



# Board of Supervisors

## Agenda - Final-Revised

*Steve Brandau, 2nd District, Chairman*  
*Brian Pacheco, 1st District, Vice-Chairman*  
*Sal Quintero, 3rd District*  
*Buddy Mendes, 4th 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 2, 2021

10:00 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 [ClerkBOS@fresnocountyca.gov](mailto:ClerkBOS@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 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>.

### **Roll Call**

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

1. Approve Agenda
2. Approve Consent Agenda - Item Numbers 18 - 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*

### **Board of Supervisors**

3. Presentation of Retirement Plaque to Kevin C. Ernst - Sheriff's Department - 16 Years of Service
4. Presentation of Retirement Plaque to Sisca Anggreni - Sheriff's Department - 21 Years of Service

### **Supervisor Pacheco**

5. Proclaim November 2021 as "National Prematurity Awareness Month" in Fresno County

### **Administrative Office**

6. Consider and take action on request for Determination of Public Convenience or Necessity on application for Alcoholic Beverage License Type 20 filed by Pilot California Venture, LLC, to be used at 44779 S. Lassen Ave., Ste 100, Huron, CA 93234
7. Receive presentation on current and proposed County facility capital projects and provide direction regarding priorities and next steps

**Public Works and Planning**

8. Consider and adopt Mitigated Negative Declaration, including Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3815 based on Initial Study No. 7071; and find that proposed rezone of two contiguous parcels totaling 8.38 acres (10.44 acres including canal) from AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow a limited number of light industrial uses as requested by the Applicant is consistent with County's General Plan, including Housing element and Roosevelt Community Plan; and adopt an ordinance pertaining to Amendment Application No. 3815 thereby rezoning the subject 8.38 acres site from AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District; and designate County Counsel to prepare a fair and adequate summary of 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 (subject parcels are located on east side of S. Peach Avenue, approximately 360 feet north of its intersection with E. North Avenue and 4,038 feet south of City of Fresno (2929 S. Peach Avenue) (APNs 316-180-13 and 316-180-20))
9. Consider appeal of Planning Commission's Approval of Unclassified Conditional Use Permit Application 3680 proposing to allow development and operation of a restaurant, convenience store and gas station on a 2.62-acre parcel within Interstate Freeway Interchange Area in AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District; and if Appeal is denied and Planning Commission's approval of Unclassified Conditional Use Permit Application No. 3680 is upheld: a. adopt Mitigation Negative Declaration and Mitigation Monitoring and Reporting Program prepared based on Initial Study No. 7877 with recommended Mitigation Measures and Conditions of Approval, but without additional condition imposed by Planning Commission; and b. make required findings specified in Section 873(F) for approval of Classified Conditional Use Permit Application 3680; and c. adopt a Resolution approving Classified Conditional Use Permit Application 3680 to allow development and operation of a restaurant, convenience store and gas station (project site is located in northwest quadrant of Panoche Road and Interstate 5 Freeway Commercial Interchange Area, approximately 15 miles southwest of City of Mendota (APN: 027-190-05S) (46272 W. Panoche Road))
10. Consider appeal of Planning Commission's denial of Variance Application No. 4106, proposing to allow a 75-foot-tall (35 feet maximum permitted) sign, 300 square-feet (150 square-feet permitted) in area, on 3.97-acres in the C-2 (Community Shopping Center) Zone District located on east side of N. McCall Avenue approximately 400 feet north of Highway 180 on Kings Canyon Road (frontage road), and approximately two miles northwest of City of Sanger (APN 314-120-66) (10070 E. Kings Canyon Road); and if your Board desires to grant Appeal and overturn Planning Commission's denial of Variance Application No. 4106, it would be appropriate to: a. Make required Findings specified in Section 877(A) for approval of Variance Application No. 4106 stating basis for making four required findings; and b. approve Variance Application No. 4106, with Conditions of Approval contained within Staff Report to Planning Commission

**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: Hollis Magill; Employee Organization: All Bargaining Units and Management and Unrepresented Employees - Hours, Wages and Terms and Conditions of Employment
- 16.1 Conference with Legal Counsel - Existing Litigation; Government Code Section 54956.9(d)(1): In Re: National Prescription Opiate Litigation, U.S. District Court for the Northern District of Ohio; Case No. 1:17-md-02804

**Public Hearing Set At: 1:00 p.m.**

**Administrative Office**

17. Conduct a public hearing to receive public input on the composition of one or more supervisorial districts; Receive presentation on draft map recommendations from the Chair of the 2021 Advisory Redistricting Commission; Receive presentation from National Demographics Corporation on community of interest submissions and analysis of draft maps recommended by the Advisory Redistricting Commission; Hear public comment on communities of interest and the composition of one or more supervisorial districts, including draft maps recommended by the Advisory Redistricting Commission and public draft map proposals; Select draft map(s) and/or consider alterations to draft maps recommended by the Advisory Redistricting Commission or any preferred alternative draft map(s) for further consideration at the November 16, 2021 public hearing; provide direction to staff and National Demographics Corporation to prepare and analyze any amended or preferred alternative draft maps, and set a process and schedule and provide direction to staff for adoption of final map by ordinance or resolution

