



# Board of Supervisors

## Agenda - Final-Revised

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

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

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Tuesday, October 8, 2019

9:00 AM

Hall of Records

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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 [Clerk/BOS@fresnocountyca.gov](mailto:Clerk/BOS@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. 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 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>.

**Invocation and Pledge of Allegiance**

1. Approve Agenda
2. Approve Consent Agenda - Item Numbers 20 - 53

*These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the Board Members and the public will be given the opportunity to remove any item from the Consent Calendar. Items removed from the Consent Calendar may be heard immediately following approval of this Consent Calendar or set aside until later in the day*

**Board of Supervisors**

3. Presentation of Retirement Plaque to Tammy L. Edgell - Department of Social Services - 27 Years of Service

**Chairman Magsig**

4. Proclaim the month of October 2019 as Breast Cancer Awareness Month in Fresno County

**Auditor Controller-Treasurer/Tax Collector**

5. Consider and take action on request from the State Department of Finance by choosing one of the following three options: authorize the Auditor-Controller/Treasurer-Tax Collector to provide a \$30,000 loan to the Mendota Designated Local Authority for the 2020 calendar year for staff costs, as requested by the State Department of Finance; or, direct staff to prepare a resolution of the Board electing to have the County serve permanently as the successor agency of the former Mendota Redevelopment Agency and return to the Board with the proposed resolution for approval, as alternatively proposed by the State Department of Finance; or, reject both options presented by the State Department of Finance and take no action

**District Attorney**

6. Approve Amendment to the Salary Resolution adding one Senior District Attorney Investigator position to the District Attorney-Grants Org 28625500, effective October 21, 2019 as reflected in Appendix E; and adopt Budget Resolution increasing FY 2019-20 appropriations and estimated revenues for the District Attorney Org 28625500 in the amount of \$183,408 (4/5 vote)

**Sheriff/Coroner/Public Administrator**

7. Conduct first hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Subsection 2609 of Section 2600 - Sheriff; waive reading of the Ordinance in its entirety; and set second hearing for October 22, 2019; Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and direct the Clerk of the Board to post and publish the required summary in accordance with Government Code Section 25124(b)(1)

**Human Resources**

8. Approve adjustments to the salaries of the County Administrative Officer, Assistant County Administrative Officers, and appointed Department Heads, effective October 7, 2019

**Probation**

9. Adopt Budget Resolution increasing the FY 2019-20 appropriations in the Local Community Corrections Org 3436 in the amount of \$2,029,863 (4/5 vote); adopt Budget Resolution increasing the FY 2019-20 appropriations and estimated revenues in Probation Org 3430 in the amount of \$2,029,863 (4/5 vote); and approve Amendment to the Salary Resolution adding the following positions: one Probation Services Manager, three Deputy Probation Officers, ten Probation Technicians, and one Office Assistant to Probation Org 3430 effective October 21, 2019 as reflected in Appendix "F"

**Public Works and Planning**

10. Conduct majority protest hearings for and, if no majority protests, adopt resolutions to: form Zones F and G of County Service Area No. 34, reapportion and re-levy the assessment for water contract administration and Millerton Lake Pump ready-to-serve maintenance in County Service Area No. 34, and levy assessments and fees for services to be provided in Zone F and Zone G. Also, if no majority protests approve and authorize the Chairman to execute two subdivider agreements with the developers of Zone F and G

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

11. 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**

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

**Public Presentations**

13. 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 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*

14. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) - 2 Cases
15. Conference with legal counsel – Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) - 2 Cases
16. 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
17. Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - Rebecca Cassidy v. County of Fresno, et al., Fresno County Superior Court Case No.: 18CECG00624; Risk Management Claim No.: 9836
18. Conference with Real Property Negotiators - Government Code, Section 54956.8 Properties: 5555 E. Olive and 5520 E. Hedges, Fresno, CA 93727 (APN 455-223-12U); County Negotiator: Jean M. Rousseau, County Administrative Officer or Designee. Negotiating Parties: Pacific Telephone and Telegraph Company, a California Corporation. Under Negotiations: Instructions to County's negotiator may concern lease and option to purchase of properties, price, terms and conditions
- 18.1 Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - Comunidades Unidas por un Cambio v. County of Fresno, Fresno County Superior Court, Case No. 18CECG04586
- 18.2 Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - National Prescription Opiate Litigation, United States District Court, Northern District of Ohio, Case No. 1:17-MD-2804

