

County of Fresno Action Summary - Final Board of Supervisors

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

Paul Nerland, County Administrative Officer Daniel C. Cederborg, County Counsel

Bernice E. Seidel, Clerk of the Board of Supervisors

Tuesday, February 1, 2022 9:30 AM **Hall of Records**

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

Invocation and Pledge of Allegiance

PASTOR BRIAN WIEBE, BETHANY CHURCH, GAVE THE INVOCATION AND LED THE BOARD OF SUPERVISORS IN THE PLEDGE OF ALLEGIANCE

1. Approve Agenda

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

5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

2. Approve Consent Agenda - Item Numbers 13 - 33

> A MOTION WAS MADE BY VICE CHAIRMAN QUINTERO, SECONDED BY SUPERVISOR MAGSIG, THAT THIS CONSENT AGENDA BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE **FOLLOWING VOTE:**

Administrative Office

3. Receive presentation on the American Rescue Plan Act of 2021 (ARPA), adopt Subrecipient Selection Policy for the County's potential transfer of Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to prospective subrecipients of such funds for eligible subrecipient proposals, discuss the ARPA Ad-Hoc committee's recommended plan for the County relating to internal (i.e., the County, as a recipient of SLFRF) and external (i.e., subrecipients of SLRFR) projects or programs, and earmark and prioritize potential funding for internal (County) and external (subrecipient) proposals set forth in the ARPA Ad-Hoc committee's recommended plan for the County's use of SLFRF, with any future allocation of such funding by the Board for activities, subject to confirmation of eligibility (\$194,063,657), and direct staff to return to the Board with proposals recommended for award of SLFRF to subrecipients, subject to each recommended subrecipient, for an external project or program, entering into a written agreement with the County on terms and conditions acceptable to the County

RECEIVED PRESENTATION ON THE AMERICAN RESCUE PLAN ACT OF 2021 (ARPA). A MOTION WAS MADE BY SUPERVISOR MAGSIG, SECONDED BY SUPERVISOR BRANDAU, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

BY CONSENSUS, THE BOARD REQUESTED STAFF TO EXAMINE AND EARMARK THE PROPOSAL FOR A NATIONAL GARLIC FESTIVAL THAT WILL BE HELD AT THE FRESNO FAIRGROUNDS IN MAY AND TO EARMARK UP TO \$6 MILLION FOR HOSPITAL SURGE BY PROVIDING UP TO \$2 MILLION TO EACH OF THE FOLLOWING HOSPITALS: ST. AGNES, COMMUNITY REGIONAL MEDICAL CENTER AND CLOVIS COMMUNITY. STAFF TO RETURN TO THE BOARD FOR ALLOCATION OF FUNDS AT A LATER DATE.

4. Receive presentation from Carpi & Clay, federal lobbyists, regarding legislative actions

RECEIVED PRESENTATION FROM CARPI & CLAY, FEDERAL LOBBYISTS

Adopt recommended changes to the Fresno County Federal Legislative Platform; authorize the Chairman to execute letters of support, or opposition, in accordance with the platform; and authorize the County Administrative Office to work with the County's Federal Congressional Delegation, federal advocates, and/or other necessary parties to support or oppose legislation in accordance with the platform

A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR MAGSIG, THAT THIS MATTER BE ACTED ON AS FOLLOWS:

- 1) ADOPT RECOMMENDED CHANGES TO THE FRESNO COUNTY FEDERAL LEGISLATIVE PLATFORM WITH THE FOLLOWING ADDITIONS TO MAJOR LEGISLATIVE ISSUES, ELECTIONS, PUBLIC HEALTH, MENTAL HEALTH AND HEALTH CARE SERVICES, AND TRANSPORTATION AND INFRASTRUCTURE: A) FEDERAL FUNDING FOR EMERGENCY PROTECTIVE ACTIONS, MONITORING OF CONDITIONS, PRESCRIBED FIRE PROJECTS, RE-FORESTATION ACTIONS AND OTHER ACTIVE FOREST MANAGEMENT STRATEGIES INCLUDING THINNING AND GRAZING, WHERE PRESCRIBED, TO ADDRESS THE VAST TREE MORTALITY RESULTING FROM YEARS OF UNPRECEDENTED DROUGHT AND THE RESULTING BARK BEETLE INFESTATIONS ACROSS LARGE REGIONS OF THE COUNTY; B) SUPPORT LEGISLATIVE EFFORTS TO STRENGTHEN LOCALLY-DRIVEN ELECTION AND REDISTRICTING PROCESSES AND OPPOSE LEGISLATIVE EFFORTS THAT USURP LOCAL CONTROL IN THESE PROCESSES; C) OPPOSE MANDATES OR ORDERS THAT USURP LOCAL AND STATE AUTHORITY REQUIRING HEALTH OR VACCINATION STATUS AS A CONDITION OF EMPLOYMENT OR ACCESS TO SERVICES; D) SUPPORT LEGISLATION THAT FUNDS LOCAL GOVERNMENT'S OBLIGATION FOR MAINTENANCE OF FEDERALLY FUNDED INFRASTRUCTURE IMPROVEMENT PROJECTS; E) OPPOSE FEDERAL REGULATIONS THAT IMPACT THE SAFE AND EFFICIENT OPERATION OF THE US RAIL NETWORK AND/OR IMPEDE **IMPLEMENTATION OF THE 1980 STAGGERS ACT:**
- 2) AUTHORIZE THE CHAIRMAN TO EXECUTE LETTERS OF SUPPORT, OR OPPOSITION, IN ACCORDANCE WITH THE PLATFORM; AND
- 3) AUTHORIZE THE COUNTY ADMINISTRATIVE OFFICE TO WORK WITH THE COUNTY'S FEDERAL CONGRESSIONAL DELEGATION, FEDERAL ADVOCATES, AND/OR OTHER NECESSARY PARTIES TO SUPPORT OR OPPOSE LEGISLATION IN ACCORDANCE WITH THE PLATFORM

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Board of Supervisors' Committee Reports and Comments

6. 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 BRANDAU STATED THAT BECAUSE HE BELIEVES THE COVID PANDEMIC IS MOVING TOWARDS AN ENDEMIC, HE IS AGAINST THE FIRING OR FORCING OF FRESNO COUNTY EMPLOYEES OUT OF THEIR JOBS IF THEY FEEL IT IS NOT IN THEIR BEST INTEREST TO GET VACCINATED AND ALL ACCOMMODATIONS SHOULD BE MADE TO ALLOW EMPLOYEES TO WORK AND GET PAID; SUPERVISOR BRANDAU STATED THAT THIS BOARD HAS SPOKEN WITH THE FRESNO COUNTY PUBLIC HEALTH OFFICER IN THE PAST ABOUT REMAINING FLEXIBLE THROUGH THE DEMANDS OF COVID-19 AS IT CHANGES AND NOW FRESNO COUNTY NEEDS TO DEMONSTRATE THAT FLEXIBILITY AND QUIT OPERATING UNDER THE MODELS OF 2020 AND 2021. SUPERVISOR MENDES STATED HE AND CHAIRMAN PACHECO WORK WITH MANY WATER AGENCIES AND LEARNED THE CALIFORNIA DEPARTMENT OF WATER RESOURCES HAS BASICALLY REJECTED ALL CURRENT PLANS IN A REGULATORY PROCESS, LEADING THE STATE DOWN A VERY DANGEROUS PATH

Board Appointments

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

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

COMMISSION ON THE STATUS OF WOMEN
REAPPOINT KACEY AUSTON-TIBBETS (TERM TO EXPIRE 06/30/23)

FRESNO MOSQUITO AND VECTOR CONTROL DISTRICT
REAPPOINT PETER R. WOOLCOCK (TERM TO EXPIRE 01/05/2026)

FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD REAPPOINT CHUCK RIOJAS (TERM TO EXPIRE 11/01/23) REAPPOINT SHERRY NEIL (TERM TO EXPIRE 11/01/23)

LAW LIBRARY BOARD OF TRUSTEES
REAPPOINT SCOTT BALY (TERM TO EXPIRE 01/03/2023)

OAK GROVE CEMETERY DISTRICT
APPOINT LATHELE GRAVANCE TO THE POSITION PREVIOUSLY HELD BY RICHARD M. ALVES (TERM TO EXPIRE 01/06/2025)

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Public Presentations

8. 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 HELD; RECEIVED

Closed Session

9. 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 HELD; NO REPORTABLE ACTION

10. Conference with Legal Counsel - Initiation of Litigation; Government Code, section 54956.9(d) (4) (2 Cases)

THE BOARD, BY 5-0 VOTE, AUTHORIZED THE INITIATION OF LITIGATION FOR NUANCE ABATEMENT AND OTHER APPLICABLE CODE VIOLATION CAUSES OF ACTION AGAINST GLEN COX, JOAN COX, ROBERT COX, AND ALL OTHER OWNERS AND RESPONSIBLE PARTIES, FOR THE PROPERTY AT 1345 EAST ASHLAN, IN UNINCORPORATED FRESNO; AND THE BOARD, BY 5-0 VOTE, AUTHORIZED THE INITIATION OF LITIGATION AGAINST ALAMEDIA JOSEPHINE MCNARY, TRUSTEE OF LIVING TRUST, LISTED AS THE OWNER, AND ALL OTHER OWNERS AND RESPONSIBLE PARTIES, FOR NUANCE ABATEMENT AND ALL OTHER CODE VIOLATION CAUSES OF ACTION AT 25047 AUBERRY ROAD, IN UNINCORPORATED FRESNO

11. Conference with Legal Counsel – Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)

HELD; NO REPORTABLE ACTION

12. 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: Paul Nerland or designee. Negotiating Parties: City of Fresno, Under negotiations: Instructions to County's negotiator may concern sale, lease and escrow terms and conditions including price

HELD; NO REPORTABLE ACTION

Adjourn

A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR MAGSIG, THAT THIS MEETING BE ADJOURNED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

APPROVED:

/s/ Brian Pacheco BRIAN PACHECO, CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO

ATTEST:

BY: /s/ Bernice E. Seidel
BERNICE E. SEIDEL
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF FRESNO, STATE OF CALIFORNIA

APPROVED ON FEBRUARY 22, 2022

CONSENT AGENDA

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

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

Board of Supervisors

13. Approve minutes of meeting for January 18, 2022

APPROVED AS RECOMMENDED

Aves: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Supervisor Mendes

14. Adjourn in Memory of Mark Melkonian of Sanger, a farmer who was very knowledgeable in the raisin business, well respected by his peers in the industry, and the Sanger Chamber of Commerce 2017 Farmer of the Year

APPROVED AS RECOMMENDED

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

Supervisor Quintero

15. Adjourn in Memory of Dr. Rev. Harry Young Miller

APPROVED AS RECOMMENDED

Sheriff/Coroner/Public Administrator

16. Approve and authorize the Chairman to execute Amendment IV to agreement with California Forensic Medical Group, Incorporated effective February 01, 2022 to increase the maximum compensation provided under the Agreement by \$120,000, to a total of \$129,747,205 to pay for a Medication Assisted Treatment (MAT) Care Coordinator to identify Opioid Use Disorder (OUD) inmates upon intake and enroll them in MAT services while incarcerated in the Fresno County Jail (FCJ), with no change to the term of July 1, 2018 through June 30, 2023; adopt Budget Resolution increasing FY 2021-22 appropriations for Sheriff-Coroner-Public Administration's Org 3111 in the amount of \$120,000 to allow for the payment for MAT Care Coordinator expenses (4/5 vote); adopt Budget Resolution increasing FY 2021-22. appropriations for Special Revenue Fund Sheriff-Coroner-Public Administrator Inmate Welfare Fund Org 1500 in the amount of \$40,000 (4/5 vote); retroactively approve and ratify the execution by the Sheriff, or her authorized representative, of the previous submittal of a grant application to the California Department of Health Care Services (DHCS) to pay for MAT Care Coordinator; and approve and authorize the Sheriff, or her authorized representative, to execute the Memorandum of Understanding with Health Management Associates, Inc. for distribution of the DHCS Opioid Crisis Grant

