



# Board of Supervisors

## Agenda - Final-Revised

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

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

Hall of Records, Room 301  
2281 Tulare Street  
Fresno, California  
93721-2198  
Telephone: (559) 600-3529  
Toll Free: 1-800-742-1011  
[www.co.fresno.ca.us](http://www.co.fresno.ca.us)

**Tuesday, April 23, 2024**

**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 25-49

*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*

**Chairman Magsig**

3. Proclaim April 2024 as Child Abuse Prevention Month in Fresno County

**Supervisor Brandau**

4. Proclaim April 21-27 as "National Crime Victims' Rights Week"
5. Proclaim April 24, 2024, as "Day of Remembrance of the Armenian Genocide"

**Supervisor Mendes**

6. Proclaim May 12-18, 2024, as Peace Officer Memorial Week and May 15, 2024, as Peace Officer Memorial Day in Fresno County

**Chairman Magsig**

7. Receive Verbal Presentation by California Highway Patrol Captain Austin Matulonis on Fatal Traffic Crash Information in Fresno County

**Supervisor Pacheco**

8. Conduct first hearing to amend the Fresno County Ordinance Code, Title 2, Chapter 2.38, Section 2.38.030 to allow Children and Families Commission presentations of annual audit and report to be placed either on the regular or consent portions of future Board of Supervisors' agendas; waive first reading of the Ordinance in its entirety; and set second hearing for May 7, 2024; 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 25124(b)(1)

**Sheriff/Coroner/Public Administrator**

9. Approve and authorize the Chairman to execute Agreement with Washington Unified School District (WUSD), effective April 23, 2024, for the Sheriff's Office to provide law enforcement services at two WUSD school sites, for a term of an approximately two-year and three-month base contract and two optional one-year extensions, total not to exceed \$1,598,036; approve Amendment to the Salary Resolution adding one Deputy Sheriff position to provide law enforcement services for WUSD to the Sheriff-Coroner-Public Administrator Org 3111, effective April 29, 2024, as reflected in Appendix "D"; and adopt Budget Resolution increasing FY 2023-24 appropriations and estimated revenues for the Sheriff-Coroner-Public Administrator Org 3111 in the amount of \$266,244 to provide law enforcement services to WUSD

**Administrative Office**

10. Confirm appointment of Sally Gomez, effective April 29, 2024, to the position of County Librarian pursuant to Fresno County Charter Section 16
- 10.1 Adopt Resolution proclaiming and ratifying a Local Emergency proclaimed by the Emergency Services Director on April 17, 2024, due to the need for the Agricultural Commissioner to authorize commercial growers to use neonicotinoid pesticides on an emergency basis on tomato crops to combat the Beet Leafhopper insect in Fresno County

**Human Resources**

11. Approve the addition of a sixth salary step for Unrepresented (including confidential classifications covered by Footnote "y"), Management, Senior Management, Senior Management Supervisors, Assistant or Deputy Department Heads, and Department Heads (excluding the Public Defender and Elected Officials), effective July 8, 2024, as reflected on Appendix "C"; and Approve a salary adjustment of 3% for Unrepresented (including confidential classifications covered by Footnote "y"), Management, Senior Management, Senior Management Supervisors, Assistant or Deputy Department Heads, Department Heads (excluding the Public Defender and Elected Officials), and Extra-Help classifications within U98 (as outlined in Salary Resolution Section 100), effective November 11, 2024, as reflected on Appendix "C"; and Approve Amendments to the Salary Resolution, Section 100 effective April 29, 2024, as reflected on Appendix "C"; and Approve Amendments to the Salary Resolution, Sections 100 and 400, effective July 8, 2024, as reflected on Appendix "C"