**Adjourn****NEXT MEETINGS:**

*November 16, 2021 - 10:00 AM*

*December 14, 2021 - 10:00 AM*

**CONSENT AGENDA**

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

**Board of Supervisors**

18. Approve minutes of meeting for October 21, 2021

**Supervisor Magsig**

19. Adopt proclamation to declare November 2021 as "National Adoption Month" in Fresno County

**Supervisor Quintero**

20. Adjourn in Memory of Gene "Red" Estes

**Auditor Controller-Treasurer/Tax Collector**

21. Delegate investment authority to the Auditor-Controller/Treasurer-Tax Collector for the 2022 calendar year and adopt revisions of the "County of Fresno Treasury Investment Pool Investment Policy"
22. Approve and Authorize the Chairman to execute a Memorandum of Understanding with the counties of Orange, Los Angeles, Riverside, and San Diego for the use of the Statewide Electronic Courier Universal Recording Environment (SECURE) Government to Government Portal by the Auditor-Controller/Treasurer-Tax Collector, effective November 2, 2021, through November 1, 2023, total not to exceed \$0

**District Attorney**

23. Approve and authorize the Chairman to execute the Subrecipient Grants Management Assessment form for the Violence Against Women Vertical Prosecution program with the California Governor's Office of Emergency Services (Cal OES), for the period January 1, 2022 through December 31, 2022

**Sheriff/Coroner/Public Administrator**

24. Approve and authorize the submission of an Application for Financial Aid in the amount of \$1,670,480 to the State of California Department of Parks and Recreation Division of Boating and Waterways for the FY 2022-23 Boating and Enforcement Aid Program in Fresno County
25. Retroactively authorize the Sheriff's previous submittal of grant applications in the amount of \$27,369 for defibrillators, batteries, and pads to the State of California Department of Parks and Recreation Division of Boating and Waterways, for a total of \$27,369; 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 defibrillators, batteries, and pads (\$27,369), effective upon execution by both parties, through September 30, 2037; adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues for Sheriff-Coroner-Public Administrator Org 3111 in the amount of \$27,369 (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 Agreements 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
26. Approve and Authorize the Chairman to execute the First Amendment to Grant Agreement No. A-20-435 (State Grant No. C20L0612) and A-20-436 (State Grant No. C20L0613) with the State of California Department of Parks and Recreation Division of Boating and Waterways, retroactively extending the Grant Agreement Performance Period from November 24, 2020 through September 30, 2022 with no changes to the Grant total award amount of \$113,284; approve and authorize the Clerk of the Board to execute Budget Transfer No. 36 (\$15,000) transferring appropriations from the Sheriff-Coroner-Public Administrator Org 3111, from Account 7205 (Maintenance-Equipment) to Account 8300 (Equipment); and adopt Budget Resolution increasing FY 2021-22 appropriations for Sheriff-Coroner-Public Administrator's Org 3111 in the amount of \$15,000 (4/5 vote)

27. Approve and authorize the Sheriff-Coroner-Public Administrator as the official designated to execute a grant application/agreement including Grant Subaward Face Sheet, Certification of Assurance, and Subrecipient Grants Management Assessment forms for the 2021 Internet Crimes Against Children (ICAC) Program grant from the California Governor's Office of Emergency Services (Cal OES) ICAC Program, including any amendments and extensions, which assists local law enforcement agencies in enhancing their investigative response to offenders who use the internet, online communication systems, or other computer technology to sexually exploit children to fund activities of the Fresno County Sheriff's ICAC Task Force, for the period of January 1, 2022 through December 31, 2022 (\$950,000); and approve and authorize Clerk of the Board to execute Budget Transfer No. 35 transferring FY 2021-22 appropriations in the amount of \$90,000 from various 7000 accounts (Services and Supplies) to Account 8300 (Equipment) within the Sheriff-Coroner-Public Administrator Org 3111 for the purchase of four forensic computer workstations (\$35,000), one undercover vehicle (\$50,000), and one hard drive destruction device (\$5,000)

### **Administrative Office**

28. Adopt Resolution proclaiming continuation of the local emergency status relating to the 2020 Creek Fire and request that the Governor continue to provide resources and support to mitigate and recover from this wildfire; and adopt Resolution proclaiming continuation of the Local Health Emergency, due to the public health threat of the 2020 Creek Fire
29. 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
30. 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, 2021 through June 30, 2022 (\$1,108,040); 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 2022-2023 fiscal year with at least the same level of services as the recommended agreement
31. Conduct second hearing and adopt an Ordinance amending the County of Fresno Ordinance Code, Title 2 - Administration, Chapter 2.72 - Supervisorial Districts to provide for adoption of final supervisorial district boundary map by ordinance or resolution in accordance with California State law; and waive the reading of the amended Ordinance in its entirety



