



Board of Supervisors

Agenda - Final

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, August 22, 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. 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****Board of Supervisors**

1. Approve Agenda
2. Approve Consent Agenda - Item Numbers 18-50

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

Supervisor Brandau

3. Adopt Resolution approving Amendment to Fresno County Charter Section 15 to provide for election of Sheriff and District Attorney in gubernatorial, non-presidential election years and provide direction to County Clerk/Registrar of Voters to place on the March 5, 2024 Primary Election ballot

Administrative Office

4. Receive presentation on the County Administrative Office's Recommended Second Round Award List for the County's American Rescue Plan Act (ARPA) - State Local Fiscal Recovery Funds (SLFRF) (the "Second Round Award List"); and Discuss and accept the Second Round Award List and earmark recommended funds for each program to be funded by ARPA-SLFRF (\$4,225,000); and Direct staff to further vet and return to the Board with proposed agreements for each of the programs in the Second Round Award List for the Board's approval

Assessor/Recorder

5. Grant permission for Assessor-Recorder to absent himself from the State for 30 days, but not more than two months, in accordance with Government Code Section 1063

Public Works and Planning

6. Consider petition for partial cancellation of Agricultural Land Conservation Contract No. 2568 filed by Dirk Poeschel Land Development Services, Inc. on behalf of Maria and Jesus Leon, to remove a 2.01-acre portion of a 20.00-acre (gross) parcel from the Williamson Act contract to allow the creation of a 2.01-acre homesite exception parcel for residential use; and If your Board is able to make all five required findings listed under Government Code, Section 51282(b), take the following actions: a. Adopt the Negative Declaration prepared for the Initial Study 8326; and b. Adopt Resolution authorizing partial cancellation of Agricultural Land Conservation Contract No. 2568; and c. Authorize Chairman to sign the Certificate of Tentative Cancellation and approve recording the Certificate of Cancellation when all conditions included in the Certificate of Tentative Cancellation have been satisfied (subject parcel is located at the southeast corner of S. Fowler Avenue and E. Rose Avenue, approximately three miles west of the nearest boundary limits of the City of Selma (11610 S. Fowler Avenue) (APN 385-031-29))

Board of Supervisors' Committee Reports and Comments

7. 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

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

Public Presentations

9. 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

10. 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
11. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (2 Cases)
12. Conference with legal counsel - Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (3 Cases)
13. Conference with legal counsel - Existing Litigation pursuant to Government Code Section 54956.9(d)(1): Joshua McCahill: ADJ10513071
14. Conference with legal counsel - Existing Litigation pursuant to Government Code Section 54956.9(d)(1): David McFadden: ADJ3775890
15. Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - Antonio Moreno v. County of Fresno, Fresno County Superior Court Case No. 20CECG02939
16. Threat to public services or facilities - Government Code, Section 54957(a) - Consultation with: Director of Internal Services/Chief Information Officer or Designee

Sitting as the Fresno County In-Home Supportive Services Public Authority Governing Board:

17. Sitting as the In-Home Supportive Services Public Authority Governing Board: Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Erica Hartsfield; Employee Organization: SEIU-Local 2015 - Hours, Wages and Terms and Conditions of Employment

Adjourn**NEXT MEETINGS:**

September 5, 2023 - 9:30 A.M.

Budget Hearings September 11-12, 2023 - 9:30 A.M.

September 19, 2023 - 9:30 A.M.

CONSENT AGENDA

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

Board of Supervisors

18. Approve minutes for August 8, 2023

Chairman Quintero

19. Adjourn in Memory of Samuel Peters

Supervisor Magsig and Supervisor Mendes

- 19.1 Adjourn in Memory of Ben Munoz, Jr., former General Manager of Selma-Kingsburg-Fowler County Sanitation District