**Public Works and Planning**

12. Consider Appeal of Planning Commission's denial of Unclassified Conditional Use Permit Application No. 3751 proposing to allow a high intensity park with related improvements for special outdoor events (e.g., family-meeting place for social events consisting of weddings, receptions, birthdays, anniversaries, and similar special outdoor events) on an approximately 3.3-acre portion of a 17.65-acre parcel in the RR (Rural Residential) Zone District; and if Appeal is granted and Planning Commission's denial of Unclassified Conditional Use Permit No. 3751 is overturned: adopt Mitigated Negative Declaration prepared for Initial Study No. 8286 and approve proposal subject to proposed Mitigation Measures and Conditions of Approval; and make required Findings specified in Fresno County Zoning Ordinance, Section 873(F) for approval of Unclassified Conditional Use Permit No. 3751; and adopt Resolution approving Unclassified Conditional Use Permit No. 3751, with Conditions of Approval and Project Notes (subject parcel is located on north side of Shields Avenue, approximately 642 feet east of N. Bryan Avenue, and 1,322 feet west of City of Fresno (APN: 512-160-20) (6338 W. Shields Avenue))
13. Consider appeal of the Planning Commission's denial of Variance Application No. 4157 proposing to allow the creation of a 2.50-acre and a 17.50-acre parcel, from an existing 20-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District (the subject parcel is located on the east side of S. Temperance Avenue, 0.17-miles south of E. Jensen Avenue, approximately 0.63-mile southwest from the City of Fresno (APN: 316-062-02) (2250 S. Temperance Avenue))

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

14. 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**

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

**Public Presentations**

16. 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*

17. 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
18. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (2 Cases)

19. Conference with legal counsel - Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)
20. Conference with legal counsel - Existing Litigation pursuant to Government Code Section 54956.9(d)(1): Jon Book: ADJ12596424
21. Conference with legal counsel - Existing Litigation pursuant to Government Code Section 54956.9(d)(1): Robert Carey: ADJ14558748
22. Public Employee Performance Evaluation, Government Code Section 54957(b) - Title: County Counsel
23. Conference with Real Property Negotiators - Government Code 54956.8. Property: Courthouse Park (APN 466-160-01T) which is bordered by Tulare St., Van Ness Ave., Fresno St., and M St.; County Negotiator: Paul Nerland, County Administrative Officer or Designee. Negotiating Parties: Judicial Council of California, Under Negotiations: Instructions to County's negotiator may concern exchange, purchase, or lease of properties, price, terms and conditions
- 23.1 Conference with legal counsel - Existing Litigation pursuant to Government Code section 54956.9(d)(1); Hall v. County of Fresno, United States District Court for the Eastern District of California, Case No. 1:11-CV-02047-LJO-BAM
- 23.2 Conference with Real Property Negotiators - Government Code, Section 54956.8; 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: Sevak Khatchadourian. Instructions to County's negotiator may concern sale, lease and escrow terms and conditions including price

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

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

**Adjourn**

**NEXT MEETINGS:**

*May 7, 2024 - 9:30 A.M.*

*May 21, 2024 - 9:30 A.M.*

**CONSENT AGENDA**

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

**Board of Supervisors**

- 25. Approve minutes for April 9, 2024
- 26. Approve amendments to Conflict of Interest Code for Sierra Resource Conservation District

**Chairman Magsig**

- 26.1 Adjourn in Memory of Barbara Goodwin

**Supervisor Quintero**

- 27. Proclaim April 23, 2024, as Fresno Mission Day in Recognition of 75 Years of Service

**Auditor Controller-Treasurer/Tax Collector**

- 28. Authorize the Auditor-Controller/Treasurer-Tax Collector to distribute \$10,772.40 in State Highway Rental Property revenues received for Fiscal Year 2022-23 in accordance with Streets and Highways Code section 104.10
- 29. Approve and authorize the Chairman to execute Amendment No. 1 to Agreement No. 21-133 ("Amendment") with InfoSend, Inc. for the purpose of extending the base term of the original agreement for one year with an option for a further 12-month extension, adding Address Change Services ("ACS"), and updating pricing on Data Processing, Printing and Mailing Services ("DPPM Services"), effective April 23, 2024, with no change to the maximum compensation of \$700,000 during the two years provided in the Amendment

**Sheriff/Coroner/Public Administrator**

- 30. 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 2024-25 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 and that all personal property taxes on vessels collected by the County shall be expended on 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**

31. Approve and authorize the Chairman to execute Amendment No. 1 to Agreement for Specialized Legal Services with Best, Best and Krieger, LLP, to include litigation services in connection with the County's General Plan Review and Zoning Ordinance Update and the associated Environmental Impact Report, and to increase the maximum compensation by \$200,000 to a total of \$500,000

