



County of Fresno

Action Summary - Final

Board of Supervisors

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Brian Pacheco, 1st District, Chairman
Sal Quintero, 3rd District, Vice-Chairman
Andreas Borgeas, 2nd District
Buddy Mendes, 4th District
Nathan Magsig, 5th District

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

Tuesday, February 7, 2017

9:00 AM

Hall of Records

Present: 5 - Supervisor Andreas Borgeas, Supervisor Nathan Magsig, Supervisor Buddy Mendes, Chairman Brian Pacheco, and Vice Chairman Sal Quintero

Invocation and Pledge of Allegiance

PASTOR SAM ESTES GAVE THE INVOCATION AND LED THE BOARD IN THE PLEDGE OF ALLEGIANCE

1. Approve Agenda

A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY VICE CHAIRMAN QUINTERO, THAT THIS MATTER WAS APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

2. Approve Consent Agenda - Item Numbers 14 - 37

A MOTION WAS MADE BY SUPERVISOR BERGEAS, SECONDED BY SUPERVISOR MENDES, THAT THE CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEMS 15 AND 28 WHICH WERE PULLED FOR DISCUSSION AND SEPERATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

AT APPROXIMATELY 9:35 A.M., A MOTION WAS MADE BY SUPERVISOR BERGEAS, SECONDED BY SUPERVISOR MENDES, TO RECONSIDER THE CONSENT CALENDAR TO PULL ITEM 36 FOR DISCUSSION AND SEPERATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Board of Supervisors

2.1 Presentation of Retirement Plaque to Karen L. Mabry - Department of Social Services - 15 years of service

PRESENTED RETIREMENT PLAQUE TO KAREN MABRY

Supervisor Mendes

- 2.2 Recognize City of Kingsburg for their selection as one of eight semi-finalists for the online web series entitled Small Business Revolution

RECOGNIZED

Administrative Office

3. Receive presentation from Communities Inc., City Advance regarding engaging community task forces in Fresno County cities to change the social and economic landscape of their cities

RECEIVED

Fresno County Employees' Retirement Association

4. Approve Salary Resolution Amendment to adjust the flat annual salary of the Retirement Administrator for Fresno County Employees' Retirement Association as reflected on Appendix "D", effective February 13, 2017 and July 3, 2017

A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR MAGSIG, TO APPROVE SALARY RESOLUTION AMENDMENT TO ADJUST THE FLAT ANNUAL SALARY (\$169,751) OF THE RETIREMENT ADMINISTRATOR FOR FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION AS REFLECTED ON APPENDIX "D" EFFECTIVE FEBRUARY 13, 2017, AND REJECT SALARY RESOLUTION AMENDMENT TO ADJUST THE FLAT ANNUAL SALARY (\$181,751) OF THE RETIREMENT ADMINISTRATOR FOR FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION AS REFLECTED ON APPENDIX "D" EFFECTIVE JULY 3, 2017. FURTHER, DIRECTED HUMAN RESOURCES DIRECTOR PAUL NERLAND TO REVIEW ALL DEPARTMENT HEAD SALARIES AND RETURN TO THE BOARD FOR FURTHER DISCUSSION AND ACTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Salary Resolution No. 17-006

Library

5. Adopt Resolution accepting and expressing gratitude for the monetary donation of \$1,000 to the Fresno County Public Library to support the Talking Book Library for the Blind; adopt Resolution accepting and expressing gratitude for the monetary donation of \$1,257 to the Fresno County Public Library to support library services at the Woodward Park Regional Library

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

Ayes: 4 - Magsig, Mendes, Pacheco, and Quintero

Absent: 1 - Borgeas

Resolution No. 17-119, Resolution No. 17-120

Public Works and Planning

6. Conduct Workshop on Procedural Rules Governing Public Hearings Regarding Planning, Zoning and Subdivision Matters

CONDUCTED WORKSHOP ON PROCEDURAL RULES GOVERNING PUBLIC HEARINGS REGARDING PLANNING, ZONING AND SUBDIVISION MATTERS. BY CONSENSUS, THE BOARD, DIRECTED STAFF TO RETURN TO THE BOARD WITH REVISED PROCEDURAL RULES GOVERNING PUBLIC HEARINGS REGARDING PLANNING, ZONING AND SUBDIVISION MATTERS. REVISIONS TO THE RULES WILL BE NOTED UNDER "VI. RULES OF EVIDENCE", SECTION (G); "IX. CONTINUANCE"; AND "XI. OTHER RULES OF PROCEDURE"

