

Item #36
7-9-2019

July 9, 2019

Fresno County Board of Supervisors
2281 Tulare Street, Room 301
Fresno, CA 93721

Re: July 9, 2019 Agenda Item #36 — Approve and authorize the Chairman to execute a retroactive sole source Agreement with the Economic Development Corporation *serving* Fresno County (EDC) to promote and market the resources and economy of Fresno County, effective July 1, 2019 through June 30, 2020 (\$38,000)

Dear Chairman Magsig, Members of the Board, and Public Works and Planning Director Steven White:

I've never had a good understanding of the Economic Development Corporation's role in the implementation of policies and programs in the County's Economic Development Element.

Prior annual agreements with the EDC have indicated an EDC responsibility to help with that implementation, but the extent of that responsibility has never been clear to me.

I've read through all the documentation accompanying this item, and I see information that seems to be inconsistent regarding this matter. To begin with, the staff report to your Board does not say anything about an EDC obligation to implement any policies and programs in the County's Economic Development Element — either in part or in whole. However, the accompanying Sole Source Acquisition Request and Agreement with the EDC both indicate that the EDC has some responsibility to do just that. Adding to uncertainty is the fact that while each quarterly report prepared by the EDC states clearly that the EDC has the responsibility to help implement policies and programs in the General Plan, the reports themselves do not describe any EDC activities with respect to accomplishing that task.

In my letter to your Board yesterday, I asked whether someone could be on hand today to provide a straightforward and clear answer to the following question:

Under the proposed Agreement with the Economic Development Corporation (EDC), which of the 50 policies and 18 programs in the Fresno County General Plan Economic Development Element must the EDC help implement — and to what degree and scope?

I know that with respect to embracing the County's Comprehensive Economic Development Strategy, the EDC's goals match perfectly those of the County's Economic Development Element, they being job creation, economic base diversification and labor force preparedness. But I am not asking where the County and the EDC share basic economic goals. I'm asking, specifically, under the proposed agreement, which of the 50 policies and 18 programs in the Economic Development Element must the EDC help implement and to what extent.

Thank you,



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July 8, 2019

Fresno County Board of Supervisors
2281 Tulare Street, Room 301
Fresno, CA 93721

Re: July 9, 2019 Agenda Item #36 — Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the solicitation of services to promote and market the resources and economy of Fresno County; and, approve and authorize the Chairman to execute a retroactive sole source **Agreement** with the Economic Development Corporation serving Fresno County to promote and market the resources and economy of Fresno County, effective July 1, 2019 through June 30, 2020 (\$38,000)

Dear Chairman Magsig, Members of the Board, and Public Works and Planning Director Steven White:

Should a Supervisor not pull item #36 from the Consent Calendar for public discussion, I will do so. I would like the opportunity to ask one question of the Board and/or County staff regarding the aforementioned Agreement.

The question is this: Under the proposed Agreement with the Economic Development Corporation (EDC), which of the 50 policies and 18 programs in the Fresno County General Plan Economic Development Element is the EDC responsible for implementing, and to what degree or scope?

The answer to my question cannot be found in the July 9, 2019 staff report to your Board. The staff report lists the responsibilities of the EDC under the Agreement as follows: (1) providing expertise and assistance in achieving the objectives of the County's Economic Development Strategy (CEDS), (2) revising the CEDS as needed and (3) promoting and marketing the resources and economy of Fresno County.

1. Through this Agreement, the EDC will promote and market the resources and economy of Fresno County.

"RECOMMENDED ACTION(S)...Approve and authorize the Chairman to execute a retroactive sole source Agreement with the Economic Development Corporation serving Fresno County to promote and market the resources and economy of Fresno County, effective July 1, 2019 through June 30, 2020 (\$38,000)." [July 9, 2019 Staff Report, Page 1]

2. The recommended action is consistent with an ongoing assignment of County responsibilities to the EDC.

"...the recommended action is consistent with the Board's ongoing assignment of the County's current economic development responsibilities, including the revision of the County's Comprehensive Economic Development strategy (CEDS), to the EDC." [July 9, 2019 Staff Report, Page 1]

3. Through this Agreement, the EDC will provide overall expertise and assistance toward achieving the objectives of the County Comprehensive Economic Development Strategy (CEDS).

