



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, December 6, 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 15 – 42

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 Perea

- 2.1 Adopt resolution in support of standing in solidarity with people of all races, ethnicities, religions, genders, and sexual orientations and adamantly opposing all acts of hate crime and hate speech

County Clerk/Registrar of Voters

3. Consider and appoint two directors (full term) and one director (short-term) to the Panoche Resource Conservation District Board; and, Consider and appoint two directors (full term) to the James Resource Conservation District Board; and, Consider and appoint two directors (full term) to the Sierra Resource Conservation District Board

Sheriff/Coroner

4. Retroactively authorize a waiver of the 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

County Counsel

5. Consider and adopt Resolution of Intention initiating amendments to various sections of the Ordinance Code of Fresno County addressing the possession, planting, cultivation, harvesting, drying, or processing of marijuana, and the establishment or operation of businesses engaged in commercial nonmedical marijuana activity in all Zoning Districts of Fresno County; Consider and adopt Interim Ordinance pursuant to Government Code Section 65858 establishing a moratorium on the possession, planting, cultivation, harvesting, drying, processing of nonmedical marijuana outdoors on the grounds of a private residence, and the establishment or operation of businesses engaged in commercial nonmedical marijuana activity in all Zoning Districts of Fresno County. Adoption of the initial Interim Ordinance is effective for a period of up to 45 days unless earlier terminated or extended; Determine that the approval of the Resolution of Intention and the adoption of the Interim Urgency Ordinance are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to sections 15061, subdivision (b)(3), 15306, and 15308 of the State CEQA Guidelines, and direct staff to file a Notice of Exemption with the Office of the Fresno County Clerk

Human Resources

- 5.1 Approve the Addendum to Memorandum of Understanding regarding County Health Premium Contributions for Plan Year 2017, effective December 19, 2016, for the identified Representation Units; approve the County Health Premium Contributions for Plan Year 2017 for Unrepresented and Management (including Senior Management) employees under the same terms and conditions as specified in the Addendum for Representation Units participating in the County's Health Benefit Program, effective December 19, 2016; and, adopt Budget Resolution increasing the FY 2016-17 appropriations in the Interest and Misc Expenditures Org 2540 in the amount of \$1,000,000 and decreasing the Assigned Fund Balance of the General Fund for Capital Projects in the amount of \$1,000,000 (4/5 vote)

Public Works and Planning

6. Dissolve the Fresno-Clovis Metropolitan Solid Waste Commission and the West County Solid Waste Planning Committee; approve in concept the designation of the Assembly Bill 939 Memorandum of Understanding Committee as the Integrated Waste Management Local Task Force, upon the concurrence of the cities in accordance with statutory requirements
7. Accept certified voter count on file with the Clerk to the Board, dated November 23, 2016, provided by the Fresno County Clerk/Registrar of Voters, showing the number of registered voters residing in Zone AJ of County Service Area No. 35; conduct a public hearing to hear and consider any protests to the CSA 35AJ Boundary Change No. 2, and upon completion tabulate all written objections received before the close of public testimony and take appropriate action; if there is not a majority protest to the CSA 35AJ Boundary Change No. 2, conduct a public protest hearing to receive and consider all objections or protests, if any, to the proposed benefit assessment for road maintenance purposes for CSA 35AJ Boundary Change No. 2 and upon completion tabulate all ballots returned and take appropriate action
8. Conduct first hearing and take action to approve proposed amendments to Fresno County Ordinance Code, Title 15, including the Statement of Local Findings, regulating building and construction within Fresno County; approve proposed Local Agency Management Program as referenced in proposed amendments to Title 15 and, upon final Board action, direct staff to forward Local Agency Management Program to State Water Resources Control Board for review and approval; and set second hearing for December 13, 2016 and waive reading of Ordinance in its entirety

Board of Supervisors' Committee Reports and Comments

9. 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

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

Public Presentations

11. 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

12. 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
13. Conference with legal counsel – Initiation of Litigation – Government Code section 54956.9(d)(4) (2 cases)
14. Conference with legal counsel – Significant Exposure to Litigation – Government Code section 54956.9(d)(2) or (d)(3) (2 cases)

Adjourn**NEXT MEETINGS:**

December 13, 2016 - 9:00 AM

January 9, 2017 - 10:00 AM - Oath of Office

January 10, 2017 - 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

15. Approve minutes of meeting for November 15, 2016

Supervisor Borgeas

- 15.1 Adjourn in memory of Vartkes Nahabed Messerlian. Mr. Messerlian immigrated to the United States in 1959, graduated from Fresno State in 1963, and worked for the State of California Water Resources Department. For more than 50 years, he contributed to the Armenian community and was a founding member of the Armenian Community School in Fresno, Homenetmen Armenian General Athletic Union and Scouts, and Hamazkayin Cultural Association in Fresno. His humble, diplomatic and calm personality will be missed by many