APPROVED AS RECOMMENDED

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

Agreement No. 22-038, Resolution No. 22-013, Resolution No. 22-014

Administrative Office

17. 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

APPROVED AS RECOMMENDED

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

Resolution No. 22-015. Resolution No. 22-016

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 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 22-017

Approve and authorize the Chairman to ratify the County Administrative Officer's previous submission of an Application for the California Microbusiness Covid-19 Relief Grant Program (MCRGP) (\$1,294,184.19); approve and authorize the Chairman to execute a Grant Agreement with the California Office of the Small Business Advocate, effective upon execution through December 31, 2022 (\$1,294,184.19); 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 as Fresno Area Hispanic Foundation made the County of Fresno aware of the MCRGP grant, was able to write the grant prior to the filing deadline, and has substantial experience in implementing small business grant programs; approve and authorize the Chairman to execute an agreement with the Fresno Area Hispanic Foundation to provide services associated with the MCRGP effective upon execution through December 31, 2022 (196,684.19); and adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues in the Interest and Miscellaneous Expenditures Org 2540 in the amount of \$1,294,184.19 (4/5 vote)

APPROVED AS RECOMMENDED

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

Agreement No. 22-039, Agreement No. 22-040, Resolution No. 22-018

Behavioral Health

20. Approve and authorize the Chairman to execute a retroactive Amendment I to Agreement with the Fresno County Superintendent of Schools and the Fresno Police Chaplaincy Resiliency Center, to revise the name from Fresno Police Chaplaincy Resiliency Center to the Resiliency Center of Fresno as identified on their legal documents, with no change to the term of September 21, 2021 through June 30, 2024, or compensation maximum of \$1,061,460

APPROVED AS RECOMMENDED

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

Agreement No. 22-041

21. Retroactively approve and authorize the Department of Behavioral Health's previous submittal of a grant application to the California Department of Health Care Services for the Behavioral Health Continuum Infrastructure Program Planning Grant (\$150,000)

APPROVED AS RECOMMENDED

Human Resources

22. Approve amendments to Department Conflict of Interest Codes, on file with the Clerk of the Board, to become effective February 1, 2022

APPROVED AS RECOMMENDED

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

23. Adopt Resolutions Rejecting Claims for Damages

APPROVED AS RECOMMENDED

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

Resolution No. 22-019, Resolution No. 22-020, Resolution No. 22-021, Resolution No. 22-022, Resolution No. 22-023, Resolution No. 22-024, Resolution No. 22-025, Resolution No. 22-026, Resolution No. 22-027

Internal Services

24. Approve and authorize the Chairman to execute First Amendment to Agreement No. 19-034 with Levi, Ray & Shoup, Inc., to fund additional services, effective upon execution with no change in term of January 29, 2019 to January 31, 2024 and increasing the maximum by \$100,000 to a total of \$455,000

APPROVED AS RECOMMENDED

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

Agreement No. 22-042

Library

25. Approve and authorize the Chairman to execute an Agreement with Hudson Henderson & Company, Inc. to provide accounting and controller services for the San Joaquin Valley Library System, effective February 1, 2022, for a term of three-years with two optional one-year extensions, total not to exceed \$1,800,000; and authorize the Auditor-Controller/Treasurer-Tax Collector and/or County Librarian to execute renewals and amendments to the agreement for each of the one-year extensions

