



# County of Fresno

## Action Summary - Final

### Board of Supervisors

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*Buddy Mendes, 4th District, Chairman*  
*Brian Pacheco, 1st District, Vice-Chairman*  
*Andreas Borgeas, 2nd District*  
*Henry Perea, 3rd District*  
*Deborah A. Poochigian, 5th District*

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

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Tuesday, October 18, 2016

9:00 AM

Hall of Records

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**Present:** 5 - Supervisor Andreas Borgeas, Chairman Buddy Mendes, Vice Chairman Brian Pacheco, Supervisor Henry Perea, and Supervisor Deborah A. Poochigian

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

*FATHER JUAN MALDANADO, ST. PATRICK CHURCH, GAVE THE INVOCATION AND SUPERVISOR POOCHIGIAN LED THE BOARD IN THE PLEDGE OF ALLEGIANCE*

#### **1. Approve Agenda**

**A MOTION WAS MADE BY SUPERVISOR BORGEAS, SECONDED BY SUPERVISOR POOCHIGIAN, THAT THIS AGENDA BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

#### **2. Approve Consent Agenda - Item Numbers 13.1 - 31**

**A MOTION WAS MADE BY SUPERVISOR BORGEAS, SECONDED BY SUPERVISOR PEREA, THAT THE CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEMS 21, 25 AND 30.1 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

#### **Board of Supervisors**

#### **3. Presentation of Retirement Plaque to Felix Denton - Department of Social Services - 17 years of Service**

**PRESENTED RETIREMENT PLAQUE TO FELIX DENTON**

**Sitting as the In-Home Supportive Services Public Authority Governing Board:**

- 3.1 Receive Program Overview presentation from the In-Home Supportive Services Public Authority

RECEIVED PROGRAM OVERVIEW PRESENTATION

**Administrative Office**

4. Discuss and adopt policies or procedures for placement of items on agenda by individual Board members and governing staff time spent on developing agenda items for individual Board members

DISCUSSED

**Internal Services**

5. Determine the subject Real Property is no longer necessary for County or other public purposes, approve sale of Real Property and Authorize Chairman to Execute Grant Deed for conveyance of County owned property at Malaga Ave and Bagley Ave to adjacent landowner for sale price of \$12,632

**A MOTION WAS MADE BY SUPERVISOR POOCHIGIAN, SECONDED BY VICE CHAIRMAN PACHECO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

**Public Works and Planning**

6. Conduct Public Meeting required by Assembly Bill 2355 to discuss why the County of Fresno does not intend to adopt the most current standards developed by the Department of Transportation pursuant to Section 42700 of the Public Resources Code for recycled paving materials and for recycled base, subbase, and pervious backfill materials

**HELD PUBLIC MEETING REQUIRED BY ASSEMBLY BILL 2355. NO PUBLIC TESTIMONY RECEIVED. A MOTION WAS MADE BY SUPERVISOR POOCHIGIAN, SECONDED BY VICE CHAIRMAN PACHECO, TO CLOSE THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

7. Consider and adopt Negative Declaration prepared for Initial Study Application No. 7098; and approve Ordinance pertaining to Amendment Application No. 3817 rezoning 38.03-acre parcel from AE-20 Zone District to AL-20 Zone District, project site is located at northwest corner of E. Copper Avenue and Auberry Road, approximately 2,800 feet east of nearest city limits of City of Fresno

**A MOTION WAS MADE BY SUPERVISOR POOCHIGIAN, SECONDED BY SUPERVISOR PEREA, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Ordinance No. R472-3817

**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)

CHAIRMAN MENDES CREATED A SUBCOMMITTEE CONSISTING OF SUPERVISORS BORGEAS AND PACHECO TO LOOK AT STATE SOLAR POLICIES. SUPERVISOR POOCHIGIAN STATED THAT THE BOARD RECEIVED INFORMATION FROM COUNTY COUNSEL DAN CEDERBORG REGARDING THE USE OF THE AUDITOR CONTROLLER-TREASURER/TAX COLLECTOR'S NAME AND ADDRESS ON TAX BILLS/PAYMENTS AND EXPRESSED INTEREST IN MAKING A CHANGE SO THAT THE CHECKS ARE PAYABLE TO THE FRESNO COUNTY TAX COLLECTOR. COUNTY COUNSEL DAN CEDERBORG RESPONDED THAT THE BOARD OF SUPERVISORS MIGHT WANT TO HAVE A DISCUSSION WITH OSCAR GARCIA, AUDITOR CONTROLLER-TREASURER/TAX COLLECTOR TO SEE HOW HE CAN ADDRESS THE BOARD'S COMMENTS AND HANDLE THE USE OF HIS NAME AND ADDRESS ON FUTURE TAX BILLS/PAYMENTS

**Board Appointments**

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

A MOTION WAS MADE BY SUPERVISOR POOCHIGIAN, SECONDED BY SUPERVISOR BORGEAS, THAT THE NOMINATION FOR APPOINTMENTS AND REAPPOINTMENT BE APPROVED AS FOLLOWS:

BEHAVIORAL HEALTH BOARD  
REAPPOINTED JOHN DUCHSCHER (TERM TO 4/1/2019)

CALWA RECREATION AND PARK DISTRICT  
APPOINTED JOSE LUIS SANCHEZ TO REPLACE FELICIA SALCIDO (TERM TO 12/7/2018)

KINGSBURG CEMETERY DISTRICT  
APPOINTED WESLEY L. CARLSON TO THE POSITION PREVIOUSLY HELD BY BLAINE CARPENTER (TERM TO 1/7/2019)

THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

**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 5 minutes per person and no more than 15 minutes per topic

RECEIVED

**Closed Session****Sitting as the In-Home Supportive Services Public Authority Governing Board:**

- 10.1** Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Delfino Neira; Employee Organization: SEIU-Local 2015 - Hours, Wages and Terms and Conditions of Employment  
**HELD; NO REPORTABLE ACTION**

**Closed Session**

- 11.** 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  
**HELD; RECEIVED PUBLIC TESTIMONY BEFORE RETIRING TO CLOSED SESSION. NO REPORTABLE ACTION**
- 12.** Conference with legal counsel – Initiation of Litigation – Government Code section 54956.9(d) (4) (2 cases)  
**HELD; NO REPORTABLE ACTION**
- 13.** Conference with legal counsel – Significant Exposure to Litigation – Government Code section 54956.9(d)(2) or (d)(3) (2 cases)  
**HELD; NO REPORTABLE ACTION**

**Adjourn**

**A MOTION WAS MADE BY SUPERVISOR POOCHIGIAN, SECONDED BY SUPERVISOR PEREA, TO ADJOURN THE MEETING FOLLOWING CLOSED SESSION. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

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**CONSENT AGENDA**

A MOTION WAS MADE BY SUPERVISOR BORGEAS, SECONDED BY SUPERVISOR PEREA, THAT THE CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEMS 21, 25 AND 30.1 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

**Board of Supervisors**

- 13.1 Approve minutes of meeting for October 11, 2016

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

**Auditor Controller-Treasurer/Tax Collector**

14. Adopt resolution authorizing the County Auditor-Controller/Treasurer-Tax Collector to loan or transfer funds from available funds in the County's custody to other County Funds and to General Funds of various school and special districts for dry period financing during Fiscal Year 2016-17

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Resolution No. 16-403

**Sheriff/Coroner**

15. Approve and authorize Chairman to execute retroactive Off-Highway Project Grant Award/Agreement with the State of California Department of Parks and Recreation for the period of July 8, 2016, through July 7, 2017 (\$58,296)

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Agreement No. 16-619

16. Adopt Budget Resolution increasing FY 2016-17 appropriations and estimated revenues for the Sheriff-Coroner Org 3111 in the amount of \$209,700 for the purchase of patrol vehicles and trailer for the Sheriff's Civil Unit (4/5 vote); adopt Budget Resolution increasing FY 2016-17 appropriations in the Debtor Assessment Fee Org 1454 in the amount of \$122,200 (4/5 vote); and adopt Budget Resolution increasing FY 2016-17 appropriations in the Sheriff Automated GC 26731 Org 1455 in the amount of \$87,500 (4/5 vote)

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Resolution No. 16-404, Resolution No. 16-405, Resolution No. 16-406

**Board of Supervisors Sitting as the Board of Directors of the Fresno County Financing Authority (FCFA)**

17. Approve and authorize Chairperson to execute Settlement Agreement with Defendants, UBS AG, UBS Financial Services, Inc., and UBS Securities, LLC (collectively, UBS), in connection with In re Municipal Derivatives Antitrust Litigation, MDL Docket No. 1950, Master Docket No. 08-2516 (VM) (GWG) (the MDL), including Fresno County Financing Authority (FCFA) v. AIG Financial Products Corp. et al., 09 Civ. 119 (VM), United States District Court, Southern District of New York, subject to execution of the Settlement Agreement by UBS AG and UBS Financial Services, Inc., and approval thereof as to form by FCFA's special co-counsel (\$15,000 gross amount)

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Agreement No. 16-620

**Administrative Office**

18. Approve Fresno County Fiscal Year 2015-16 Indian Gaming Special Distribution Fund Annual Report to the State Legislature

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

19. Adopt Salary Resolution Amendment adding the Program Technician I/II - Confidential position (with no increase in the total number of positions), as reflected on Appendix "D" for the County Administrative Office Org 0120, effective October 24, 2016

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Salary Resolution No. 16-040

**Human Resources**

20. Approve and authorize Chairman to execute Agreements to Defend Public Officers or Employees for the employees listed: Sheriff Margaret Mims and Department of Public Health Director David Pomaville, as named in Fresno County Superior Court No. 16CECG01663, Dustin Callison v. Corizon Healthcare, et al

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Agreement No. 16-621, Agreement No. 16-622

21. Authorize Chairman to execute Agreements with the 2017 Health Plan providers for medical services and approve 2017 Health Plan rates for employees and retirees

**A MOTION WAS MADE BY SUPERVISOR BERGEAS, SECONDED BY VICE CHAIRMAN PACHECO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

**Internal Services**

22. Approve and authorize Chairman to execute an Agreement with Fakouri Electrical Engineering, Inc. to provide maintenance and repair services for County uninterruptible power supply systems, 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 \$440,000

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Agreement No. 16-623

23. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues in the Information Technology Services Org 8905 in the amount of \$919,540 (4/5 vote); Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues in the Information Technology Services Equipment Org 8908 in the amount of \$2,266,560 (4/5 vote); Adopt Budget Resolution increasing the FY 2016-17 appropriations in the Graphic Communication Services Org 8920 in the amount of \$312,900 (4/5 vote); Adopt Budget Resolution increasing the FY 2016-17 appropriations in the Telecommunications Org 8930 in the amount of \$490,550 (4/5 vote); Adopt Budget Resolution increasing the FY 2016-17 appropriations in the Telecommunications Equipment Org 8931 in the amount of \$1,691,450 (4/5 vote); Adopt Budget Resolution increasing the FY 2016-17 appropriations in the Radio Operations Org 8932 in the amount of \$116,090 (4/5 vote); Adopt Budget Resolution increasing the FY 2016-17 appropriations in the Radio Equipment Org 8934 in the amount of \$575,110 (4/5 vote); and Approve and authorize the Auditor-Controller/Treasurer-Tax Collector and County Administrative Officer to execute all necessary documents related to the transfer and close out of Orgs 8920, 8930, 8931, 8932 and 8934

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Resolution No. 16-407 through Resolution No. 16-413

**Library**

24. Adopt Budget Resolution increasing FY 2016-17 appropriations in the amount of \$92,531 and estimated revenues in the amount of \$50,000 for Library Measure B Org 7511 (4/5 vote)

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Resolution No. 16-414

**Probation**

25. Consent to Assignment of Contractor's rights and obligations under Agreement 15-227, for mediation services, to Fresno Pacific University's Center for Peacemaking and Conflict Studies

**A MOTION WAS MADE BY VICE CHAIRMAN PACHECO, SECONDED BY SUPERVISOR BERGEAS, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 4 - Borgeas, Mendes, Pacheco, and Perea

**Noes:** 1 - Poochigian



**Public Health**

26. Adopt Resolution recommending that the Central California Emergency Medical Services Agency designate a single provider agency for all emergency ambulance services in the Exclusive Operating Area

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Resolution No. 16-415

**Public Works and Planning**

27. Approve and authorize Chairman to execute First Amendment to Agreement with Doug Koerper, sole proprietor of Doug Koerper Construction, to modify expiration date for Agreement 15-551 to October 18, 2016; and approve and authorize Chairman to execute Agreement with RJW Enterprises for snow removal services at Bretz Road from Highway 168 to Slick Rock Lane, the driveway from Solitude Lane to the Wastewater Treatment Plant, and County Service Area 35, Zones AS and AT, effective when signed through October 31, 2020, including two optional one-year extensions for a total cost not to exceed \$497,593

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Agreement No. 15-551-1, Agreement No. 16-625

28. Accept easement deed and authorize Chairman to execute right-of-way contract required for American Avenue from SR 99 to Temperance Avenue Reconstruction Project for total monetary consideration of \$3,400

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

29. Authorize the Chairman to execute a Memorandum of Understanding with the Westlands Water District for implementation of the Sustainable Groundwater Management Act in the Westside Groundwater Subbasin, and designate the Director of the Department of Public Works and Planning as the principal contact person for Fresno County

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Agreement No. 16-626

- 30.** Make findings that particular materials, products or control systems that are components of proposed construction of Crisis Residential Treatment Facility, located at Kings Canyon Campus, are to be designated by specific brand names or trade names to match other products that are common to other facilities within the County as authorized in Public Contracts Code, section 3400(b) and the County's Administrative Policy No. 34, concerning exceptions from County bidding requirements; direct staff to set forth foregoing findings in Notice to Contractors, and incorporate requirements for foregoing materials, products and control systems into bid documents of proposed Crisis Residential Treatment Facility; and adopt Plans and Specifications for construction of proposed Crisis Residential Treatment Facility, Contract No. 16-S-05, and authorize Director of Public Works and Planning to set bid opening and advertise for bids

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

- 30.1** Adopt Resolution of Intention to Change the Boundaries of County Service Area No. 35, Zone "AJ," to include Tentative Parcel Map 8114 and APNs 580-010-11S, 580-110-12S, 580-010-14S, 580-010-15, 580-010-18S, 580-010-22, 580-010-24, and 580-010-25S, and set time and place for public hearing to consider proposed boundary change; and adopt Resolution of Intention to Levy Benefit Assessment for Road Maintenance Costs on Real Property in County Service Area No. 35, Zone "AJ," to direct preparation and filing with Clerk to the Board a written Engineer's Report under the Benefit Assessment Act of 1982 and Proposition 218, set and authorize giving notice of time and place for public meeting and public hearing on proposed assessment, authorize and direct preparation of assessment ballots and related materials, and designating Director of Public Works and Planning, and/or his designees, to tabulate assessment ballots

**A MOTION WAS MADE BY SUPERVISOR POOCHIGIAN, SECONDED BY SUPERVISOR BORGEAS, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Resolution No. 16-416, Resolution No. 16-417

## **Social Services**

- 31.** Approve Salary Resolution Amendment for the Department of Social Services as reflected on Appendix "C", adding one Principal Analyst position to Org 5610 effective October 24, 2016

**APPROVED AS RECOMMENDED**

**Ayes:** 5 - Borgeas, Mendes, Pacheco, Perea, and Poochigian

Salary Resolution No. 16-041