District Attorney

20. Approve and authorize Chairman to execute as Governing Body Head annual Equitable Sharing Agreement and Certification with the United States Department of Justice, authorizing the District Attorney's Office to participate in the Federal Equitable Sharing Program and potentially receive a share of asset forfeitures, and certifying as to funds received and expended during FY 2022-23; Authorize the District Attorney to execute as Agency Head, and submit the Equitable Sharing Agreement and Certification; and Authorize the District Attorney, or her designee, to execute any and all "Applications for Transfer of Federally Forfeited Property (Form DAG-71)," and other required documents, as appropriate, and designate a department employee to accept forfeited property, transfer documents, and/or receive funds
21. Receive and file annual report of the Real Estate Fraud Prosecution program pursuant to California Government Code Section 27388

Sheriff/Coroner/Public Administrator

22. Approve and authorize the Chairman to execute a Third Amendment to revenue Agreement with Global Tel*Link Corporation (GTL) dba ViaPath Technologies to enable Contractor and County to conduct a Pilot Program to provide tablets for the use by County's incarcerated persons, effective August 22, 2023, with no change to the term of January 1, 2020 through December 31, 2024, which includes a three-year base contract and two optional one-year extensions
23. Approve and authorize the Chairman to execute annual Equitable Sharing Agreement with the Federal Government authorizing the Sheriff's Office to participate in the Federal Equitable Sharing Program and certifying as to funds received and expended during FY 2022-23 (increased by \$134,026, and expended \$76,774); authorize the Sheriff to execute, as Agency Head, and submit the Equitable Sharing Agreement and Certification; and authorize the Sheriff, or his or her designee, to execute any and all "Applications for Transfer of Federally Forfeited Property (DAG-71)" and other required documents, as appropriate, and designate a Sheriff's Office employee to accept forfeited property, transfer documents, and/or receive funds

Behavioral Health

24. Make a finding that 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 Relias LLC is the only provider to offer a Learning Management System meeting specified requirements; and approve and authorize the Chairman to execute an Agreement with Relias LLC, to provide a Learning Management System for the Department of Behavioral Health effective September 1, 2023, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$1,228,425
25. Approve and authorize the Chairman to execute Amendment I to Agreement with Westside Family Preservation Services Network to revise budgets for FY 2023-24, FY 2024-25 and FY 2025-26 for the Youth Empowerment Centers Program, effective upon execution with no change to the term of September 1, 2021 through June 30, 2026 or the maximum compensation of \$2,078,333
26. Approve and authorize the Chairman to execute a retroactive Amendment I to Master Agreement to update Star View Behavioral Health's rates, effective July 1, 2023, with no change to the term of July 1, 2023 through June 30, 2025, or compensation maximum of \$13,500,000
27. Approve and authorize the Chairman to execute the Sponsor Operating Guaranty for Loan No. 18-NPLH-12658 by the County of Fresno, the Housing Authority of the City of Fresno, and The Villages at Paragon, LP, for the benefit of the Department of Housing and Community Development

28. Adopt resolution to approve retroactive Agreement No. CY FRES-01 as required by the California Health Facilities Financing Authority (CHFFA), which includes authorizing the Director of the Department of Behavioral Health, or designee to execute associated agreement documents, exhibits, certifications and reports that otherwise do not increase or modify the agreement; and approve and authorize the Chairman to execute retroactive agreement with CHFFA for the Investment in Mental Health Wellness Grant Program for Children and Youth effective December 1, 2022 through July 31, 2024, total not to exceed \$1,371,806
29. Approve and authorize the Chairman to execute Amendment I to Master Agreement to add Elite Family Systems as a contracted provider with no change to the term of July 1, 2023 to June 30, 2024, or maximum compensation of \$30,000,000

Human Resources

30. Adopt Resolutions Rejecting Applications for Leave to Present a Late Claim; and adopt Resolutions Rejecting Claims for Damages
31. Approve Addendum to the Memorandum of Understanding (MOU) for Representation Unit 2 - Sheriff's and Probation Personnel, represented by the Fresno County Public Safety Association, regarding stand-by pay eligibility, effective August 21, 2023; and approve Addenda to the Memoranda of Understanding (MOU) for Representation Units 4, 12, 22, and 36, represented by Service Employees International Union, Local 521; Representation Unit 19 - Professional Employees, represented by the Professional Association of Employees; Representation Unit 39 - Operating Engineers, represented by Stationary Engineers, Local 39; regarding the rate of stand-by pay, effective August 21, 2023
32. Approve Amendment to the Salary Resolution, adding a 10-year retention pay premium differential for identified Senior Management classifications, effective August 21, 2023, as reflected on Appendix "B"
33. Approve a temporary Employee Referral Incentive program, effective September 4, 2023, providing a referral incentive payment of up to \$1,000 to any eligible, current County employee who successfully refers an individual applicant for employment in a Correctional Officer position