**Sitting as the Fresno County In-Home Supportive Services Public Authority Board of Directors and as the Fresno County Board of Supervisors:**

19. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Joy Cronin; Employee Organization: SEIU-Local 2015 - Hours, Wages and Terms and Conditions of Employment

**Adjourn**

**NEXT MEETINGS:**

*October 22, 2019 - 9:00 AM*

*November 5, 2019 - 9:00 AM*

**CONSENT AGENDA**

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

**Board of Supervisors**

20. Approve minutes of meeting for September 24, 2019

**Chairman Magsig**

21. Adjourn in memory of Clovis Police Captain Dan Sullivan who protected and served the community of Clovis for nearly three decades

**Supervisor Brandau**

- 21.1 Adjourn in memory of Fresno County Sheriff Office Mounted Patrol Horse "Fig", who served Fresno County faithfully for 20 years
- 21.2 Adjourn in memory of Paul Freeburg, long-term Internal Services Employee

**Supervisor Quintero**

22. Approve community outreach expenditure of \$5,000 to the Calwa Recreation & Park District per Administrative Policy No. 75. subject to execution of a release of liability agreement; and, authorize the County Administrative Officer, or designee, to execute the release of liability agreement

**Auditor Controller-Treasurer/Tax Collector**

23. Receive and file the Fresno County Audit Committee Minutes from May 17, 2019 meetings
24. 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 "unusual or extraordinary circumstances" exception and authorize the Chairman to execute an Agreement with the State of California Employment Development Department for the procurement of confidential wage and benefit information related to the collection of court ordered debt, effective September 1, 2019 through August 31, 2022 for a maximum amount of \$5,136; and, approve and authorize the Chairman to execute the standard, State-provided Contractor Certification Clause 307 and Indemnity Agreement
25. Adopt resolution authorizing the County Auditor-Controller/Treasurer-Tax Collector to make one or more loans to the Coalinga-Huron Recreation and Parks District under Government Code section 23010 for fiscal year 2019-20 in the aggregate maximum amount of \$400,000.00

**District Attorney**

26. 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's Office, pursuant to the provisions set forth in the Salary Resolution, section 1100 and Personnel Rules 2040 and 4240

**Sheriff/Coroner/Public Administrator**

27. Approve amendment to the Salary Resolution deleting one vacant Office Assistant I/II/III position and adding a Crime Analyst I/II/III classification with one allocated position to Sheriff Org 3111, effective October 21, 2019 as reflected in Appendix D and approve amendment to the Salary Resolution deleting one vacant Investigative Technician position and adding a Crime Analyst I/II/III classification with one allocated position to District Attorney Org 2860, effective October 21, 2019 as reflected in Appendix D

**Administrative Office**

28. Adopt Resolution recognizing the graduating veterans and the mentors of the Fresno County Veteran's Treatment Court
29. Approve and authorize the Chairman to execute a Professional Services Agreement by and between the County of Fresno and the Fresno Local Agency Formation Commission for County services, effective January 1, 2020, not to exceed five consecutive years, which includes a three-year base contract, and two optional one-year extensions (\$0)
30. Retroactively approve Fresno County Fiscal Year 2018-19 Indian Gaming Special Distribution Fund Annual Report to the State Legislature
31. 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
32. Approve and authorize the Chairman to execute retroactive Fire Protection Reimbursement Agreement with California Department of Forestry and Fire Protection for the period July 1, 2019 through June 30, 2020 (\$1,189,078); and direct the County Administrative Officer to provide written notice to California Department of Forestry and Fire Protection that the County will extend or enter into a new fire protection reimbursement agreement for the 2020-2021 fiscal year with at least the same level of services as the recommended agreement

