



# Board of Supervisors

## Agenda - Final-Revised

**Buddy Mendes, 4th District, Chairman**  
**Brian Pacheco, 1st District, Vice-Chairman**  
**Andreas Borgeas, 2nd District**  
**Henry Perea, 3rd District**  
**Deborah A. Poochigian, 5th District**

**Jean M. Rousseau, County Administrative Officer**  
**Daniel C. Cederborg, County Counsel**  
**Bernice E. Seidel, Clerk**

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**Tuesday, August 23, 2016**

**9:00 AM**

**Hall of Records**

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. If you 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 to 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>.

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

1. Approve Agenda
2. Approve Consent Agenda - Item Numbers 20 - 54

*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 Mendes**

3. Recognize Fresno County Environmental Health employee Janet Gardner as she is presented with the 2015 Ralph Hunter Memorial Award by the California Department of Resources, Recycling and Recovery
4. Proclaim the month of September 2016 as Hmong History Month

**Supervisor Perea**

5. Receive Presentation from Fresno Madera Continuum of Care (FMCoC): Ending Homelessness in Fresno County

**Administrative Office*****REVISED***

6. Receive report from the County's Working Group to Address Homeless Encampments

**Public Health**

7. Approve and authorize the Chairman to execute retroactive Amendment I to Agreement No. 14-646 with the California Department of Public Health, an increase of \$361,556, for the Childhood Lead Poisoning Prevention Program, effective July 1, 2016, increasing the maximum for the three-year term of July 1, 2014 through June 30, 2017 (\$3,466,810); adopt a Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues in Public Health Org 5620 in the amount of \$121,666 (4/5 vote); and, approve Amendment to the Salary Resolution (Appendix X), adding one (1) Environmental Health Specialist and one (1) Health Education Specialist to the Public Health Org 5620, effective August 29, 2016

**Public Works and Planning**

8. Receive report on the results of a Geotechnical Investigation of the Elkhorn Farm Property, prepared by Moore Twining Associates, Inc., for potential use as a groundwater recharge facility; and provide direction to Internal Services staff for disposition of the Elkhorn Farm Property
9. Receive verbal report on bid opening for Contract No. 16-03-C, Lanare Paved Pedestrian Bikeway on Mt. Whitney from Grantland to Garfield, and award Contract No. 16-03-C to bidder with the lowest responsive bid; and authorize Director of Department of Public Works and Planning, or designee, to execute Contract Change Orders up to limit allowable under Public Contract Code Section 20395(d) for Contract No. 16-03-C
10. Consider and approve Amendment to Text Application No. 374 and adopt Ordinance amending Sections 873 and 877 of Fresno County Zoning Ordinance (Uses Permitted Subject to Conditional Use Permit and Variances) to revise additional time extension opportunities language for land use permit applications (Conditional Use Permits and Variances ) in unincorporated areas of Fresno County

11. Make a determination whether to waive some or all of established fees of \$10,000 for each of CFD 2005-01 (Ventana Hills), CFD 2005-02 (Bretz Mountain), and CFD 2005-03 (Wildflower Village), charged to residents and property owners of those districts, to compensate County for all costs incurred in conducting proceedings to change those districts pursuant to petitions filed by registered voters residing in those districts. Depending on the determination, approve (A) Maintain established fee of \$10,000 for each of Mello-Roos change proceedings; (B) waive a portion of fee for Mello-Roos change proceedings, establish amount of fee to be waived and make determination that County will fund all associated costs of Mello-Roos change proceedings not covered by the fee; or (C) waive entire established fee of \$10,000 for Mello-Roos change proceedings and make determination that County will fund all associated costs of Mello-Roos change proceedings
12. Consider and approve Amendment to Text Application No. 373 and adopt ordinance amending various sections of Fresno County Zoning Ordinance to add Temporary Mill/Chipping Facilities as a matter of right in RC (Resource Conservation), TPZ (Timberland Preserve), and AE (Exclusive Agricultural) Districts, subject to certain standards and limited in duration to declared local state of emergency due to tree mortality and degraded forest conditions, plus an additional 180 consecutive days thereafter

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

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

### **Board Appointments**

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

### **Public Presentations**

15. 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 5 minutes per person and no more than 15 minutes per topic

### **Closed Session**

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

16. Conference with legal counsel – Initiation of Litigation – Government Code section 54956.9(d)(4) (2 cases)
17. Conference with legal counsel – Significant Exposure to Litigation – Government Code section 54956.9(d)(2) or (d)(3) (2 cases)
18. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Paul Nerland; Employee Organization: All Bargaining Units and Management and Unrepresented Employees - Hours, Wages and Terms and Conditions of Employment

19. Public Employee Appointment or Employment, Government Code Section 549657 – Title: Auditor  
Controller-Treasurer/Tax Collector

**Adjourn**

**NEXT MEETINGS:**

*September 13, 2016 - 9:00 AM*

*September 27, 2016 - 9:00 AM*

Requests for disability-related modification or accommodation needed in order to participate in the meeting must be made to the Clerk to the Board of Supervisors (559) 600-3529 no later than Monday at 9:00 a.m.