7. Adopt Resolution which establishes the "County Service Area Revolving Fund" under California Government Code § 25214.5 and establishes a policy for use of revolving fund, including eligibility criteria and repayment requirements (\$600,000); and adopt Resolution increasing FY 2016-17 Committed Fund Balance in General Fund in amount of \$600,000 for County Service Area Revolving Fund and decreasing Unassigned Fund Balance in General Fund in amount of \$600,000

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

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 17-121, Resolution No. 17-122

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)

SUPERVISOR MENDES COMMENTED ON THE CURRENT WATER YEAR AND STATED THAT THERE IS A MEETING PLANNED WITH THE KINGS RIVER CONSERVANCY DISTRICT TO LOOK AT POTENTIAL FLOOD PROBLEMS. COUNTY STAFF IS MONITORING AND WORKING WITH OTHER JURISDICTIONS AS PROBLEMS MAY ARISE WITH FLOODING ISSUES. EVERYONE IS WORKING FULL SPEED AHEAD - AS A TEAM. SUPERVISOR MAGSIG STATED THAT THE BIG DRY CREEK DYKE IN CLOVIS IS FULL AND CONSTANTLY RELEASING WATER AT THE RATE OF 300 CUBIC FEET/SECOND TO KEEP WATER LEVELS LOW ENOUGH TO CONTINUE TO RECEIVE RAIN. SUPERVISOR COMMENTED THAT THIS IS A GREAT OPPORTUNITY TO SEE HOW MUCH WATER CAN BE HELD SINCE THIS DYKE IS A TEMPORARY HOLDING STATION AND TO WORK WITH CITY OF CLOVIS, ARMY CORP OF ENGINEERS, THE FLOOD CONTROL DISTRICTS AND FRESNO IRRIGATION DISTRICT TO MAKE THIS A PERMANENT HOLDING FACILITY AS WELL. SUPERVISOR BORGEAS MENTIONED THAT THE BOARD WILL BE DETERMINING WHAT TO DO WITH THE ELKHORN JUSTICE CENTER PROPERTY AND SUGGESTED THAT IT COULD BE ELIGIBLE TO TURN THAT PROPERTY INTO A BASIN WHICH WOULD BE GREAT TO HAVE ANOTHER RESERVOIR SITE

Board Appointments

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

A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR BORGEAS, THAT THE NOMINATION FOR APPOINTMENT AND REAPPOINTMENTS BE APPROVED AS FOLLOWS:

ALTA IRRIGATION DISTRICT
APPOINTED LARRY TOUT (TERM TO 12/6/2019)

CHILDREN AND FAMILIES COMMISSION
REAPPOINTED HUGO MORALES (TERM TO 1/4/21)

FRESNO ECONOMIC OPPORTUNITIES COMMISSION
REAPPOINTED YVETTE QUIROGA (TERM TO 12/31/17)
REAPPOINTED BARIGYE MCCOY (TERM TO 12/31/18)

HOUSING AUTHORITY OF FRESNO COUNTY OF FRESNO
REAPPOINTED STACY SABLAN (TERM TO 2/5/21)

THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 4 - Borgeas, Mendes, Pacheco, and Quintero

