Case No. 23CECG00814

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

*May 23, 2023 - 9:30 AM*

*June 6, 2023 - 9:30 AM*

**CONSENT AGENDA**

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

**Board of Supervisors**

27. Approve minutes for April 25, 2023

**Chairman Quintero**

28. Proclaim May 7-13, 2023 as National Travel and Tourism Week

**Supervisor Magsig**

29. Adopt and Authorize Chairman to execute Resolution urging the California State Legislature and the Governor's Administration to enact legislation that requires private insurance carriers to take into consideration the steps homeowners have taken to reduce their fire risk

**Assessor/Recorder**

30. Approve Amendment to the Salary Resolution reinstating the Chief Auditor-Appraiser classification, removing one (1) Chief Appraiser allocation, and adding one (1) Chief Auditor-Appraiser allocation in the Assessor-Recorder's Office, effective May 15, 2023, as reflected in Appendix "D"

**District Attorney**

31. Adopt Budget Resolution increasing FY 2022-23 appropriations and estimated revenues in the District Attorney's Special Revenue Fund 0060, DOI Auto Insurance Fraud Program, Org 1104 in the amount of \$30,125 (4/5 vote); and Adopt Budget Resolution increasing FY 2022-23 appropriations and estimated revenues in the District Attorney-Grants Org 2862 in the amount of \$30,125 (4/5 vote)

**Sheriff/Coroner/Public Administrator**

32. Approve and authorize Chairman to execute the Boating Safety and Enforcement Financial Aid Program Agreement with the California Department of Parks and Recreation, Division of Boating and Waterways for FY 2023-24 in the amount of \$452,764; approve and authorize Chairman to execute Resolution authorizing participation in the program and certifying all funds will be used for boating safety programs; authorize the Sheriff, or his authorized representative, to sign quarterly claims for reimbursement and annual activity reports; and authorize the County Auditor to certify the amount of prior year vessel taxes received by the County of Fresno

**County Counsel**

33. Approve and authorize the Chairman to execute a Settlement Agreement and Release to fully resolve the claims by Teng Mua (Claimant) related to his previous employment with the County of Fresno, for a settlement sum of \$80,081
34. Approve and authorize the Chairman to execute a Settlement Agreement and Release to fully resolve the County's lawsuit against Harpreet Pawar (Defendant) for unlawful operation of a commercial trucking depot at 3280 S. Peach Avenue for a settlement sum of \$15,000

**Administrative Office**

35. Approve proposed amendment to the County of Fresno's American Rescue Plan Act – State Local Fiscal Recovery Fund (ARPA-SLFRF) Homelessness Initiatives approved on May 17, 2022, amending the scope of work for the earmarked Emergency Housing Project from infrastructure upgrades for emergency travel trailers to be used as long-term housing for individuals and families experiencing homelessness to be operated by RH Community Builders, to instead fund construction costs to remodel the commercial kitchen at the Poverello House, with no change in proposed funding (\$1,000,000); and Approve and authorize the Chairman to execute Subrecipient Agreement for ARPA-SLFRF with Poverello House, in the total amount of \$1,000,000 to respond to the public health emergency and address negative social impacts of the pandemic on individuals experiencing food insecurity or homelessness by providing funding assistance for construction costs to remodel the small commercial kitchen at the Poverello House to increase operational efficiencies so that it can increase its volume of daily meals produced and provide food assistance to families and individuals experiencing food insecurity or homelessness in Fresno County

**Behavioral Health**

36. Approve and authorize the chairman to execute a retroactive Amendment I to Agreement with Kings View to add funding for rural outreach services, effective July 1, 2022 with no change to the term of July 1, 2021 through June 30, 2026 and increasing the maximum compensation by \$992,451 to a total of \$5,474,701; Retroactively approve and authorize the Director of the Department of Behavioral Health's previous application submission with the California Department of Health Care Services for the Federal Stewart B. McKinney Homeless Grant effective July 1, 2023 through June 30, 2024 (\$439,203); Approve and authorize the Director of the Department of Behavioral Health, or designee, to be the signatory on behalf of the Board of Supervisors on associated grant agreement documents, expenditure forms, and reports
37. Approve and authorize the Clerk of the Board to execute Budget Transfer No. 68 transferring FY 2022-23 appropriations in the amount of \$14,000 from Account 7295 (Professional and Specialized Services) to Account 8300 (Equipment) within the Department of Behavioral Health Org 5630 (\$14,000) for the purchase of a Canon EOS C70 Cinema Camera and associated accessories
38. Approve and authorize the Chairman to execute retroactive Master Behavioral Health Workforce Participation Agreement with the California Mental Health Services Authority, for a variety of workforce, staffing, and training programs, effective April 1, 2023 through December 31, 2027, total not to exceed \$134,250; 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 Peer Support Specialist Certification Program related reports and forms, without modifying the maximum compensation



39. Adopt revised Resolution authorizing Fresno County's participation in the California Department of Housing and Community Development Round 4 No Place Like Home Non-Competitive Allocation Program (\$2,183,000); authorize the Chairman to execute the Avalon Commons Standard Agreement 21-NPLH-17356 with the California Department of Housing and Community Development for construction of The Avalon Commons Phase I, LP development, effective upon execution by all parties involved for a 30-year term total not to exceed \$2,183,000; approve and Authorize the Chairman to execute a retroactive Agreement effective April 5, 2023 with Avalon Commons Phase I, LP, that commits the County to make available supportive services for a minimum of 20 years at Avalon Commons, a permanent supportive housing development located at 7521 North Chestnut Avenue, Fresno, CA, a No Place Like Home-Round Four project; and, authorize the Chairman to execute Certification Regarding Non-Application of Relocation Benefits and Indemnification Agreement, Avalon Commons Phase I