**Administrative Office**

32. Approve proposed amendment to the County of Fresno's American Rescue Plan Act - State Local Fiscal Recovery Fund (ARPA-SLFRF) expenditure plan, revise the scope of work for the Drinking Water Storage Tank to be implemented by Malaga County Water District (Subrecipient), to instead fund the Final Design and Engineering for a Storage Tank at Well 5A, and redesignate funding availability from Subrecipient Agreement No. 22-339 to Agreement No. 22-172 for the construction of a groundwater well to be implemented by Subrecipient; and Approve and authorize the Chairman to execute First Amendment to Subrecipient Agreement No. 22-339 which will revise the scope of work from Drinking Water Storage Tank to instead use ARPA-SLFRF funding for Final Design and Engineering for a Storage Tank at Well 5A, update the expenditure plan, and reduce the agreement maximum by \$2,479,561, to a total of \$87,664; and Approve and authorize the Chairman to execute First Amendment to Subrecipient Agreement No. 22-172 with the Subrecipient which will revise the expenditure plan, update the modification clause, and increase the agreement maximum by \$2,479,561, to a maximum compensation not to exceed the amount of \$4,329,561, to fund the design and construction of a groundwater well in the Community of Malaga; and Authorize the County Administrative Officer or designee to approve and execute written changes to the items in the project budget for Subrecipient Agreement No. 22-172, which when added together during the term of the Agreement, do not exceed ten percent (10%) of the total maximum compensation payable to Subrecipient, and which do not result in any change to the maximum compensation amount payable to Subrecipient
33. Approve and authorize the Chairman to execute a Second Amendment to Subrecipient Agreement No. 22-338 with Tranquillity Public Utility District (Subrecipient) for provision of American Rescue Plan Act - State and Local Fiscal Recovery Funds (ARPA-SLFRF), which will revise the expenditure plan and the modification clause, with no increase to the maximum compensation (\$675,000); and Authorize the County Administrative Officer or designee to approve and execute written changes to the items in the project budget, which, when added together during the term of the Agreement, do not exceed ten percent (10%) of the total maximum reimbursement payable to Subrecipient, and which do not result in any change to the maximum compensation amount payable to Subrecipient

**Behavioral Health**

34. Approve and authorize the Chairman to execute a retroactive Amendment I to Agreement with BHC Heritage Oaks Hospital, to modify the Scope of Work and rate sheet, effective January 1, 2024 with no change in term of July 1, 2023 to June 30, 2025 and increasing the maximum by \$3,920,000 to a total of \$5,500,000
35. Approve and authorize the Chairman to execute a Program Funding Agreement with the HORNE LLP for Community Care Expansion (CCE) Preservation Projects which will provide support through Operating Subsidy Payment (OSP) funds to prevent closure of licensed residential adult and senior care facilities, effective upon execution through June 30, 2029 (\$2,351,591) and Capital Project (CP) funds to prevent closure of licensed residential adult and senior care facilities, effective upon execution through December 31, 2026 (\$3,111,750); and, approve and authorize the Director of the Department of Behavioral Health, or designee, as signatory on behalf of the Board of Supervisors on associated grant agreement documents, expenditure forms and reports, with no change to the compensation amount or term
36. Approve and authorize the Chairman to execute Amendment 1 to Agreement (State Agreement #21-10080) with the California Department of Health Care Services, extending the term by twelve months from June 30, 2024 to June 30, 2025 (\$0)
37. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34), determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted due to unusual or extraordinary circumstances, and that the best interests of the County would be served by entering into a master agreement as the contractors are the only vendors eligible to provide supplemental residential board and care home services; and, approve and authorize the Chairman to execute a retroactive Amendment I to Master Agreement to add Sacramento Behavioral Healthcare Hospital, LLC., effective December 1, 2023, with no change to the term of January 1, 2023 to June 30, 2025, or compensation maximum of \$58,000,000



**Human Resources**

38. Adopt Resolutions Rejecting Claims for Damages
39. Approve an Addendum to the Memorandum of Understanding for Representation Unit 2 - Sheriff's and Probation Personnel, represented by the Fresno County Public Safety Association, effective April 29, 2024, and approve amendments to Salary Resolution Sections 100 and 1100, and approve the related Salary Resolution Amendment, as reflected on Appendix "B"