**Agriculture**

33. Approve and authorize the Fresno County Agricultural Commissioner/Sealer of Weights and Measures to execute a retroactive Cooperative Agreement with the California Department of Food and Agriculture for the Industrial Hemp Cultivation Program with Registration, effective April 30, 2019 through June 30, 2020, with a total reimbursement amount of \$2,000. Authorize the Fresno County Agriculture Commissioner/Sealer to approve, and execute on behalf of the County of Fresno, amendments to this revenue agreement on behalf of the County of Fresno, which may increase or decrease this agreements maximum by an amount not to exceed the greater of 15% of the agreement maximum, or \$10,000, subject to Approval as to legal form by County Counsel, and approval as to accounting form by the Auditor-Controller/Treasurer-Tax Collector

**Behavioral Health**

34. 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 updated software and continued maintenance from CompuTrust Software Corporation, as the software is exclusively provided by this vendor; and, approve and authorize the Chairman to execute a retroactive Agreement with CompuTrust Software Corporation for software products used by the Public Guardian to identify and administrate the estates of persons under conservatorship, manage trust and court records, and inventory real and personal property, effective October 7, 2019 through June 30, 2024, total not to exceed \$323,735

**County Counsel**

35. Approve and authorize the Chairman to execute a specialized legal services Agreement with Best, Best and Krieger, LLP in connection with the County of Fresno's comprehensive review of its General Plan and Zoning Ordinance, and the associated environmental review, effective upon execution, not to exceed five consecutive years, which includes a three-year term and two optional one-year extensions, total not to exceed \$300,000
36. Approve and authorize Chairman to execute a Settlement Agreement and Release of Claims with The Dow Chemical Company and Shell Oil Company to settle the County's claim related to 1,2,3-Trichloropropane groundwater contamination by payment of \$2,000,000 to the County for the credit of County Service Area No. 14

**Human Resources**

37. Approve the Salary Resolution Amendments associated with the adoption of the FY 2019-20 Budget as reflected on Appendix "A", on file with the Clerk of the Board, to become effective as indicated on Appendix "A"
38. Approve the Amendment to the Salary Resolution as reflected in Appendix B, effective October 7, 2019



39. Approve and authorize Chairman to execute Agreement to Defend Public Officers or Employees for: Brian Erickson, Deputy Sheriff III and Michael Hernandez, Deputy Sheriff, Sheriff/Coroner, as named in Eastern District Court Case No: 1:19-CV-00775-DAD-EPG, Dennis Maric v. County of Fresno, et al., Risk Management claim No.:10126

### **Internal Services**

40. Approve Salary Resolution Amendment for the Internal Services Department - Security Services Org 8970, deleting the Security Officer I classification from the Salary Resolution and retitling the Security Officer II classification to Security Officer, as reflected on Appendix C, effective October 21, 2019; approve the Addendum to the Memorandum of Understanding for Representation Unit 2 - Sheriff's and Probation Personnel, represented by the Fresno County Public Safety Association, regarding the deletion of the Security Officer I classification and retitling of the Security Officer II classification, as reflected on Appendix C, effective October 21, 2019
41. Make a finding that it is in the best interest of the County to suspend the competitive bid process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances, as International Business Machines Corporation possesses proprietary products; and approve and authorize the Chairman to execute a retroactive Agreement with International Business Machines Corporation for the purchase and support of software, hardware, maintenance, service, and technical support of the numerous products used throughout the County, effective July 16, 2019, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$5,000,000; and authorize the Director of Internal Services/Chief Information Officer or his or her designee to sign and execute various operational documents associated with the payment of the annual licenses, support, and maintenance for the products, as well as the purchase and technical support of future products