Assessor/Recorder

16. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for hosting services and support for the Assessor-Recorder; and, Approve and authorize the Chairman to execute an Agreement with BMI Imaging Systems, Inc. for hosting services and support, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$106,500.00

County Clerk/Registrar of Voters

17. Consider and approve Without Cause Termination in part for remaining services to be provided by OPEX Corporation Agreement No. 13-268 for Mail Matrix Sorter maintenance and support; and, Approve and authorize the County Clerk/Registrar of Voters to give sixty (60) days prior written notice to OPEX Corporation terminating in part Agreement No. 13-268 pursuant to the Without Cause provision of the Agreement effective February 5, 2017
18. Adopt a Resolution approving the County Clerk/Registrar of Voters to conduct a Consolidated General Municipal Election on March 7, 2017 for the City of Clovis to include a Special Election to fill a Councilmember vacancy for the period of March 2017 to March 2019

District Attorney/Public Administrator

19. Retroactively approve and authorize the District Attorney-Public Administrator's previous submittal of a grant application to the State of California, Department of Insurance (DOI) for continuation of the Automobile Insurance Fraud program for the period July 1, 2016 through June 30, 2017 (\$540,222); adopt Resolution approving and authorizing the District Attorney to execute retroactive Grant Award Agreement for continued funding of the Automobile Insurance Fraud program with the State of California, DOI for the period July 1, 2016 through June 30, 2017 (\$360,000); adopt Budget Resolution increasing FY 2016-17 appropriations and estimated revenues in the amount of \$40,296 in the District Attorney's Special Revenue Fund 0060, DOI Auto Ins Fraud Program Org 1104 (4/5 vote); and adopt Budget Resolution increasing FY 2016-17 appropriations and estimated revenues in the amount of \$40,296 in the District Attorney-Grants Org 2862 (4/5 vote)
20. Adopt Resolution accepting and expressing gratitude for the donation of \$300,000 from Table Mountain Rancheria for the Fresno County District Attorney's Identification (ID) Theft Prosecution Unit for FY 2016-17

Sheriff/Coroner

21. Approve and authorize Chairman to execute Amendment II to Agreement 12-540 with Motorola Inc. to extend the term of the existing agreement for the maintenance and software support of Public Safety Information System equipment from December 31, 2016 to August 31, 2018 and increasing the contract maximum by \$1,319,233 to a total of \$5,818,651
22. Retroactively authorize the Sheriff-Coroner's previous submittal of a grant application with the California Governor's Office of Emergency Services (Cal OES) Law Enforcement (LE) Specialized Units Program in the amount of \$272,183; approve and authorize the Chairman to execute a grant agreement and Certification of Assurance of Compliance with Cal OES LE Specialized Units program, effective from January 1, 2017 through December 31, 2017 (\$272,183); and approve and authorize the Sheriff-Coroner, on behalf of the County, to execute Third Addendum to Memorandum of Understanding (MOU) with the Marjaree Mason Center effective January 1, 2017 through December 31, 2017 (\$46,382)
23. Adopt Budget Resolution increasing FY 2016-17 appropriations and estimated revenues for the Sheriff-Coroner Org 3111 in the amount \$184,000 to purchase and up-fit four marked patrol vehicles for the Sheriff-Coroner's Court Services Unit (4/5 vote)
24. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the solicitation of Forensic DNA services for the Fresno County Sheriff-Coroner's Office; and approve and authorize the Chairman to execute Agreement with Serological Research Institute, Inc., to provide grant funded and overflow Forensic DNA services effective December 6, 2016 through November 30, 2021 which includes a three-year base contract and two optional one-year extensions, (\$200,000 annually), total not to exceed \$1,000,000 over the five year term

25. Retroactively authorize the Sheriff-Coroner's previous submittal of grant application to the National Institute of Justice, Department of Justice for the 2016 Forensic DNA Capacity Enhancement and Backlog Reduction Program Grant; approve and authorize the Chairman to execute and accept the grant award from the National Institute of Justice, Department of Justice, for the 2016 Forensic Casework DNA Backlog Reduction Grant for the period of January 1, 2017 through December 31, 2018 (\$205,465); adopt Budget Resolution increasing FY 2016-17 appropriations and estimated revenue for Sheriff-Coroner's Org 3111 in the amount of \$205,465 (4/5 vote); and authorize the Sheriff-Coroner, or her authorized representative, to sign claims for reimbursement and activity reports for the above grant award
26. Approve and authorize the Chairman to execute Amendment I to Agreement A-13-738 with Siemens Industry, Inc., to increase the annual maximum for additional security maintenance services within the Sheriff-Coroner Office's Jail Detention Facilities by \$100,000 to \$150,000 for calendar year 2016 (January 1, 2016 through December 31, 2016) and increasing the agreement maximum to \$200,000 through December 31, 2017
27. Approve and authorize the Chairman to execute agreement with the State of California Employment Development Department to provide employment information for purpose of obtaining current employment data for felony victims, suspects, missing persons, potential witnesses, or persons for whom a felony arrest warrant has been issued from January 1, 2017 through December 31, 2019 in the amount of \$3,516