**CONSENT AGENDA**

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

**Board of Supervisors**

20. Approve minutes of meeting for August 9, 2016

**Auditor Controller-Treasurer/Tax Collector**

21. Adopt a resolution establishing tax rates, and levying taxes on the secured roll, for the Countywide rate of one percent, voter approved indebtedness, ad valorem taxes for revenue districts, and unitary taxes in Fresno County for the Fiscal Year 2016-17

**County Clerk/Registrar of Voters**

22. Adopt Resolution approving Fresno County entering an Agreement with the Secretary of State for HAVA Section 301 Voting Systems Program Grant Funds; and Approve and authorize the Chairman to execute Agreement No. 16G30105 with the State of California for federal reimbursement funds for the Help America Vote Act (HAVA) 301 Voting Systems Program effective upon execution by the State Department of General Services through June 30, 2021 (\$1,797,008.50)

**District Attorney/Public Administrator**

23. Approve and authorize Chairman to execute a Retroactive Agreement with the Fresno Unified School District to provide funding for one Deputy District Attorney for the Attendance Matters Program, effective July 1, 2016 through June 30, 2017 (\$200,000)
24. Approve and authorize Chairman to execute an Equitable Sharing Agreement with the Federal Government authorizing the District Attorney-Public Administrator's Office to participate in the Federal Equitable Sharing Program from September 1, 2016 through August 31, 2017 and certifying as to funds received and expended during FY 2015-16; and authorize the District Attorney-Public Administrator to submit Equitable Sharing Agreement and Certification and any and all "Applications for Transfer of Federally Forfeited Property (Form DAG-71)" as appropriate and authorize the District Attorney-Public Administrator to designate a department employee to accept forfeited property, transfer documents, and/or receive money
25. Authorize a waiver of the 960 hours per calendar year maximum hours limitation for the Extra-Help positions listed on Attachment A in the District Attorney-Public Administrator's Office, pursuant to the provisions set forth in Salary Resolution, section 1100 and Personnel Rules 2040 and 4240

**Sheriff/Coroner**

26. Adopt Budget Resolution re-budgeting appropriations from the FY 2015-16 budget to the FY 2016-17 budget for the Sheriff-Coroner's Org 3111 in the amount of \$158,655.29 (4/5 vote)

27. Approve and authorize Chairman to execute an Equitable Sharing Agreement with the Federal Government authorizing the Sheriff-Coroner's Office to participate in the Federal Equitable Sharing Program from September 1, 2016 through August 31, 2017 and certifying as to funds received and expended during FY 2015-16; and authorize the Sheriff-Coroner to submit Equitable Sharing Agreement and Certification and any and all "Applications for Transfer of Federally Forfeited Property (Form DAG-71)" as appropriate and authorize the Sheriff-Coroner to designate a Sheriff-Coroner employee to accept forfeited property, transfer documents, and/or receive money
28. Retroactively authorize the Sheriff-Coroner's submittal of grant application to the California Governor's Office of Emergency Services (Cal OES) Internet Crimes Against Children (ICAC) program to fund the activities of the Fresno County Sheriff's ICAC Task Force effective July 1, 2016 through June 30, 2017 (\$200,000); Approve and authorize the Chairman to execute retroactive grant award from Cal OES, for the 2016 ICAC Grant for the period of July 1, 2016 through June 30, 2017 (\$200,000); and Approve and authorize the Chairman to execute the Certification of Assurance of Compliance assuring the County will abide by the laws, policies and procedures governing this funding
29. Retroactively authorize a waiver of the 28 hours per week/960 hours per calendar year maximum hours limitation for the Extra-Help positions listed on Attachment A in the Sheriff-Coroner's Office, pursuant to the provisions set forth in the Salary Resolution, section 1100 and Personnel Rules 2040 and 4240
30. Approve and authorize Chairman to execute retroactive Amendment III to revenue Agreement 13-529 with the City of Fowler to extend the term of the existing Agreement for Communication Dispatching Services by one year from July 1, 2016 through June 30, 2017 and increasing the contract maximum by \$86,841.84 to a total of \$353,566.20; approve and authorize Chairman to execute retroactive Amendment III to revenue Agreement 13-530 with the City of Kerman to extend the term of the existing Agreement for Communication Dispatching Services by one year from July 1, 2016 through June 30, 2017 and increasing the contract maximum by \$209,887.32 to a total of \$855,590.64; approve and authorize Chairman to execute retroactive Amendment I to revenue Agreement 16-125 with the City of Kingsburg to extend the term of the existing Agreement for Communication Dispatching Services by one year from July 1, 2016 through June 30, 2017 and increasing the contract maximum by \$176,795.52 to a total of \$347,893.20; approve and authorize Chairman to execute retroactive Amendment I to revenue Agreement 13-534 with the City of Orange Cove to extend the term of the existing Agreement for Communication Dispatching Services by one year from July 1, 2016 through June 30, 2017 and increasing the contract maximum by \$134,704.20 to a total of \$561,186.84; approve and authorize Chairman to execute retroactive Amendment I to revenue Agreement 15-560 with the City of Parlier to extend the term of the existing Agreement for Communication Dispatching Services by one year from July 1, 2016 through June 30, 2017 and increasing the contract maximum by \$224,920.92 to a total of \$445,458.84; and approve and authorize Chairman to execute retroactive Amendment III to revenue Agreement 13-532 with the City of Sanger to extend the term of the existing Agreement for Communication Dispatching Services by one year from July 1, 2016 through June 30, 2017 and increasing the contract maximum by \$380,210.64 to a total of \$1,512,416.16

