



# Board of Supervisors

## Agenda - Final-Revised

*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, November 3, 2020

9:00 AM

Hall of Records

### **\*IMPORTANT NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19\***

Due to the current Shelter-in-Place Order covering the State of California and Social Distance Guidelines issued by Federal, State, and Local Authorities, the County is implementing the following changes for attendance and public comment at all Board of Supervisors meetings until notified otherwise. The Board chambers will be open to the public. Any member of the Board of Supervisors may participate from a remote location by teleconference pursuant to California Governor Gavin Newsom's Executive Order N-25-20.

- The meeting will be webcast. The public may observe the live stream of the Board of Supervisors Meeting at: <https://fresnocounty.Legistar.com>
- If you attend the Board of Supervisors meeting in person, you will be required to maintain appropriate social distancing, i.e., maintain a 6-foot distance between yourself and other individuals. Due to Shelter-in-Place Order requirements, the number of people in the Board of Supervisors Chambers will be limited. Members of the public who wish to make public comments will be allowed in on a rotating basis even if seating in the chambers is limited.
- If you choose not to attend the Board of Supervisors meeting but desire to make general public comment, or comment on a specific item on the agenda, you may do so as follows:

#### **Written Comments**

• Members of the public may submit written comments as follows: by email to [BOScomments@fresnocountyca.gov](mailto:BOScomments@fresnocountyca.gov), by mail or by hand delivery at the Clerk of the Board's office in the Hall of Records at the above address. Comments should be submitted as soon as possible but not later than 15 minutes before start of meeting. You will need to provide the following information:

- Board Meeting Date
- Item Number
- Comments

- Please submit a separate e-mail for each item you are commenting on.
- Please be aware that public comments received that do not specify a particular agenda item will be made part of the record of proceedings as a general public comment.
- If a written comment is received after the start of the meeting it will be made part of the record of proceedings, provided that such comments are received prior to the end of the Board meeting.
- Written comments will be provided to the Board members. Comments received during the meeting may not be distributed to Board members until after the meeting has concluded.

**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. 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 online at: <http://fresnocounty.legistar.com>.

**Invocation and Pledge of Allegiance**

1. Approve Agenda
2. Approve Consent Agenda - Item Numbers 16 - 44

*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*

**Sheriff/Coroner/Public Administrator**

3. Conduct first hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by adding Subsection 2612 of Section 2600 - Sheriff-Coroner-Public Administrator; waive reading of the Ordinance in its entirety; and set second hearing for December 15, 2020; 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)

**Administrative Office**

4. Conduct first hearing to amend the Fresno County Ordinance Code, Title 2, Chapter 2.04, Section 2.04.010 relating to Meetings; waive reading of Ordinance in its entirety; and set the second hearing for November 17, 2020; Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; Direct the Clerk of the Board to post and publish the required summary in accordance with Government Code section 25124(b)(1); and Approve revision to Administrative Policy 29 - Board of Supervisors Meetings

**Human Resources**

5. Conduct first hearing and take action to: a. Amend Title 3 - Personnel of the Fresno County Ordinance to replace existing reference to deleted ordinance code 03.08.100 with updated language, b. Waive the reading of the ordinance in its entirety and set the second hearing for November 17, 2020; 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)

**Library**

6. Approve designation and placement of the Fresno Irrigation District on the County's Register of Centennial Businesses; and authorize the Chairman to execute the certificate for a Centennial Business

**Public Works and Planning**

7. Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7799, including the Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3841 and Director Review and Approval Application No. 4610; and find that proposed rezone of two contiguous parcels totaling 2.6-acres from M-1 (Light Manufacturing) Zone District to M-3 (Heavy Industrial) Zone District is consistent with the County's General Plan, including the Housing element and the Biola Community Plan; and approve ordinance pertaining to Amendment Application No. 3841 thereby rezoning the subject 2.6-acres site from M-1 (Light Manufacturing) to M-3 (Heavy Industrial) Zone District; and approve Director Review and Approval Application No. 4610 to permit expansion of an existing inorganic fertilizer operation on an additional 2.6 acres; and 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. The subject parcels are located on the south side of 'H' Street between North Biola Avenue (6th Street) and North 7th Street within the unincorporated community of Biola (4460 N. Biola Avenue, Biola) (APN: 016-300-02, 17S, 18S)