**Fresno County Employees' Retirement Association**

32. Receive Retirement Administrator's certification to the Board of Supervisors that Alysia Bonner, a duly nominated and eligible candidate for the 2021 Board of Retirement Election of the Fresno County Employees' Retirement Association ("Board of Retirement"), for General Member Seat No. 2, was unopposed at the close of nominations under the Board of Supervisors elections procedures for Board of Retirement elections ("Election Procedures"); as provided by the Election Procedures, order that no election be held for such seat; and, as provided by the Election Procedures, direct the Clerk of the Board of Supervisors, pursuant to Government Code § 31523, to cast a unanimous ballot, in the form of the official ballot accompanying this agenda item, in favor of Alysia Bonner as General Member Seat No. 2 on the Board of Retirement for a three-year term commencing January 1, 2022 and expiring December 31, 2024, and deliver the casted ballot to the Board of Retirement and a copy thereof to the Fresno County Clerk/Registrar of Voters

**Human Resources**

33. Approve Salary Resolution Amendment adjusting the salary of the Agricultural Technician - Seasonal classification in accordance with Footnote 4 of the Salary Resolution, as reflected on Appendix "A", effective November 1, 2021
34. Approve the Addenda to the Memorandum of Understanding (MOU) regarding County Health Premium Contributions for Plan Year 2022, effective December 13, 2021, for Representation Unit 11, represented by the Fresno County Deputy Probation Officers Association, and Representation Unit 42, represented by the Association of County Engineers; approve increase to the County's Health Premium Contributions for Plan Year 2022 for Unrepresented and Management (including Senior Management, Department Head and Elected Officials) classifications, effective December 13, 2021; approve increase to the County's Health Premium Contributions for Plan Year 2023 for Unrepresented and Management (including Senior Management, Department Head and Elected Officials) classifications, effective December 12, 2022

**Internal Services**

35. Approve reclassification of FY 2020-21 Internal Services Department - Facility Services Org 8935 and Information Technology Services Org 8905 expenditures determined to be Capital Assets as identified on Exhibits A and B, pursuant to County Administrative Office Management Directive 400 - Property and Equipment; adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues for Org 8908 in the amount of \$4,579,349 to account for the purchase of property located at 333 W. Pontiac Way, Clovis, CA 93612 (4/5 vote)

**Public Health**

36. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Public Health for the California Perinatal Equity Initiative, effective July 1, 2021 through June 30, 2023, total not to exceed \$1,191,288; and approve and authorize the Director of the Department of Public Health, or designee, to execute the State Contractor's Release Form for the final invoice
37. Approve and authorize the Chairman to execute Second Amendment to Agreement A-21-067 with Pinnacle Training System, LLC to add the provision of flu vaccination services, extend the term of the Agreement from December 31, 2021 to June 30, 2022, and increase the maximum by \$959,500, total not to exceed \$1,459,500

**Public Works and Planning**

38. Approve and authorize Chairman to execute an Agreement with Biola Community Services District for Biola Community Sidewalks Project, Active Transportation Project No. ATPL-5942(303), providing for assumption by Biola Community Services District of responsibility and liability for operation and maintenance liability of project improvements following completion of Construction
39. Retroactively approve and authorize Director of Public Works and Planning's previous submittal of recommended projects to Fresno Council of Governments as candidate projects for FY 2021-22 Congestion Mitigation and Air Quality and Surface Transportation Block Grant Federal funding (\$13,212,307); and retroactively adopt a Resolution supporting and implementing timely use of funding related to project delivery schedules for Federal transportation selection, in accordance with Assembly Bill 1012
40. Amend FY 2021-22 Action Plan to delete Selma Sewer Infrastructure Improvements, Community Development Block Grant Project No. 21651 (274,774); and approve and authorize Chairman to execute Amendment I to Agreement No. 20-328 with City of Selma for Selma Sidewalk ADA Improvements, Community Development Block Grant Project No. 20651, effective upon execution with no change in term to February 10, 2022 and increasing maximum Community Development Block Grant funding by \$311,021, to a total Community Development Block Grant funding amount not to exceed \$515,812
41. Authorize Chairman to execute a Resolution approving filing of an application for Regional Park Program Grant Funds (\$3,000,000); and authorize Director of Public Works and Planning to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of Grant Scope
42. Approve and authorize Chairman to execute an Agreement with Caruthers Community Services District for Caruthers Fire Hydrant Replacement, Community Development Block Grant Project No. 21111, effective upon execution through May 18, 2023, total not to exceed \$250,000

**Social Services**

43. Approve and authorize the Chairman to execute First Amendment to Lease Agreement No. 13-515 with Fresno-Air LTD for 38,921 square feet of office space located at 2719 N. Air Fresno Drive, Suite 107, Fresno, CA, 93727 for month-to-month use by the Department of Social Services while the Sunnyside location is reconfigured, effective December 1, 2021, to extend the term month-to-month and increase the monthly maximum lease payment from \$33,531 to \$34,537