**County Counsel**

31. Approve indemnification agreement with Whitney Point Solar, LLC, as required by Unclassified Conditional Use Permit Application No. 3518
32. Authorize chairman to sign settlement agreement and stipulated judgment in Verizon California Inc. v. California State Board of Equalization, et al., which is a statewide property tax refund lawsuit

**Administrative Office**

33. Adopt Resolution consenting to Inclusion of Properties within the County's Unincorporated Territory in California Municipal Finance Authority Open Property Assessed Clean Energy Programs to Finance Renewable Energy Generation, Energy Efficiency, Water Conservation, Seismic Improvements, and Electric Vehicle Charging Infrastructure Improvements and Consenting to the California Municipal Finance Authority's Levy of Voluntary Contractual Assessments to Secure Repayment of Such Financing, subject to the execution of the Agreement in Recommended Action 2; approve and authorize the Chairman to execute Agreement for the Collection of Special Assessments with the California Municipal Finance Authority for the reimbursement of costs to the Auditor-Controller/Treasurer-Tax Collector's office for placement of the California Municipal Finance Authority Property Assessed Clean Energy program voluntary contractual assessments on current secured property tax bills, agreement effective upon execution and renews automatically for each fiscal year unless either party gives written notice of nonrenewal; and authorize the County Administrative Officer or his designee(s) to execute, subject to the approval of County Counsel and the Auditor-Controller/Treasurer-Tax Collector, any subsequent documents necessary to implement the actions above
34. Make a finding that it is in the best interest of the County to waive the competitive bidding process under Administrative Policy No. 34 under the exception pertaining to agreements with a State agency; and, Authorize Chairman to execute retroactive Amador Plan agreement with California Department of Forestry and Fire Protection for the period July 1, 2016 through June 30, 2017 (\$1,029,377)
35. Adopt Resolution proclaiming continuation of the local emergency status as a result of the 2016 Drought Conditions
36. Adopt Resolution proclaiming continuation of the local emergency status relating to the extremely high levels of tree mortality and hazardous conditions created by the drought and request that the Governor continue to provide resources and support to mitigate risk of falling trees and increased fire hazard

**Agriculture**

37. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Agricultural Commissioners and Sealers Association for the Khapra Beetle Detection Program effective July 1, 2016 through December 31, 2016 (\$4,821)

38. Approve and authorize the Chairman to execute a Revenue Agreement with the California Department of Food and Agriculture for the detection trapping of the Light Brown Apple Moth effective October 1, 2016 through June 30, 2017 (\$15,070)