"Through this Agreement, the EDC agrees to continue providing overall expertise and assistance in achieving the objectives of Fresno County's CEDS. These objectives include job creation, diversification of economic base, and preparation of the labor force...including: 1. Business Technical Assistance [and] 2. Economic Development Objectives...." [July 9, 2019 Staff Report, Page 2]

As you can see, the staff report to your Board does not say anything about the EDC being responsible for implementing any of the policies and programs in the County's Economic Development Element. Even so, the accompanying draft Sole Source Acquisition Request (SSAR) does identify that responsibility.

4. The SSAR suggests that the Agreement requires the EDC to coordinate with the County's Administrative Office to implement policies and programs in the County's Economic Development Element.

"The recommended agreement is consistent with the Board's August 26, 2014 assignment of the County's current economic development responsibilities to EDC..." [July 9, 2019 SSAR, Page 1]

And what responsibilities did the County's 2014/2015 agreement assign to the EDC in 2014? Below is a citation from page 1 of the staff report for the August 26, 2014 approval of the EDC's 2014/2015 agreement with the County, which stated that the EDC was indeed responsible, at that time, for implementation of the County's Economic Development Element.

"Approval of the recommended Agreement will ensure that the Economic Development Corporation serving Fresno County (EDC)...in coordination with the County Administrative Office implement the policies and programs of the Economic Development Element of the General Plan."

The citations above suggest the EDC is in some way currently responsible for implementing policies and programs in the County's Economic Development Element.

5. The July 9, 2019 Agreement, itself, expresses EDC's responsibility to help implement General Plan Policies and Programs.

"WHEREAS, CONTRACTOR [EDC], in coordination with the County Administration Office, is also responsible for implementing policies and programs of the Economic Development Element of the General Plan...."

"NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions contained here, the parties agree as follows:

1. OBLIGATION OF CONTRACTOR

CONTRACTOR shall provide COUNTY with quarterly reports within thirty (30) days after the end of each quarter, detailing activities of CONTRACTOR toward meeting the obligations of CONTRACTOR under this Agreement. CONTRACTOR shall expend an amount, not to exceed \$38,000, to provide the following essential services:

a. Performance Based Services:...

v. CONTRACTOR, in coordination with the County Administrative Office, will help implement policies and programs of the Economic Development of the County General Plan." [Draft July 9, 2019 Agreement, Pages 1 and 2]

To summarize, the July 9, 2019 staff report to your Board does not mention that the EDC has any responsibility for implementing policies and programs in the County's Economic Development Element. In contrast, the accompanying SSAR and Agreement do state that the EDC has such responsibility. In fact the Agreement contains an obligation on the part of the EDC to submit quarterly reports to the County detailing EDC activity toward fulfilling that responsibility.

I read each of the three quarterly reports that accompany this agenda item. Each report contains an identical line on page 1 stating EDC's obligation to help implement policies and programs in the County's Economic Development Element,

"The EDC agrees to the following services:

5. The EDC, in coordination with the County Administrative Office, will help implement policies and programs from the Economic Development Element of the County of Fresno General Plan."

However, beyond this simple statement, there is no information in the reports to indicate that the EDC has engaged in any activities that directly correspond to these policies and programs.

So, given the fact that the staff report to your Board does not state that the EDC has an obligation to, in whole or in part, implement any of the policies and programs in the County's Economic Development Element, and given the fact that wording in both the Sole Source Acquisition Request and the proposed Agreement does indicate that the EDC has some responsibility toward that end, and given that fact that the EDC, through its quarterly reports, does not report that it helps implement any particular General Plan policies or programs, my question is this:

Under the proposed Agreement with the Economic Development Corporation (EDC), which of the 50 policies and 18 programs in the Fresno County General Plan Economic Development Element is the EDC responsible for implementing, and to what degree or scope?

Please have someone at the hearing tomorrow who can give a straightforward, clear answer my question. At the present time, based on the County's July 9, 2019 staff report to your Board and the EDC's three quarterly reports, I must conclude that despite wording in both the Sole Source Acquisition Request and proposed Agreement, the EDC is NOT responsible for implementing any of the 50 policies and 18 programs in the County's Economic Development Element.

Please enter this letter into the record for Board agenda Item #32.

Thank you,

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