Internal Services

34. Approve and authorize the Chairman to execute Job Order Contracting Agreements with: a. Better Enterprises, Inc.; b. Durham Construction Company, Inc.; c. Newton Construction and Management, Inc.; d. Quincon, Inc.; and e. Heritage General; for repair, remodeling, or other repetitive work to be done according to unit prices, effective upon execution, with a term of one year, total not to exceed \$2,000,000 for each Agreement; and Approve and authorize the projects described in Attachment A to be performed under the existing of future Job Order Contracting agreements in accordance with Public Contract Code 20128.5
35. Approve and authorize the Chairman to execute First Amendment to the Agreement with American Alarm Co., Inc., for additional upgrades to security control equipment workstations at the Juvenile Justice Campus and increasing the maximum compensation by \$750,000 to a total of \$1,750,000, with no change to the potential five-year term of August 9, 2022, through August 8, 2027, which include a one-year term with four optional one-year extensions

Library

36. Approve petition for waiver of absences for Sharon Darnell to allow her to retain her position on the Fresno County Historical Landmarks and Records Advisory Commission

Probation

37. Approve and authorize the Chairman to execute annual Equitable Sharing Agreement with the Federal Government authorizing the Probation Department to participate in the Federal Equitable Sharing Program including receiving a share of asset forfeitures, and certifying as to funds received and expended during FY 2022-23 (\$326 in interest income); authorize the Chief Probation Officer to execute as Agency Head and submit the Equitable Sharing Agreement and Certification; and authorize the Chief Probation Officer, or his designee, to execute any necessary "Application for Transfer of Federally Forfeited Property (Form DAG-71)," and other required documents, as appropriate, and authorize the Chief Probation Officer to designate a Probation Department employee to accept forfeited property, transfer documents, and/or receive funds
38. Retroactively approve and authorize the Chief Probation Officer's previous submittal of a grant application to the State of California, Governor's Office of Emergency Services (Cal OES) for the Victim Witness Assistance (VW) Program (\$1,637,065), to provide funding for the Fresno County James Rowland Crime Victim Assistance Center; approve and authorize the Chairman to execute a Grant Agreement with State of California, Governor's Office of Emergency Services for the Victim Witness Assistance Program, for the period of October 1, 2023 through September 30, 2024 (\$1,637,065), including all required certifications; and approve and authorize the Auditor-Controller/Treasurer-Tax Collector, or his designee, to execute the required Authorization for the Grant Subaward Certification of Assurance of Compliance
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 Satellite Tracking of People, LLC (STOP) is an established vendor through Western States Contracting Alliance-National Association of State Procurement Officials (WSCA-NASPO) and can ensure continuity of services and access to preferential pricing until the new NASPO contract is established; and approve and authorize the Chairman to execute an agreement that amends, restates, replaces, and supersedes the existing Procurement Agreement with STOP, retroactive to June 1, 2023, for continued GPS electronic monitoring and services and alcohol detection equipment and services, effective June 1, 2023, not to exceed thirteen months, and increasing the maximum by \$1,244,894, total not to exceed \$1,444,893
40. Approve and authorize the Chairman to execute an Agreement with Fresno Economic Opportunities Commission to provide a construction apprenticeship program for adult offenders effective September 1, 2023, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, with an annual maximum compensation of \$258,720, not to exceed a contract maximum compensation of \$1,293,600