**Internal Services**

40. Approve and authorize the Chairman to execute the Purchase and Sale Agreement with Seller for the County's purchase of Property located at 3002 North Cedar Avenue, Fresno, CA 93703 (APN 447-031-71) ("Property") from Seller, with an expected closing date of May 22, 2024, for the sum of \$550,000 ("Purchase Agreement"); Authorize and direct the Director of the Internal Services Department/Chief Information Officer, or their designee, to take any action as deemed necessary or appropriate, all of which shall be consistent with the Purchase Agreement, and the foregoing Board approvals and actions, to: a. Open, carry out, and close escrow for the County's purchase of the Property from Seller; deliver the County's refundable \$100,000 deposit into escrow; deliver the County's acceptance of Seller's Grant Deed; and obtain title insurance in favor of the County for the Property in the amount of the purchase price of the Property at escrow closing; b. Review, approve, execute, and/or deliver any agreements, documents, certificates, notices, and instruments, and any amendments to any of the foregoing (subject to prior review and approval as to legal form by County Counsel, and, as applicable, as to accounting form by the County Auditor-Controller/Treasurer-Tax Collector), and to take any other actions to initiate, carry out, and finalize the County's purchase of the Property from the Seller; and c. Perform any other obligations, or exercise any other rights, of County under the Purchase Agreement to finalize the County's purchase of the Property; Adopt Budget Resolution increasing the FY 2023-24 appropriations for Library Org 7530 in the amount of \$560,000 for purchase and escrow fees (4/5 vote); and Adopt Resolution authorizing the County to pay its pro-rata share of Common Area Maintenance costs for the Property
41. Adopt Resolution authorizing the County to pay its pro-rata share of Common Area Maintenance costs for the County's Betty Rodriguez Library
42. Approve and authorize the Director of Internal Services/Chief Information Officer, or their designee, to give 30-day prior written notice to R.F. MacDonald, Co., to terminate Agreement No. 22-346 effective May 31, 2024, pursuant to the Without Cause provision of the Agreement; and Approve and authorize the Director of Internal Services/Chief Information Officer, or their designee, subject to approval by County Counsel as to legal form, to execute any documents or certifications necessary to effect the termination of Agreement No. 22-346

**Public Defender**

43. Approve Salary Resolution Amendment adding one (1) Social Worker Practitioner position, while deleting one (1) vacant Defense Attorney I with no net increase in positions for the Public Defender, effective April 29, 2024, as reflected in Appendix "E"

### **Public Health**

44. Approve and authorize the Chairman to execute a Participation Agreement with the California Department of Public Health for access to the California Integrated Vital Records System effective upon execution by the California Department of Public Health for a term of five years (\$0); and authorize the Director of the Department of Public Health, or designee, to execute Amendments to the Agreement with California Department of Public Health, subject to approval by County Counsel as to legal form, for the Integrated Vital Records System related to new standards and requirements imposed by the California Department of Public Health

### **Public Works and Planning**

45. Conduct second hearing to amend Master Schedule of Fees, Charges and Recovered Costs Ordinance by Amending Sections 1000 - Computer Services (EMIS), subsection 1001; Section 1500 - Parks and Recreation, subsection 1509; Section 2200 - Public Works, subsections 2203, 2207, 2208, and 2209; and Section 2500 - Development Services and waive reading of ordinance in its entirety; adopt ordinance
46. Approve and authorize Chairman to execute Quitclaim Deeds conveying segments of right-of-way to the City of Fresno, at and near the intersection of E. Tulare Avenue and N. Minnewawa Avenue (\$0) (4/5 vote)
47. Approve and authorize Chairman to execute Quitclaim Deeds conveying the County's current interest in Public Street right-of-way (portions of APNs 511-220-25s, 26s, 27s, and 28s) to the City of Fresno, located on the south side of W. Dakota Avenue, at and near the intersection of N. Milburn Avenue, in the area generally bounded by N. Cornelia and N. Blythe Avenues, adjacent to the Fresno city limits to the north (\$0)

### **Social Services**

48. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34), determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a sole source is warranted due to unusual or extraordinary circumstances, and that the best interests of the County would be served by entering into an agreement with CalSAWS Consortium as the CalSAWS Consortium is a Joint Powers Authority formed by all 58 California Counties; and, approve and authorize the Chairman to execute the County Purchase Agreement with the CalSAWS consortium for the purchase of Purpose-Built, Curated Data Set (PBDS) access and Technical Training, on behalf of the County, effective August 1, 2024 through July 31, 2025 with a total cost not to exceed \$469,251

- 49.** Approve and authorize the Clerk of the Board to Execute Budget Transfer No. 14 and No. 15 transferring FY 2023-24 appropriations within the Department of Social Services Organization 56107001 from account 7870 (Support and Care of Persons) to account 8300 (Equipment) in the amount of \$529,500