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

8. 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**

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

**Public Presentations**

10. 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*

11. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (2 Cases)
12. Conference with legal counsel – Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (8 Cases)
13. Public Employee Appointment or Employment, Government Code Section 54957(b)(1) – Title: Chief Operating Officer Recruitment

14. 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
15. Conference with Real Property Negotiators - Government Code, Section 54957(a); UMC Campus located at the corner of South Cedar Avenue and East Kings Canyon Road, Fresno, CA; County Negotiator: Jean M. Rousseau or designee. Negotiating Parties: CMG, Inc. Under negotiations: Instructions to County's negotiator may concern sale, lease and escrow terms and conditions including price
- 15.1 Conference with Real Property Negotiators - Government Code, section 54956.8 Properties: 500 E. Elkhorn, Caruthers, CA 93609; County Negotiator: Jean M. Rousseau, County Administrative Officer or Designee. Negotiating Parties: North Fork Kings Groundwater Sustainability Agency, Under Negotiations: Instructions to County's negotiator may concern purchase or lease of properties, price, terms and conditions

### **Adjourn**

### **NEXT MEETINGS:**

*November 17, 2020 - 9:00 AM*

*December 15, 2020 - 9:00 AM*

**CONSENT AGENDA**

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

**Board of Supervisors**

16. Approve minutes of meeting for October 20, 2020
17. Approve and adopt the revised 2021 regular meeting schedule for the Board of Supervisors to add one meeting on January 5, 2021 to administer the oath of office and nominate the 2021 Chairman and Vice Chairman, as outlined in Attachment "A"; and direct the Clerk of the Board to publish the 2021 regular meeting schedule of the Board of Supervisors on the Fresno County website and to advise all County departments of the meeting schedule and submission dates for agenda items

**Chairman Mendes**

18. Proclaim November 2020 as National Adoption Month in Fresno County
19. Adopt Proclamation in recognition of Officer George Santos' retirement from the California Highway Patrol (CHP) after 32 years of service and proclaim November 7, 2020 as George Santos Day in Fresno County

**Chairman Mendes and Supervisor Pacheco**

20. Adopt resolution supporting an immediate cease fire and reaffirming support for a free and independent Nagorno Karabakh Republic (Artsakh)

**Supervisor Magsig**

- 20.1 Adopt Resolution in recognizing Peter Edward Jones for the service he gave to his country and to his community

**Supervisor Quintero**

- 20.2 Adjourn in Memory of Mary Lou Talens, Retired Fresno County Genealogical Society Librarian

**Auditor Controller-Treasurer/Tax Collector**

21. Adopt Resolution deciding claims and ordering the disposition of excess proceeds for 28 single claim items and 28 no claim items from the County's 2018 sale of tax-defaulted property
22. Adopt Resolution deciding claims and ordering the disposition of excess proceeds for 17 single claim items and 11 no claim items from the County's 2019 sale of tax-defaulted property

**District Attorney**

23. Retroactively authorize the District Attorney's previous submittal of a grant application to the State of California, Department of Insurance (CDI) for continuation of the Workers' Compensation Insurance Fraud program, for the period July 1, 2020 through June 30, 2021 (\$1,394,929); and Adopt a Resolution authorizing the District Attorney to execute retroactive Grant Award Agreement, including any extensions or amendments, for continued funding of the Workers' Compensation Insurance Fraud program with the CDI, for the period July 1, 2020 through June 30, 2021 (\$1,372,547); and Adopt Budget Resolution increasing FY 2020-21 appropriations and estimated revenues in the amount of \$35,999 in the District Attorney's Special Revenue Fund 0060, CDI Worker's Compensation Insurance Fraud Program, Org 1107 (4/5 vote); and Adopt Budget Resolution increasing FY 2020-21 appropriations and estimated revenues in the amount of \$35,999 in the District Attorney-Grants Org 2862 (4/5 vote)
24. Retroactively approve and authorize the District Attorney's previous submittal of a grant application to the State of California, Department of Insurance (CDI) for continuation of the Automobile Insurance Fraud program, for the period July 1, 2020 through June 30, 2021 (\$587,390); and Adopt Resolution approving and authorizing the District Attorney to execute retroactive Grant Award Agreement, including any extensions or amendments, for continued funding of the Automobile Insurance Fraud program with the CDI, for the period July 1, 2020 through June 30, 2021 (\$375,606)
25. Retroactively authorize the District Attorney's previous submittal of a grant application to the State of California, Department of Insurance (CDI) for continuation of the Disability and Healthcare Insurance Fraud program for the period of July 1, 2020 through June 30, 2021 (\$319,164); and Adopt a Resolution authorizing the District Attorney to execute retroactive Grant Award Agreement, including any extensions or amendments, for continued funding of the Disability and Healthcare Insurance Fraud program with the CDI, for the period July 1, 2020 through June 30, 2021 (\$174,470)