### **Library**

39. Retroactively authorize the County Librarian's previous submittal of a grant application to the California State Library (CSL) for Library Services and Technology Act (LSTA) funds (\$89,386); and approve and authorize the Chairman to execute a retroactive grant agreement with the CSL effective July 1, 2016 through August 31, 2017 (\$89,386), and authorize the County Librarian, or their designee, to sign expenditure forms and activity reports for this grant agreement; and adopt Budget Resolution increasing FY 2016-17 appropriations and estimated revenues in the Library Grants Org 7517 in the amount of \$89,386 (4/5 vote)
40. Retroactively authorize the County Librarian's previous submittal of a grant application to Cal Humanities for the Community Stories grant funds (\$10,000); and approve and authorize the Chairman to execute a retroactive grant agreement with Cal Humanities effective July 1, 2016 through May 31, 2017 (\$10,000) and authorize the County Librarian, or their designee, to sign expenditure forms and activity reports for this grant agreement; and adopt Budget Resolution increasing FY 2016-17 appropriations and estimated revenues in the Library Grants Org 7517 in the amount of \$10,000 (4/5 vote)

### **Public Health**

41. Approve and authorize the Director of the Department of Public Health, or designee, to notify the Regents of the University of California of its intent to terminate Agreement No. 92-082
42. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Public Health, Office of AIDS, for HIV Prevention Program activities, effective January 1, 2016 through December 31, 2018 (\$890,055), and approve and authorize the Director of the Department of Public Health to execute the Contractor's Release Form to submit with the final invoice
43. Approve and authorize the Chairman to execute a retroactive Base Award with the California Department of Public Health for Tuberculosis Control Local Assistance Funds (\$279,572) and retroactive Award Allotment (\$16,413), effective July 1, 2016 through June 30, 2017; and, the Director of Public Health to execute the Contractor's Release form for submission with the final invoice
44. Approve and authorize the Chairman to execute a Retroactive Application for Assistance Revenue Agreement for submission to the California Governor's Office of Emergency Services for the FY 2016 Emergency Management Performance Grant, effective July 1, 2016 through June 30, 2017 (\$326,703); and, the Fiscal Year 2016 Emergency Management Performance Grant Agreement Articles, Assurances, Certifications, Terms and Conditions and Governing Body Resolution



**Public Works and Planning**

45. Authorize Chairman to execute Memorandum of Understanding with the Farmers Water District for implementation of Sustainable Groundwater Management Act in a portion of Delta-Mendota Groundwater Subbasin, and designate Director of Department of Public Works and Planning as principal contact person for Fresno County
46. Approve and authorize Chairman to execute Agreement with the Laton Community Services District for the Laton Street Light Improvements, Community Development Block Grant Project No. 16411 (\$250,000)
47. Approve and authorize Chairman to execute Agreement with City of Fowler for Fowler ADA Improvements - Curb Ramps & Municipal Center Doors, Community Development Block Grant Project No. 16231 (\$142,427)
48. Approve and authorize Chairman to execute Agreement with the City of Sanger for the Sanger Street Light Improvements (Phase V), Community Development Block Grant Project No. 16611 (\$277,446)
49. Approve and authorize Chairman to execute Agreement with the City of Kingsburg for the Kingsburg Smith Revitalization, Community Development Block Grant Project No. 16391 (\$244,431)
50. Approve and authorize Chairman to execute Program Supplement Agreement No. N275-N1 to Administering Agency - State Master Agreement for Federal Aid No. 06-5942R with California Department of Transportation for Federal Project No. HSIPL-5942(272) 2015-16 Safety Striping at 27 locations in Fresno County (\$996,392)
51. Consent to assignment of Exclusive Service Area Agreement No. 05-411 by Selma Disposal LLC to USA Waste Disposal DBA Waste Management of Fresno
52. Award Contract No. 16-09-C, Grantland Avenue and Shaw Avenue Traffic Signal Installation, to bidder with lowest responsive bid, Yarbs Grading & Paving, PO Box 87, Fowler in total amount of \$671,988; and authorize Director of Public Works and Planning, or his designee, to execute Contract Change Orders up to \$46,099, which is approximately 6.86% of total contract construction cost, the limit allowable under Public Contract Code 20395(d) for Contract 16-09-C
53. Approve and authorize Chairman to execute a retroactive Memorandum of Understanding with Fresno County Employees' Retirement Association for County to provide project management services for construction of new Fresno County Employees' Retirement Association offices (\$145,200)
- 53.1 Adopt Resolution approving simultaneous recession of Agricultural Land Conservation Contract Nos. 40 and 6539 and entry into a new Agricultural Land Conservation Contract No. 8322 pursuant to Government Code Section 51257 of the Land Conservation Act of 1965 (Williamson Act); and authorize recording of new Agricultural Land Conservation Contract following signature by the Chairman

**Social Services**

54. Approve and authorize the Chairman to execute a retroactive Revenue Agreement with Fresno Unified School District for Project ACCESS case management services, effective July 1, 2016 through June 30, 2017 (\$59,451)