



# Board of Supervisors

## Agenda - Final-Revised

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*Buddy Mendes, 4th District, Chairman*  
*Steve Brandau, 2nd District, Vice-Chairman*  
*Brian Pacheco, 1st District*  
*Sal Quintero, 3rd District*  
*Nathan Magsig, 5th 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, February 4, 2020

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 15 - 43

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

**Supervisor Brandau**

- 2.1 Direct staff to prepare letter for the Board of Supervisors' signature to the United States (US) Department of the Interior supporting the issuance of a Record of Decision relating to the Environmental Impact Statement prepared for the Reinitiation of Consultation on the Long-Term Operation of the Central Valley Project and State Water Project; and prepare letter for the Board of Supervisors' signature to the Governor and State Office of the Attorney General encouraging support of the US Department of the Interior's pending decision and continuing efforts to implement the recommendations and improvement to the Long-Term Operation of the Central Valley Project and State Water Project

**Administrative Office**

3. Receive report and review the proposed joint service plan for Homeless Housing, Assistance and Prevention Program estimated preliminary allocations, which include allocations to the County of Fresno (\$2,325,640) and Fresno Madera Continuum of Care (\$2,954,437); authorize the Department of Social Services to submit grant applications for the County (\$2,325,640) and Fresno Madera Continuum of Care (\$2,954,437) to the California Homeless Coordinating and Financing Council for the Homeless Housing, Assistance and Prevention Program; and, approve and authorize the Chairman to execute the Homeless Housing, Assistance and Prevention Program Authorized Signatories Form, as an approved signatory

**Internal Services**

4. Approve and authorize an increase in the Purchasing Agent's authority, effective immediately, to enter into new service contracts, with a maximum five (5) year term, up to an aggregate limit of \$200,000 pursuant to California Government Code (GC) section 25502.5

5. Conduct a public hearing in accordance with California Government Code § 4217.12 for the Board to determine that the terms of each of the proposed energy services agreements with FFP BTM SOLAR, LLC (ForeFront Power) (in recommended actions #3 and #4, below) are in the best interests of the County, and to find that the anticipated costs to the County for electrical energy or conservation services to be provided by the solar photovoltaic (PV) energy system (in recommended action #3 below) and the energy storage system (in recommended action #4 below) under each of those proposed agreements, respectively, will be less than the County's anticipated marginal costs for the purchase of such energy and conservation services in the absence of each such proposed agreement, respectively; Adopt and authorize the Chairman to execute Resolution making the determinations and findings as described in recommended action #1 (Gov. Code, § 4217.12); Approve and authorize the Chairman to execute Energy Services Agreement-Solar, Fresno County-Juvenile Justice Campus, including General Terms and Conditions of Energy Services Agreement, with ForeFront Power to finance, design, construct, install, operate, and maintain an approximately 27-acre, 3,585 kW (DC) (estimated) solar PV energy system (including solar panels) at the Juvenile Justice Campus, located at 3333 E. American Avenue, Fresno, CA, 93725 (the JJC), for the County to purchase energy at specified rates, for a possible twenty-five (25) year term, with an option to purchase the solar PV energy system after the 5th anniversary of commercial operation of the solar PV energy system; Approve and authorize the Chairman to execute Energy Services Agreement-Energy Storage, Fresno County-Juvenile Justice Campus, including General Terms and Conditions of Energy Services Agreement, with ForeFront Power to finance, design, construct, install, operate, and maintain a 2,000 kW (AC/ 3,946 kWh DC) (estimated) energy storage system at the JJC, for the County to obtain energy conservation services, for a possible ten (10) year term, with annual extensions so long as the Agreement for the solar PV energy system (recommended action #3, above) stays in effect; Authorize the Director of Internal Services/Chief Information Officer (CIO) (the Director/CIO) to approve and execute any further documents, instruments, estoppel and acknowledgement certificates, memoranda of agreements, all subject to the approval of the County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form, necessary to finalize the recommended Agreements, including any financing that ForeFront Power might later obtain in relation to such Agreements; Authorize the Director/CIO to approve any change in energy storage system size, and amend the Energy Services Agreement - Energy Storage solely for updating the energy storage system size, subject to the approval of the County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form; Approve and ratify the Rule 21 Generator Interconnection Agreement with Pacific Gas & Electric Company (PG&E), dated June 25, 2018, previously executed by the County Purchasing Manager