### **Probation**

42. Approve and authorize the Chairman to execute a retroactive Mental Health Training Grant Agreement with the Board of State and Community Corrections (BSCC) for the period of May 1, 2019 through September 30, 2020 (\$54,000); and adopt Budget Resolution increasing the FY 2019-20 appropriations and estimated revenue in Probation Org 3430 in the amount of \$54,000 (4/5 vote)
43. Retroactively 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 (VW) Program (\$1,659,359); approve and authorize the Chairman to execute a retroactive Grant Application/Agreement for the VW Program with Cal OES, effective October 1, 2019 through September 30, 2020; and adopt resolution authorizing the Chairman to execute the retroactive grant Application and Agreement and any extensions or amendments thereto with Cal OES for the period of October 1, 2019 through September 30, 2020, subject to approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector; not to exceed \$1,659,359

**Public Health**

44. Approve and authorize the Chairman to execute a retroactive Agreement with California Department of Health Care Services for the FY 2019-20 Medi-Cal County Inmate Program, effective July 1, 2019 through June 30, 2020 (\$2,306,967)

**Public Works and Planning**

45. Approve and authorize Chairman to execute Agreement with Caruthers Community Services District for Caruthers Water Valve Replacement, Phase II, Community Development Block Grant Project No. 18111, effective upon execution through April 30, 2021 (\$250,000)
46. Approve and authorize Chairman to execute Agreement with Caruthers Community Services District for Caruthers Lift Station Replacement, Community Development Block Grant Project No. 19111, effective upon execution through April 30, 2021 (\$250,000)
47. Approve and authorize Chairman to execute Amendment I to Agreement No. 18-561 with City of Kerman for Kerman Stanislaus Avenue Park Development, Community Development Block Grant Project No. 17371, effective upon execution, with no change in the term and increasing maximum by \$142,404 to \$592,404
48. Authorize Director of Department of Public Works and Planning, or designee, to negotiate agreements with up to thirty (30) private engineering and architectural firms to provide multi-disciplinary on-call professional consultant services, effective upon execution, not to exceed five consecutive years, each of which will provide for a three-year base contract and two optional one-year extensions, total not to exceed \$500,000 to \$600,000, a combined maximum total of \$18,000,000; and authorize Director of Department of Public Works and Planning, or designee, upon review and approval by County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form, to execute Consultant Services Agreements to expedite services needed on various projects
49. Conduct second hearing on and adopt Ordinance amending Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Sections 1000 - Computer Services (EMIS); 1500 - Parks and Recreation; and 2200 - Public Works; and waive reading of Ordinance in its entirety
50. Adopt Resolution to Schedule a Public Hearing on November 5, 2019 at 9:00 a.m. or as soon thereafter as the matter may be heard, for Resolution of Necessity supporting condemnation of necessary right-of-way to facilitate Travers Creek Bridge Replacement Project on Lincoln Avenue, Federal Project ID No. BRLO-5942 (226), and Notice Affected Property Owners (4/5 vote)
51. Approve request by City of Fresno to acquire right-of-way, excluding eminent domain condemnation action, from three parcels adjacent to existing County right-of-way in identified unincorporated areas of County as needed in conjunction with Sanger Unified School District's traffic signals with associated components and lane widening project at intersection of S. Armstrong and E. Jensen Avenues

52. Approve and authorize the Chairman to execute a retroactive First Amendment to Agreement No. 16-655 with Quinn Company Inc. dba Quinn Rental Services, for heavy equipment rental, to remove the annual maximum, allowing the Department of Public Works and Planning to utilize the remaining funds from prior contract years, effective November 15, 2016, with no change to the compensation amount or term of November 15, 2016 through November 15, 2021 (\$1,250,000)

### **Social Services**

53. Approve and authorize the Chairman to execute retroactive State FY 2019-20 County Subvention Program Certificate of Compliance, for the Fresno County Department of Social Services - Veterans Services Office (Org 7110), effective July 1, 2019 to June 30, 2020 (\$119,758); Approve and authorize the Chairman to execute retroactive State FY 2019-20 Medi-Cal Certificate of Compliance, for the Fresno County Department of Social Services - Veterans Services Office (Org 7110), effective July 1, 2019 to June 30, 2020 (\$9,587)