Public Health

41. Approve and authorize the Chairman to execute a revenue Agreement and related Contractor Certification Clauses and Certification Regarding Lobbying with the California Department of Public Health Nutrition Education and Obesity Prevention Branch Supplemental Nutrition Assistance Program-Education, for the CalFresh Healthy Living program, effective October 1, 2023 through September 30, 2026, total not to exceed \$7,149,527

42. Approve and authorize the Chairman to execute a retroactive revenue agreement with Fresno County Superintendent of Schools for the Fresno County Early Stars-Quality Early Learning and Care program for trainings and technical assistance on health and safety standards at early childhood education sites from July 1, 2023 to June 30, 2024, for a total of \$300,000
43. 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 Black Wellness and Prosperity Center is uniquely qualified and the only suitable vendor to continue to carry out the required programmatic activities; and approve and authorize the Chairman to execute Agreement with Black Wellness and Prosperity Center to provide health intervention activities for implementation of Fresno County's Initiative to Address COVID-19 Related Health Disparities, effective August 22, 2023 through December 31, 2026, which includes two optional one-year extensions, total not to exceed \$1,156,109
44. Approve proposed amendment to the County of Fresno's American Rescue Plan Act - State Local Fiscal Recovery Fund (ARPA-SLFRF) expenditure plan, approved on February 1, 2022, amending the scope of work for the earmarked Staffing - Infectious Disease/Chronic Disease (\$3,500,000), to be implemented by the Department of Public Health, to use a portion of the earmarked funds to instead fund the Brix-Mercer Improvements and Repairs Project, with a proposed funding of \$2,800,000; Approve the allocation of American Rescue Plan Act - State and Local Fiscal Recovery Funds in the total amount of \$2,800,000 to the Department of Public Health Org 5620 for the following: a. Overhaul, replace, and make the upgrades necessary to maintain functionality and restore full use of the elevator cars located at the Department of Public Health Brix-Mercer Complex at 1221 Fulton Street in the amount of \$2,116,000; and b. Upgrade Immunization Clinic Vaccine Refrigerated Room add new backup HVAC electrical connections to maintain continuity of operations at the Department of Public Health Brix-Mercer Complex, in the amount of \$109,250; and c. Complete required upgrades and improvements to public access areas of the Department of Public Health Brix-Mercer Complex to comply with the Americans with Disabilities Act, in the amount of \$155,000; and d. Complete Phase II of the Department of Public Health Brix-Mercer Complex Re-Roof Project, in the amount of \$419,750; and Adopt Budget Resolution increasing FY 2023-24 appropriations and estimated revenues for the Department of Public Health Org 5620 in the amount of \$2,800,000 for facility project costs related to the Brix/Mercer Complex (4/5 vote)
45. Approve and authorize the Chairman to execute a retroactive revenue agreement with the California Department of Public Health for the AIDS Drug Assistance Program, effective July 1, 2023, through June 30, 2027 (\$5,000); and approve and authorize the Director of the Department of Public Health to execute the State Contractor's Release

Public Works and Planning

46. Approve and authorize Chairman to execute Agreement with City of Reedley for Reedley City Street Improvements (Phase X), Community Development Block Grant Project No. 21571, effective upon execution through February 27, 2024, total not to exceed \$527,878