**Public Works and Planning**

6. Consider and adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7449, including Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3829; and find that proposed rezone of 42.6 acres with split zoning [40.1 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and 2.5 acres from the M-3(c) (Heavy Industrial, Conditional) Zone District, limited to a parking lot] to the M-3(c) (Heavy Industrial, Conditional) Zone District is consistent with the County's General Plan and County-adopted Roosevelt Community Plan; and approve Ordinance pertaining to Amendment Application No. 3829 thereby rezoning the subject 42.6-acre parcel of land to M-3(c) Zone District to allow limited heavy industrial, general industrial, and light manufacturing uses as requested by Applicant; and designate County Counsel to prepare a fair and adequate summary of proposed Ordinance and direct Clerk of the Board to post and publish required summary in accordance with Government Code, Section 25124(b)(1). The subject parcel is located on southeast corner of E. Central Avenue and S. Willow Avenue approximately 3,002 feet east of nearest city limits of City of Fresno (4216 S. Willow Avenue, Fresno) (APN 331-090-96 - previously APN 331-090-75 and 74)

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

7. 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**

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

**Public Presentations**

9. 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*

10. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) - 2 Cases
11. Conference with legal counsel – Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) - 2 Cases
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 - Existing Litigation - Government Code, section 54956.9(d)(1) - Ernest O'Neil Rahkin Brock v. County of Fresno, et al., Fresno Superior Court Case No.: 18CECG03794; Risk Management Claim No.: 9897
14. Conference with Real Property Negotiators - Government Code 54956.8 Properties:380 W. Ashlan, Clovis, CA 93612; County Negotiator: Jean M. Rousseau, County Administrative Officer or Designee. Negotiating Parties: 380 Ashlan LLC, a California limited Liability company, Under Negotiations: Instructions to County's negotiator may concern purchase or lease of properties, price, terms and conditions

### **Adjourn**

### **NEXT MEETINGS:**

*February 25, 2020 - 9:00 AM*

*March 10, 2020 - 9:00 AM*

**CONSENT AGENDA**

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

**Board of Supervisors**

15. Approve minutes of meeting for January 21, 2020

**Chairman Mendes**

16. Approve Certificate of Recognition of the Fire Fighter of the Year Awards for the following fighter fighters: Engine Captain, Ritter Bethel of the US Forest Service, Battalion Chief, Marc Bontrager of Cal Fire, and Battalion Chief, Larry French of Fresno Fire Department for their years of service and dedication to the County of Fresno
- 16.1 Adopt Resolution Supporting and Aligning with Kern County's Efforts to Protect the Central Valley's Local Oil and Natural Gas Industry and its Diverse Workforce
17. Adjourn in Memory of Sarah Cardoza Cabral

**Supervisor Quintero**

- 17.1 Adjourn in Memory of Ellen Tatham

**County Clerk/Registrar of Voters**

18. Approve and authorize the Chairman to execute Amendment III to Agreement No. 15-584 with Integrated Voting Systems, Inc., (IVS) for ballot printing, vote by mail processing and vote by mail envelope services, effective upon execution, extending the term by one year from July 1, 2020 through June 30, 2021 and increasing the maximum by \$960,000 to a total of \$3,730,000, and approve and authorize the Chairman to execute Amendment III to Agreement No. 15-369 with Toppan Merrill Inc., (Merrill) for voter information guides and sample ballot booklets effective upon execution, extending the term by one year from July 1, 2020 through June 30, 2021 and increasing the maximum by \$800,000 to a total of \$4,220,000

**District Attorney**

19. Adopt Resolution accepting and expressing gratitude for the donation of \$300,000 from Table Mountain Rancheria for the Fresno County District Attorney's Identification Theft Prosecution Unit for FY 2019-20