APPROVED AS RECOMMENDED

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

Agreement No. 22-043

Probation

26. Conduct second hearing and adopt an Ordinance amending the County of Fresno Master Schedule of Fees, Charges and Recovered Costs Ordinance by deleting subsections 1807, 1811, 1812, 1814, and 1819 of Section 1800-Probation, for fees related to the Restitution Collection, Diversion Administrative Fee, Casual Meals, Drug Testing, and Juvenile Record Sealing (the Ordinance), and adding subsection 1815 establishing a daily fee rate to house youth from other counties at the Juvenile Justice Campus, and amend the title of subsection 1816 to accurately reflect the purpose of the fee; and Waive the reading of the proposed Ordinance in its entirety

APPROVED AS RECOMMENDED

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

Ordinance No. 22-001

Public Health

27. Approve and authorize the Chairman to execute a revenue Agreement with the City of Hanford for dispatch services of the City of Hanford Fire Department through the Fresno County Emergency Medical Services Communications Center, effective March 14, 2022 through June 30, 2024, total not to exceed \$474,814; and approve and authorize the Chairman to execute an Agreement with K.W.P.H. Enterprises, d.b.a. American Ambulance, for City of Hanford dispatch services of the City of Hanford Fire Department through the Fresno County Emergency Medical Services Communications Center, effective March 14, 2022, through June 30, 2024, total not to exceed \$464,676

APPROVED AS RECOMMENDED

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

Agreement No. 22-044, Agreement No. 22-045

Public Works and Planning

28. Approve and authorize Chairman to execute a retroactive Master Agreement with American Refuse, Inc. to provide waste tire hauling services, effective September 12, 2021, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$1,025,000; and authorize Director of Public Works and Planning or his or her designee to add additional contractors to this Agreement as they are identified who will agree and be bound by terms and conditions of Master Agreement without affecting remainder of this Agreement

APPROVED AS RECOMMENDED

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

Agreement No. 22-046

29. Adopt Resolution amending Schedule of Drainage Costs and Fees for local drainage areas and Storm Drainage and Flood Control Master Plan pursuant to Section 17.64.050 of the Fresno County Ordinance Code

APPROVED AS RECOMMENDED

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

Resolution No. 22-028

30. Retroactively approve and ratify submission of a Per Capita Project Grant Program application to California Department of Parks and Recreation for improvements to Laton-Kingston Park (\$1,656,780); and authorize Chairman to execute a Resolution approving the filing of said application and authorizing Director of Public Works and Planning to administer grant, 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; and authorize Director to execute Per Capita Grant Program Contract similar in form to Sample Grant Contract attached hereto as Attachment B and subject to approval of county counsel as to legal form and of auditor-controller/treasurer-tax collector as to accounting form

APPROVED AS RECOMMENDED

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

Resolution No. 22-029

Social Services

31. Accept the reallocated Homeless Housing, Assistance and Prevention Program Round 3 Grant funding awarded to the Fresno Madera Continuum of Care (\$3,753,702); and, approve and authorize the Chairman to execute an Initial Disbursement Agreement with the California Business, Consumer Services and Housing Agency for the Homeless Housing, Assistance and Prevention grant (#22-HHAP-10015) effective upon execution by the California Business, Consumer Services and Housing Agency through October 1, 2026 (\$1,682,631)

APPROVED AS RECOMMENDED

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

Agreement No. 22-047

32. Adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues for the Social Services Fund 0065, Subclass 17225, Welfare Advance Fund Org 1120 in the amount of \$381,860; and, adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues for the Department of Social Services - Aid to Refugees Org 6615 in the amount of \$381,860 (4/5 vote)

APPROVED AS RECOMMENDED

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

Resolution No. 22-030, Resolution No. 22-031

33. Accept the Marjaree Mason Center Annual Report for the period of October 1, 2020 through September 30, 2021

APPROVED AS RECOMMENDED