47. Adopt the resolution on file with Clerk of the Board affirming the actions of the Board of Supervisors on July 18, 2023, approving CUP 3755-A & CUP 3755-B Subject to conditions of approval as stipulated in Exhibit A of the Resolution; Approve and authorize Chairman to: A. Execute Indemnification and Defense Agreement with CEMEX Construction Materials Pacific, LLC ("Applicant"), as required by condition of approval of Unclassified Conditional Use Permit ("CUP") Application Nos. 3755-A and 3755-B relating to amend Unclassified Conditional Use Permit ("UCUP") No. 3093 and related UCUP Nos. 367, 2032, 2209, 2241, 2235, and 3063, to extend the operational time limit for the existing aggregate (sand and gravel) operation, processing plants, and related currently permitted uses, located along N. Friant Road, north of the City of Fresno, for an additional three years (extend expiration date from July 28, 2023 to July 28, 2026); and B. Execute Escrow Agreement with Applicant and U.S. Bank, NA ("Escrow Agent") securing \$200,000.00 paid into escrow by Applicant to Escrow Agent as financial security for the Indemnification and Defense Agreement; and Authorize the Director of Public Works and Planning to do any and all things and take any and all actions and execute and provide any and all notices, certificates, and other documents which he may deem necessary or advisable in order to administer the Indemnification and Defense Agreement and the Escrow Agreement on behalf of the County
48. Adopt a Resolution amending authorization to submit a Financial Assistance Application to State Water Resources Control Board (SWRCB), for improvements to the drinking water facilities serving County Service Area 30 - El Porvenir and County Service Area 32 - Cantua Creek, which authorizes Director of the Department of Public Works and Planning (Director) to execute, subject to review and approval of County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form, a Financial Assistance Application including any required instruments, assurances, certifications, and commitments to complete that application, an amended funding agreement with SWRCB, and any further amendments or changes to that funding agreement that Director deems necessary for the consummation and continuing administration of the Fresno County Westside Groundwater Project, which increases the maximum authority to obtain financial assistance by \$3,000,000 to a total of \$15,000,000; and adopt a Resolution authorizing Director or his or her designee to execute a Funding Agreement with the SWRCB for Operations and Maintenance grant funding assistance for County Service Area 30 - El Porvenir, subject to review and approval of County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form, required assurances, certifications, and commitments, and any agreement amendments that Director deems necessary for the consummation and continuing administration of the project (total not to exceed \$1,000,000); and adopt Budget Resolution increasing FY 2023-24 appropriations and revenue for County Service Area 30 - El Porvenir in the amount of \$61,324 for increased operational costs (4/5 vote); and adopt Budget Resolution increasing FY 2023-24 appropriations and revenue for County Service Area 32 - Cantua Creek in the amount of \$3,000,000 for increased project construction costs (4/5 vote)
49. Approve petition for waiver of absences for Blake Zante to allow him to retain his position on the Fresno County Planning Commission

- 49.1** Approve and authorize Chairman to execute approve and execute First Amendment to Reclamation Agreement and together with the Second Addendum to Reclamation Plan, Exhibit A-1 thereto, with RE Scarlet, LLC, project applicant (Applicant), to implement project mitigation measures and specific conditions of approval placed on Unclassified Conditional Use Permit (CUP) No. 3555 for a solar photovoltaic electricity generating and energy storage facility, encompassing approximately 2,070 acres, as part of second phase of a multiphase solar energy project which is located in unincorporated area of Fresno County, approximately 3.5 miles west-southwest of community of Tranquility, 6.5 miles east of Interstate 5 (I-5); and approve and authorize execution by Chairman of First Amendment to Escrow Agreement with Applicant and United Security Bank, as escrow Agent to accept a cash deposit of \$9,004,541.74 as Applicant's security to the County for First Amendment to Reclamation Agreement; and authorize Director of Public Works and Planning, following your Board's approval of Recommended Action 1, to accept a grant of limited access easement to County from Applicant, Exhibit C-3 of First Amendment to Reclamation Agreement thereto

Social Services

- 50.** Approve proposed amendment to the County of Fresno's American Rescue Plan Act-State Local Fiscal Recovery Fund expenditure plan, approved on May 17, 2022, amending the scope of work for the earmarked Homelessness Initiative 4, Alternative Dwelling Units Project that would provide long-term housing for individuals transitioning out of emergency or transitional housing to be implemented by Fresno Mission Communities, Inc., to instead partially fund the construction of 73 emergency and transitional housing units planned to be built at the City Center campus that will be made available to individuals in need, and individuals and families experiencing homelessness to be implemented by the Fresno City Center Corporation, with no change in proposed funding; and Approve and authorize the Chairman to execute Subrecipient Agreement for American Rescue Plan Act-State Local Fiscal Recovery Fund with Fresno City Center Corporation in the total amount of \$2,429,186, which will partially fund the construction of 73 emergency and transitional housing units planned to be built at the City Center campus that will be made available to individuals in need, and individuals and families experiencing homelessness