**Sheriff/Coroner/Public Administrator**

26. Retroactively authorize the Sheriff's previous submittal of grant applications in the amount of \$105,222 for a patrol boat and \$8,062 for miscellaneous equipment to the State of California Department of Parks and Recreation Division of Boating and Waterways, for a total of \$113,284; and approve and ratify any and all of the Sheriff's or his or her designee's actions related thereto; approve and adopt resolution authorizing the Chairman to execute Agreements with the State of California Department of Parks and Recreation Division of Boating and Waterways for a supplemental grant to purchase one patrol boat (\$105,222) and inflatable raft/salvage equipment (\$8,062), effective upon execution by both parties, through November 2035; adopt Budget Resolution increasing FY 2020-21 appropriations and estimated revenues for Sheriff-Coroner-Public Administrator Org 3111 in the amount of \$113,284 (4/5 vote); approve and authorize the Chairman to execute the Recycled Content Certification certifying that the materials, goods, supplies, or products used in the performance of these Agreement contain zero recycled content; Contractor Certification Clause assuring the County will abide by the laws, policies and procedures governing this funding; and Darfur Contracting Act Certification certifying the County currently does not have, or has not had within the previous three years, business activities or other operations outside of the United States and authorize the Sheriff, or her authorized representative, to sign requests for reimbursement documents
27. Adopt Budget Resolution increasing the FY 2019-20 appropriations and revenues for Sheriff-Coroner-Public Administrator Org 3111 in the amount of \$1,619,271 to properly recognize revenues (4/5 vote)

**Administrative Office**

28. Approve and authorize the Clerk of the Board of Supervisors to certify a Designation of Applicant's Agent Resolution for Non-State Agencies (Cal OES Form 130)
29. Approve revisions to Administrative Policy 31 - Equal Opportunity Employment; Administrative Policy 32 - Discrimination/Harassment; and Administrative Policy 77 - Recognition of Individuals/Groups/Events and Related Use of County Facilities
30. Conduct second hearing on and adopt Ordinance to revise language in Section 9.04.030 of Chapter 9.04 of Title 9 - Animals; waive reading of Ordinance in its entirety; conduct second hearing on and adopt Ordinance to revise language in Section 11.40.070 of Chapter 11.40 of Title 11 - Vehicles and Traffic; waive reading of Ordinance in its entirety; and conduct second hearing on and adopt Ordinance to revise language in Section 13.24.010 of Chapter 13.24 of Title 13 - Roads, Parks, Other Public Spaces; waive reading of Ordinance in its entirety