**Sheriff/Coroner/Public Administrator**

20. Retroactively authorize the Sheriff's previous submittal of an online grant application on behalf of the County, and ratify Sheriff's execution of Grant Agreement Number 2019-MC-FX-K028 from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Juvenile Justice and Delinquency Prevention (OJJDP), for the Central California Internet Crimes Against Children (ICAC) Task Force Program, effective October 1, 2019 to September 30, 2020, in the amount of \$440,767; adopt Budget Resolution increasing FY 2019-20 appropriations and estimated revenues for the Sheriff-Coroner-Public Administrator's Org 3111 in the amount of \$44,711 (4/5 vote); and authorize the Sheriff, or designee, to sign claims for reimbursement, activity reports, extend the grant ending date to expend allocated funding, and add participating law enforcement, investigative, and prosecutorial agencies to the ICAC task force
21. Approve and authorize the Chairman to execute retroactive Agreement with the State of California Employment Development Department (EDD) to provide employment information for the 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, 2020 through December 31, 2022 in the amount of \$3,516
22. Retroactively authorize the Sheriff's previous submittal of a grant application to the National Institute of Justice, Department of Justice, for the 2019 Forensic DNA Capacity Enhancement and Backlog Reduction Program Grant; approve and authorize the Chairman to execute and accept a retroactive grant award agreement from the National Institute of Justice, Department of Justice, for the 2019 Forensic Casework DNA Backlog Reduction Grant for the period of January 1, 2020 through December 31, 2021 (\$250,000); adopt Budget Resolution increasing FY 2019-20 appropriations and estimated revenues for Sheriff-Coroner-Public Administrator's Org 3111 in the amount of \$59,100 (4/5 vote); and authorize the Sheriff, or her authorized representative, to sign claims for reimbursement, activity reports, notices, and other related documents consistent with the above grant award
23. Adopt Resolution designating the Fresno County Jail as a "Treatment Facility" to provide medically approved medication to inmates found to be mentally incompetent
24. Approve and authorize the Chairman to execute a retroactive Agreement with the Fresno Unified School District for law enforcement services, effective August 12, 2019 through June 30, 2020 (\$159,690)

**Administrative Office**

25. 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

26. Approve Amendment to the Salary Resolution reclassifying one Principal Administrative Analyst allocation to Project Administrator - Homelessness position in the County Administrative Office Org 0120, effective February 10, 2020 as reflected in Appendix C

### **Agriculture**

27. Approve and authorize the Chairman to execute a retroactive Agreement with the California Department of Food and Agriculture for the Exotic Pest Detection Trapping Program, effective July 1, 2019 through June 30, 2020, with a total reimbursement amount of \$552,706

### **Behavioral Health**

28. Approve and authorize the Chairman to execute a retroactive Amendment I to the Master Agreement No. 18-666 with various Temporary Staffing Agencies, effective February 1, 2020, with no change in the term to June 30, 2023 and increasing the maximum by \$94,060,779 to a total of \$106,194,112; and, adopt Budget Resolution increasing the FY 2019-20 appropriations and estimated revenues for Department of Behavioral Health Org 5630 in the amount of \$11,470,827 (4/5 vote)

### **Fresno County Employees' Retirement Association**

29. Receive and file the Fresno County Employees' Retirement Association Actuarial Valuation and Review report as of June 30, 2019 by The Segal Group, and; approve and adopt the Board of Retirement's recommended employer and employee contribution rates for FY 2020-21 as provided in the member contribution rates in Section 4, Exhibit III, the employer contributions rates in Section 2, Subsection F (pages 31-32), and the Administrative Expense Load Percentage of Payroll rates in Section 4, Exhibit I of the Actuarial Valuation and Review Report as of June 30, 2019, in accordance with Government Code sections 31453 and 31454

### **Human Resources**

30. 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 when obtaining the services of counsel to assist the County; and, approve and authorize the Chairman to execute an Agreement with Liebert Cassidy Whitmore to provide specialized legal services as lead negotiator during upcoming Memorandum of Understanding negotiations, effective February 4, 2020 through February 3, 2023 (\$275,000)
31. 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 when obtaining the services counsel to assist the County; and, approve and authorize the Chairman to execute an Agreement with Liebert Cassidy Whitmore to provide legal counsel and training to the County Administrative Officer and Human Resources Department regarding employee-employer relations, effective February 4, 2019 through February 3, 2023 (\$100,000)