Administrative Office

28. Nominate three individuals, recommended by the San Joaquin River Parkway and Conservation Trust, to the Governor for his appointment of a public member representing an environmental organization to the San Joaquin River Conservancy Governing Board: Sheri Bohigian, Paul Gibson, and Jolene Telles

Human Resources

29. Approve the Agency Shop and Objector Fee Addendum to the Memoranda of Understanding (MOUs) for Representation Units 3, 4, 12, 22 and 36, effective December 19, 2016; Approve the Employee Grievance Resolution Procedure Addendum to the MOUs for Representation Units 3, 4, 12, 22 and 36, effective December 19, 2016; Approve the deletion of the Meet and Confer Requirements Article in the MOUs for Representation Units 3, 4, 12, 22 and 36, effective December 19, 2016
30. DELETED – SEE ITEM NO. 5.1
- 30.1 Approve Amendment to the Salary Resolution revising the Fair Labor Standards Act designations for impacted County classifications effective December 5, 2016, reversing the action taken on November 15, 2016, as reflected on Appendix A; and, authorize the Director of Human Resources to administratively amend the Salary Resolution if the preliminary injunction issued by the United States District Court for the Eastern District of Texas is lifted and the United States Department of Labor's Final Rule is reinstated

Library

31. Approve designation and placement of Navelencia School on the County's Register of Centennial Schools; and authorize the Chairman to execute the certificate for a Centennial School
32. Approve designation and placement of Knapp Cabin on the County's Register of Historic Places; and authorize the Chairman to execute the certificate for a Historic Place
33. Approve designation and placement of Delilah Fire Lookout on the County's Register of Historic Places; and authorize the Chairman to execute the certificate for a Historic Place
34. Adopt Resolution accepting and expressing gratitude for the monetary donation of \$1,500 to the Fresno County Public Library to support Talking Book Library for the Blind

Public Health

35. Approve and authorize the Chairman to execute a retroactive revenue Agreement with Children and Families Commission of Fresno County for the Nurse-Family Partnership program, effective July 1, 2016 through June 30, 2018 (\$848,677); and approve and authorize the Chairman to execute a retroactive revenue Agreement with Children and Families Commission of Fresno County for the Nurse Liaison program, effective July 1, 2016 through June 30, 2018 (\$1,614,728)
36. Approve and authorize the Chairman to execute a retroactive revenue Agreement with Children and Families Commission of Fresno County to implement the Help Me Grow system, effective July 1, 2016 through June 30, 2018 (\$2,160,852)
- 36.1 Approve and authorize the Chairman to execute Amendment II to Agreement No. 14-118 with Corizon Health, Inc., for a refund to the County for Medi-Cal covered inpatient hospitalization and associated services for eligible inmates, effective December 6, 2016, with no change to the compensation amount or term of August 1, 2015 through June 30, 2019, (\$105,515,146); and, authorize the Director of the Department of Public Health, or designee, to approve claims for reimbursement from providers for medical care provided to eligible inmates with service dates as of January 1, 2015 through April 1, 2017

Public Works and Planning

37. Support Cooperative Work Agreement Extension Request submitted to California Department of Transportation for Ashlan Avenue and Thorne Avenue Traffic Signal Installation Project, State Project No. SRS2L-5942(220); and support Cooperative Work Agreement Extension Request submitted to California Department of Transportation for Fowler Avenue Shoulder Improvements Project, Federal Project No. CML-5942(211)

38. Approve and authorize Director of Department of Public Works and Planning to execute funding agreement and any amendments thereto as deemed necessary by the Director to administer improvements to water distribution systems for County Service Area 30 - El Porvenir and County Service Area 32 - Cantua Creek, with Department of Water Resources, subject to review and approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector; and adopt Budget Resolution increasing FY 2016-17 appropriations and estimated revenues in amount of \$100,000 for County Service Area 32, Cantua Creek, Org 9172 (4/5 vote)
39. Adopt plans and specifications for Contract No. 16-13-C, Jensen and Temperance Traffic Signal Installation, and authorize Director of Department of Public Works and Planning, or his designee, to advertise for bids and set bid opening date contingent upon the Department receiving authorization from California Department of Transportation
40. Accept the easement deed and authorize the Chairman to execute the right-of-way contract required for the American Avenue from SR99 to Temperance Avenue Road Improvement Project for a total monetary consideration of \$48,900
41. Approve and authorize Chairman to execute Agreement with Malaga County Water District for Malaga Water Well Upgrades, Community Development Block Grant Project No. 16451 (\$250,000)
42. Accept the easement deed and authorize the Chairman to execute the right-of-way contract and temporary construction permit required for the American Avenue from SR99 to Temperance Avenue Road Improvement Project for a total monetary consideration of \$4,800