### **Human Resources**

40. Approve Salary Resolution Amendment adjusting the salary range of the Chief of Field Surveys, effective May 15, 2023, as reflected on Appendix "E"
41. Approve amendment to the Salary Resolution establishing a new extra-help Post Bar Clerk classification and setting parity between extra-help Post Bar Clerk and Deputy District Attorney I, step 1; and Approve amendment to the Salary Resolution adjusting salary for extra-help Law Clerk classification and setting salary parity between extra-help Law Clerk and Paralegal, step 1, effective May 15, 2013, as reflected on Appendix "B"
42. Approve Salary Resolution Amendment adjusting the per diem rate and monthly maximum for the Civil Service Commission, effective May 15, 2023, as reflected on Appendix "A"

### **Library**

43. Approve and authorize the Clerk of the Board to execute Budget Transfer No. 69 transferring FY 2022-23 appropriations from Org 75110600 (\$5,200), from Account 7385 (Small Tools & Instruments) to Org 75110800 Account 8300 (Equipment), in the amount of \$5,200 to appropriately categorize the equipment as capital assets

### **Probation**

44. Approve and authorize the Chairman to execute a retroactive Third Amendment to revenue Agreement with the Fresno County Superintendent of Schools for the Truancy Intervention Program, effective January 1, 2023, with no change to the term of July 1, 2020 through June 30, 2023 and increasing the maximum by \$3,450 to a total of \$691,031

### **Public Health**

45. Approve and authorize the Chairman to execute a retroactive revenue Agreement and related forms with the California Department of Public Health for Hospital Preparedness Program - Local Emergency Medical Services Agency Support funds, effective July 1, 2022 through June 30, 2027, total not to exceed \$322,730

46. 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 Buddhist Tzu Chi Medical Foundation's Tzu Chi Mobile Clinic is the only mobile vision services provider in the Central Valley that provides a professional eye exam and prescription eyewear in the same visit for children and adults; and approve and authorize the Chairman to execute a Subrecipient Agreement for use of American Rescue Plan Act -State Local Fiscal Recovery Funds, with Buddhist Tzu Chi Medical Foundation to provide professional eye exams and prescription eyewear in the County's rural areas, effective May 1, 2023, not to exceed three consecutive years, which includes a two-year base contract and one optional one-year extension, total not to exceed \$600,000; and authorize the Director of Public Health, or designee, to approve and execute written changes to object levels in the Subrecipient Agreement budget that do not exceed ten percent (10%) of the total maximum compensation payable to Buddhist Tzu Chi Medical Foundation, as stipulated in Section 15 of the Subrecipient Agreement

### **Public Works and Planning**

47. Approve Annual adjustment to Exclusive Service Area Program rates, effective July 1, 2023, to reflect change in Consumer Price Index and American Avenue Disposal Site tipping fee; and approve Annual adjustment to Shaver Lake Transfer Station rates, effective July 1, 2023, to reflect change in Consumer Price Index
48. Approve and authorize Chairman to execute the First Amendment to Agreement 21-549, Management Zone Agreement between the County of Fresno and the Kings Water Alliance which would add a second CV Salts ID to County Service Area 44, Zone D (Monte Verdi Estates) and allow the addition of decommissioned Elkhorn Correctional Facility (Elkhorn) into the Management Zone Agreement, effective upon execution with no change in term to June 30, 2023, with an option to extend the term by an additional term of two-years for a potential five-year term ending June 30, 2025
49. Adopt Resolution amending the 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 the Fresno County Ordinance Code
50. Adopt Budget Resolutions increasing FY 2022-23 appropriations for County Service Area 1S - Tamarack Estates in amount of \$10,000 for increased operational costs; adopt Budget Resolution increasing FY 2022-23 appropriations for County Service Area 23 - Exchequer in amount of \$9,000 for increased operational costs; adopt Budget Resolution increasing FY 2022-23 appropriations for County Service Area 34 Surface Water Treatment Plant - Millerton New Town in amount of \$250,000 for increased operational costs; adopt Budget Resolution increasing FY 2022-23 appropriations for County Service Area 35CD - Timber Ridge in amount of \$15,000 for increased operational costs; and adopt Budget Resolution increasing FY 2022-23 appropriations for County Service Area 43 - Raisin City in amount of \$13,000 for increased operational costs

Sitting as the Board of Supervisors and as the Board of Directors for Waterworks District No. 42:  
Adopt Budget Resolution increasing FY 2022-23 appropriations for Waterworks District 42 - Alluvial/Fancher in amount of \$75,000 for increased operational costs

51. Approve and authorize Chairman to execute Second Amended and Restated Memorandum of Understanding between County of Fresno and City of San Joaquin; and determine that approval and authorization of Chairman to execute Second Amended and Restated Memorandum of Understanding between County of Fresno and City of San Joaquin is exempt from the requirements of the California Environmental Quality Act, Public Resources Code 2100, et seq., and direct staff to file a Notice of Exemption with the Office of the Fresno County Clerk