Abstain: 1 - Magsig

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

HELD; THERE WERE NO COMMENTS FROM MEMBERS OF THE PUBLIC

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; NO REPORTABLE ACTION
12. Conference with legal counsel – Significant Exposure to Litigation – Government Code section 54956.9(d)(2) or (d)(3) (2 cases)
HELD; NO REPORTABLE ACTION
13. Conference with legal counsel – Initiation of Litigation – Government Code section 54956.9(d) (4) (2 cases)
HELD; NO REPORTABLE ACTION
- 13.1 Conference with legal counsel - Existing Litigation Government Code section 54956.9(d)(1) – Dwayne Alvares, et al. v. County of Fresno, et al., FCSC Case No. 15CECG01925; Gilbert Lopez v. County of Fresno, et al., FCSC Case No. 15CECG01724; Ricardo Contreras v. County of Fresno, et al., FCSC Case No. 15 CECG00097; Joseph Banuelos v. County of Fresno, et al., FCSC Case No. 14CECG02990; Juan Gonzales, et al. v. County of Fresno, et al., FCSC Case No. 14CECG02992; Richard Hickingbottom v. County of Fresno, et al., FCSC Case No. 14CECG02992; Luciano Morales, et al. v. County of Fresno, et al., FCSC Case No. 15CECG01095; Xiongh Thao v. County of Fresno, et al., Fifth District Court of Appeal Case No. F072276; Joan Byrd, et al. v. County of Fresno, et al., Fifth District Court of Appeal Case No. F070597; Kirby v. County of Fresno, et al., Fifth District Court of Appeal Case No. F070056; Donald Kolz v. Fresno County Board of Supervisors, FCSC Case No. 15 CE CL 08662; Jeff Hoffman v. County of Fresno, et al., FCSC Case No. 15 CE CG 03750
HELD; NO REPORTABLE ACTION
- 13.2 Conference with Real Property Negotiators - Government Code 54956.8 Properties: 2100 Tulare Street, Fresno, CA 93721; County Negotiator: Jean M. Rousseau, County Administrative Officer or Designee. Negotiating Parties: Lance-Kashian & Co., Under Negotiations: Instructions to County's negotiator may concern purchase or lease of properties, price, terms and conditions
HELD; NO REPORTABLE ACTION

Adjourn

A MOTION WAS MADE BY SUPERVISOR BORGEAS, SECONDED BY SUPERVISOR MENDES, TO ADJOURN THE MEETING FOLLOWING CLOSED SESSION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

CONSENT AGENDA

A MOTION WAS MADE BY SUPERVISOR BORGEAS, SECONDED BY SUPERVISOR MENDES, THAT THE CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEMS 15 AND 28 WHICH WERE PULLED FOR DISCUSSION AND SEPERATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

AT APPROXIMATELY 9:35 A.M., A MOTION WAS MADE BY SUPERVISOR BORGEAS, SECONDED BY SUPERVISOR MENDES, TO RECONSIDER THE CONSENT CALENDAR TO PULL ITEM 36 FOR DISCUSSION AND SEPERATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Board of Supervisors

- 14.** Approve minutes of meeting for January 31, 2017

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Auditor Controller-Treasurer/Tax Collector

- 15.** Receive and file the County of Fresno Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2016

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

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

County Clerk/Registrar of Voters

- 16.** Approve Bluffs Community Services District's request to move from odd to even-numbered year elections and set the date for the District's election to occur on the same day as the statewide General election

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

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 Defendant, Piper Jaffray & Co., 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 Defendant, Piper Jaffray & Co., and approval thereof as to form by FCFA's special co-counsel (\$9,000 gross settlement amount)

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 17-037

Administrative Office

18. 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

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 17-104

19. Adopt Resolution proclaiming continuation of the local emergency status as a result of the 2017 Drought Conditions

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 17-105

Behavioral Health

20. Approve and authorize the Chairman to execute an Agreement with Alliant International University, for research and grant-writing opportunities for its students, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions (\$0)

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 17-038

21. 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 an integrated mental health electronic information system for the Department of Behavioral Health; and, approve and authorize the Chairman to execute an Agreement with Netsmart Technologies, Inc., to provide system support and maintenance for the Department of Behavioral Health, effective July 1, 2017 through June 30, 2018, with four automatic extensions (\$7,736,535)

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 17-039

Human Resources

22. Approve the Addendums to the Memorandum of Understandings regarding a salary range adjustment for a total of six identified classifications in Representation Unit 4 – Eligibility Workers, and Representation Unit 12 – Clerical, Paramedical, Building & Service employees, represented by SEIU Local 521; Memorandum of Understanding regarding a salary range adjustment for the two identified classifications in Representation Unit 13 – Crafts and Trades, represented by Stationary Engineers Local 39; and, adjust the hourly rate for the eight identified classifications to \$10.50/hour and the salary range for the one identified classification to Range 840 (\$10.50/hour) in Salary Resolution section 100 – Alphabetical Position Listing, effective February 13, 2017, as reflected in Appendix B

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Salary Resolution No. 17-004

23. Approve Resolutions Rejecting Claims for Damages; and, approve Resolutions Rejecting Applications for Leave to Present a Late Claim

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 17-106 through Resolution No. 17-114