**Human Resources**

31. Approve and authorize the Chairman to execute a retroactive Letter Agreement amending Agreement No. 09-530 with Great-West Life & Annuity Insurance Company, reducing the Investment Management Fee effective June 1, 2019; authorize the Chair of the Deferred Compensation Management Council to execute future Letter Agreements, upon approval of County Counsel, to the extent that such Letter Agreements amend investments as set forth in Agreement No. 09-530, consistent with the authority granted by Section 8.02 of the County of Fresno 457(b) Deferred Compensation Plan Document
32. Approve the Memoranda of Understanding for the following representation units, represented by Service Employees International Union (SEIU) Local 521, effective November 2, 2020, through November 14, 2021: Unit 03 - Mental Health Professionals and Social Workers, Unit 04 - Eligibility Workers, Unit 12 - Clerical, Paramedical, Building and Service Employees, Unit 22 - Professional, Para-Professional, and Technical Employees, Unit 36 - Supervisory Employees; approve related Salary Resolution Amendments, effective November 2, 2020, as reflected on Appendix "B"
33. Approve and authorize Chairman to execute Agreement to Defend Public Officers or Employees for; James Dunn, Sheriff's Sergeant, Courtney Bush, Deputy Sheriff III, Colleen Santos, Deputy Sheriff III, Isaac Cervantes, Deputy Sheriff III, Jeffrey Morse, Deputy Sheriff III, Sheriff's Department; Veronica Gonzalez, et al. v County of Fresno, et al.
34. Adopt Resolutions Rejecting Claims for Damages

**Internal Services**

35. Approve and authorize the Chairman to execute an Agreement with Kofile Technologies, Inc., for document preservation and imaging of historical records and software services, 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 \$1,002,124

**Public Health**

36. Approve and authorize the Chairman to execute a retroactive revenue Agreement with California Department of Public Health, for the Maternal, Child and Adolescent Health and Black Infant Health programs, effective July 1, 2020 through June 30, 2021 (\$9,112,061)

**Public Works and Planning**

37. Conduct second hearing on and adopt an Ordinance amending the Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Section 1000 - Computer Services (EMIS); 1500 - Parks and Recreation; and 2200 - Public Works; and waive reading of the Ordinance in its entirety

38. Approve and authorize the Chairman to execute an Amendment to the Amended and Restated Memorandum of Understanding (MOU), Agreement No. 19-185, between the County of Fresno and City of Sanger extending the term of the MOU from December 13, 2020, to December 13, 2021; and determine that the approval and authorization of the Chairman to execute Third Amendment to the Amended and Restated Memorandum of Understanding between the County of Fresno and City of Sanger is exempt from the requirements of the California Environmental Quality Act, Public Resources Code 2100, et seq., and direct staff to file a Notice of Exemption with the Office of the Fresno County Clerk
39. Approve request by City of Selma to acquire right-of-way, excluding eminent domain condemnation actions, from parcels adjacent to existing County right-of-way in an identified unincorporated area of the County as needed in conjunction with the City's development of a traffic signal and intersection improvements at the intersection of E. Dinuba Avenue and S McCall Avenue
40. Amend FY 2020-21 Action Plan to amend the project name from Biola Sidewalk and Streetlight Improvements to Biola Sidewalk and Street Improvements; and approve and authorize Chairman to execute an Agreement with Biola Community Services District for the Biola Sidewalk and Street Improvements, Community Development Block Grant Project No. 20031, effective upon execution through February 28, 2022 (\$250,000)
41. Approve and authorize Chairman to execute a revised Disadvantaged Business Enterprise Implementation Agreement (Exhibit 9-A) with the California Department of Transportation for Federally Aided Highway Projects

### **Social Services**

42. Adopt Resolution authorizing the Department of Social Services application for and acceptance of the Round Two allocation in the amount of \$116,000 for the Transitional Housing Program administered by the California Department of Housing and Community Development
43. Adopt Resolution authorizing the County of Fresno, through the Department of Social Services, to submit an application on behalf of the Fresno Madera Continuum of Care for round two of Coronavirus Aid, Relief, and Economic Security Act Allocation of Emergency Solutions Grant funding administered by the California Department of Housing and Community Development; and, approve the Vice-Chairman to execute the Resolution as required by the California Department of Housing and Community Development
44. Approve and authorize the Chairman to execute a Lease Agreement with Mill Avenue Properties, LLC., Mill Avenue Properties II, LLC, Mill Avenue Properties III, LLC, and Mill Avenue Properties IV, LLC for 3,438 square feet of office space located at 1320 E. Shaw, Fresno, CA 93710 for use by the Department of Social Services - Veterans Service Office, effective December 1, 2020, not to exceed five consecutive years, which includes a three- year base contract and two optional one-year extensions, total not to exceed \$365,941