32. Approve Resolutions Rejecting Claims for Damages

### **Internal Services**

33. Approve and authorize the Chairman to execute a countywide agreement with Pacific Publishing Group, Inc., dba, The Business Journal, for the publication of legal notices 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 \$850,000
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 in order to maintain the maintenance, support, and software hosting services for the StatusNet911 WEB hospital status reporting and communications system; and approve and authorize the Chairman to execute an Agreement with ElanTech, Inc., dba DataTech911, for continued maintenance and support of the StatusNet911 WEB system, effective February 24, 2020, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$166,066

### **Probation**

35. Approve and authorize the Chairman to execute a retroactive Agreement with the City of Fresno to assign seven sworn Police Officers, one sworn Police Sergeant, and one Crime Analyst to the Public Safety Realignment Act Adult Compliance Team, effective July 1, 2019 through June 30, 2020 (\$1,960,653)

### **Public Health**

36. Approve and authorize the Chairman to execute a retroactive Amendment I to Agreement No. 19-386 with Valley Health Team, Inc. for services to improve prevention and management of heart disease and stroke through clinic-based strategies, with no change in term to September 29, 2023 and decreasing the maximum by \$200,000 to a total of \$1,199,997

37. Approve and authorize the Chairman to execute a retroactive grant Application/Revenue Agreement and Articles, Assurances, Certifications, and Terms and Conditions for submission to the California Governor's Office of Emergency Services for the FY 2019 Homeland Security Grant Program, September 1, 2019 through May 31, 2022 (\$1,111,303). Approve and authorize the Chairman to execute the Proof of Authority Letter assuring the California Governor's Office of Emergency Services that the County will provide and appropriate all matching funds, including any cash match, required for the Homeland Security Grant Program, affirming liability arising from performance of the agreement will be the County's responsibility, and that funds will not be supplanted. Approve and authorize the Vice-Chairman to execute the Governing Body Resolution. Approve and authorize the Auditor-Controller/Treasurer-Tax Collector to continue issuing payments based on written order of the Homeland Security Grant Program Approval Authority in accordance with California Governor's Office of Emergency Services Guidelines for the 2019 Homeland Security Grant Program
38. Retroactively authorize the Department of Public Health's previous submittal of a grant application in the amount of \$2,565,920 to the California Department of Forestry and Fire Protection, for FY 2019-20 Fire Prevention Grant Program funds to remove and dispose of dead and dying trees within the mountain communities in Eastern Fresno County

### **Public Works and Planning**

39. Approve Bid Protest Procedure for public works projects, and authorize Director of the Department of Public Works and Planning, following review and approval by County Counsel, to modify the procedure as may subsequently be determined necessary or appropriate
40. Approve and authorize Chairman to execute a First Amendment to Agreement No. 81-170 with City of Fresno, to amend Department of Public Works and Planning's financial responsibility of traffic signal facilities serviced by City of Fresno, with term to remain in effect with auto-renewals unless terminated by either party
41. Approve and authorize Chairman to execute Agreement with Stantec consulting Services, Inc., for required groundwater monitoring, sampling and reporting at the Blue Hills Disposal Facility, extending the term by two additional years to March 31, 2022 and increasing the maximum by \$77,000 to a total of \$210,000
42. Adopt Resolution Retroactively Authorizing West Stanislaus Irrigation District to Apply for a grant under Sustainable Groundwater Management Grant Program's Planning Grant - Round 3 and to execute all documents necessary to obtain a grant for Delta-Mendota Groundwater Subbasin Supplemental Groundwater Sustainability Plan development proposal

**Social Services**

43. Approve and authorize the Chairman to execute a retroactive Agreement with the California Department of Social Services to act as the sole legal representative on behalf of the County on appeals to Resource Family Approval Notice of Action, effective July 1, 2019 through June 30, 2021 (\$0)