Internal Services

24. Approve the Salary Resolution Amendment regarding the Chief of Security classification, on file with the Clerk to the Board, effective February 13, 2017, as reflected on Appendix "C"

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Salary Resolution No. 17-005

25. Approve and authorize Chairman to execute an agreement with Vision Technology Solutions, LLC to provide professional services for website design, content migration, software licenses, installation, training, and software maintenance of a Web Content Management System, effective upon execution, for three-year initial term, with two optional one-year extensions, total not to exceed \$307,003

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 17-040

Public Health

26. Approve and authorize the Chairman to execute an Agreement with California Department of Health Care Services for the Medi-Cal County Inmate Program for FY 2016-17, effective April 1, 2017 through June 30, 2017 (\$576,780); and, Agreement with California Department of Health Care Services for the Medi-Cal County Inmate Program for FY 2017-18, effective July 1, 2017 through June 30, 2018 (\$2,305,901)

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 17-041, Agreement No. 17-042

27. Approve and authorize the Chairman to execute Amendment I to Agreement No. 15-524 with the California Department of Public Health, for Sexually Transmitted Disease Prevention programs, effective February 7, 2017 with no change to the term of July 1, 2015 through June 30, 2019 and decreasing the maximum by \$80,000 to a total of \$426,780

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 15-524-1

Public Works and Planning

28. Adopt plans and specifications for Contract No. 16-12-C Bethel and Manning Traffic Signal Installation, and authorize Director of Department of Public Works and Planning, or his designee, to advertise for bids and set bid opening date contingent upon Department receiving authorization from California Department of Transportation

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

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

29. Adopt Resolution authorizing conditional transfer of one sewer and one water equivalent dwelling unit from Assessor's Parcel Number 136-372-24 to Assessor's Parcel Number 130-920-30

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 17-115

30. Approve and authorize Chairman to execute Agreement with Arvin-Edison Water Storage District for transfer of 850 acre-feet of water for County Service Area 34 benefitting residences and golf course in Brighton Crest Subdivision, County Service Area 34, Zone A, and residences in Bella Vista Subdivision, County Service Area 34, Zone C during 2017 water year of March 1, 2017 through February 28, 2018, for total maximum cost of \$467,500

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 17-044

31. Accept the easement deeds and authorize the Chairman to execute the right-of-way contracts and temporary construction permits required for the Auberry Road and Copper Avenue Traffic Signal Project for a total monetary consideration of \$3,200

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

32. Approve Resolution Adopting California Environmental Quality Act Findings for Proposed Infrastructure Improvement, Maintenance, Protection, and Repair Agreement, and direct staff to file Notice of Determination with Office of the Fresno County Clerk; and approve and authorize Chairman to execute Proposed Infrastructure Improvement, Maintenance, Protection, and Repair Agreement with Panoche Valley Solar, LLC

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 17-116, Agreement No. 17-045

33. Adopt the Resolution declaring surplus County owned excess property located at 28134 Thermal Road, Sanger (Tivy Valley), CA 93657 (APN 158-203-40) and authorize Clerk to the Board to publish notice of intention to sell County owned Excess property for a minimum bid of \$35,000.00 by public auction at 9:00 a.m. on March 28, 2017 (4/5 Vote)

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 17-117

- 34.** Adopt Budget Resolution increasing the FY 2016-17 appropriations in Public Works and Planning - Roads Org 4510 in the amount of \$1,100,000 for routine maintenance and repair work (4/5 vote)

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 17-118

- 35.** Adopt plans and specifications for Contract No. 16-22-SW, American Avenue Disposal Site Phase III, Modules 7 and 8 Excavation and Liner, and authorize the Director of the Department of Public Works and Planning, or his designee, to advertise for bids and set bid opening date

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

- 36.** Authorize Chairman to execute contract change order for Contract No. 16-02-C, Calwa ADA Paths, which will increase contract amount by \$42,107.86, proposed change order exceeds authorized Director's limit of \$25,078 and will increase total amount of contract to \$299,950.86

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

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

- 37.** Adopt specifications for Contract No. 16-19-C, Ashlan Avenue and Thorne Avenue Traffic Signal Installation, State Project No. SRS2L-5942(220), and authorize Director of Department of Public Works and Planning or his designee to advertise for bids and set a bid opening date

APPROVED AS RECOMMENDED

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero