

MEMBERS OF THE BOARD

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District One

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District Two

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District Three

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District Five



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County Administrative Officer

JENNIFER M. FLORES
County Counsel

MELINDA BENTON
Chief Clerk

ADMINISTRATION BUILDING
2800 W. Burrel Avenue
Visalia, CA 93291
(559) 636-5000
(559) 615-3009

Board of Supervisors Agenda

February 7, 2023

9:00 AM Board Convenes

**Board of Supervisors Chambers
2800 W. Burrel Avenue
Visalia, CA 93291**

NOTICE TO THE PUBLIC

LIVE STREAM: <https://tularecounty.ca.gov/board/board-meetings/board-of-supervisors-meetings/> or <https://www.youtube.com/channel/UCtio73xNL9t2b8Aq-R84abg>

PUBLIC COMMENTS: Members of the public may comment on any item not appearing on the Agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Board at this time. For items appearing on the Agenda, the public is invited to make comments when the item comes up for Board consideration. Any person addressing the Board will be limited to a maximum of three (3) minutes so that all interested parties have an opportunity to speak, with a total of fifteen (15) minutes allotted for the Public Comment Period. At all times, please use the microphone and state your name for the record.

ACCOMMODATIONS: In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Clerk of the Board as soon as possible during office hours (559) 636-5002 or email clerkoftheboard@tularecounty.ca.gov. Reasonable requests made at least 48 hours in advance of the meeting will ensure accessibility to this meeting.

BOARD AGENDA: Documents related to the items on this Agenda are available for public inspection in the Clerk of the Board Office during normal business hours, 7:30 a.m. – 5:30 p.m., Monday through Thursday and 8:00 a.m. – 12:00 p.m. on Friday. Such documents are also available online, subject to staff's ability to post the documents before the meeting, at the following website: <https://tularecounty.ca.gov/board/board-meetings/board-of-supervisors-meetings/>

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS: Pursuant to Government Code section 84308, members of the Board of Supervisors are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the Board member received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the County's decision on the agenda item since January 1, 2023. Members of the Board of Supervisors who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than \$250 to a Board member since January 1, 2023, are required to disclose that fact for the official record of the subject proceeding. Disclosures must include the amount of the campaign contribution and identify the recipient Board member and may be made either in writing to the Clerk of the Board of Supervisors prior to the subject hearing or by verbal disclosure at the time of the hearing. The foregoing statements do not constitute legal advice, and parties and participants are urged to consult with their own legal counsel regarding the requirements of the law.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

1. Board of Supervisors matters.
2. Present a Proclamation recognizing February 2023 as Black History Month.
3. Public Comments.

CONSENT CALENDAR (Numbers 4 through 29)

NOTICE TO THE PUBLIC

These items are routine and usually approved by one motion. Before action by the Board, the Chair will ask the Board Members and the public if they wish to remove any item from the Consent Calendar for separate consideration. Items removed from the Consent Calendar may be heard immediately before or after the approval of the Consent Calendar, or may be set aside until later in the meeting.

Board of Supervisors

4. Cancel the Board of Supervisors meeting scheduled for April 25, 2023.
5. Reappoint Lee Terkelsen to the Historical Society Member Seat on the Tulare County Museum Board for a term ending February 13, 2026.
6. Reappoint Joseph M. Tanner to the Incorporated Cities Seat on the Independent Ambulance Compliance Committee for a term ending December 31, 2024.

Clerk of the Board

7. Approve changes in designated officials and employees in the Tulare County Conflict of Interest Code as recommended by County departments and agencies in Appendix "A", attached hereto.

District Attorney

8. Ratify and approve a Grant Award Agreement with the United States Office Department of Justice, Office of Justice Programs, Office for Victims of Crime for the FY 22 Enhanced Collaborative Model Task Force to Combat Human Trafficking program, in the amount of \$749,166, with required County matching funds of \$249,722, for a program total of \$998,888, retroactive from October 1, 2022 through September 30, 2025. Ratify the Chair's electronic signature on the grant award agreement.
9. Ratify and approve the Grant Award Agreement for acceptance of funding from the Insurance Commissioner of the State of California for the Automobile Insurance Fraud Prosecution Program, in the amount of \$171,926, retroactive from July 1, 2022 through June 30, 2023. Ratify and approve the District Attorney's, or designee's signature on the agreement.
10. Ratify and approve the Grant Award Agreement for acceptance of funding from the California Department of Insurance for the Workers' Compensation Insurance Fraud Program, in the amount of \$660,000, retroactive from July 1, 2022 through June 30, 2023. Ratify and approve the District Attorney's, or designee's signature on the agreement.

Health & Human Services Agency

11. Ratify and approve the submission of a grant application to the California Department of Aging, Division of Home and Community Living for the Access to Technology Program, in an amount not to exceed \$533,139, retroactive from August 29, 2022. Ratify and approve the Health and Human Services Agency Director, or Designee's signature on the grant application. Approve the grant award agreement with the California Department of Aging, Division of Home and Community Living for implementation of the Access to Technology program, in an amount not to exceed \$533,139, retroactive from October 1, 2022 through December 31, 2024. Approve the necessary budget adjustments (4/5ths vote required).
12. Approve the annual Certification Allocations for the Health Care Program for Children in Foster Care; and the Child Health and Disability Prevention programs for funding, in an amount not to exceed \$1,572,257, retroactive from July 1, 2022, through June 30, 2023.
13. Approve a Memorandum of Understanding with the California Department of Public Health for the California Pathways into Public Health Fellows and Interns program that will assist and provide support to the Public Health Branch in carrying out public health activities, retroactive from February 1, 2023 through June 30, 2025.

14. Reaffirm the proclamation of a Local Emergency due to the Sequoia Complex Fire, Resolution No. 2020-0569. Reaffirm the declaration of a Local Health Emergency due to the Sequoia Complex Fire, Resolution No. 2020-0667. Reaffirm the proclamation of a Local Emergency due to the September Lightning Fires, Resolution No. 2021-0726. Reaffirm the declaration of a Local Health Emergency due to the September Lightning Fires, Resolution No. 2021-0861.
15. Approve a Memorandum of Understanding with the California Department of State Hospitals and the California Mental Health Services Authority for the provision of state hospital bed purchase and usage, in an amount not to exceed \$1,300,000, retroactive from July 1, 2022 through February 28, 2023. Approve a Participation Agreement with the California Mental Health Services Authority State Hospitals Program to authorize California Mental Health Services Authority to contract for State hospital beds on behalf of the County for special populations requiring secure 24-hour treatment services, for a one-time annual fee in the amount of \$2,804, retroactive from July 1, 2022 through June 30, 2023.
16. Approve the submission of the grant application to the California Department of Health Care Services for the Behavioral Health Continuum Infrastructure Program Round 5: Crisis and Behavioral Health Continuum to address specific historic gaps in behavioral health services and the long-term care continuum, in an amount not to exceed \$11,702,595.
17. Authorize the electronic submission of a Request for Public Assistance by the Emergency Services Director or designee for Major Disaster Declaration DR-4683-CA. Approve a Designation of Applicant's Agent Resolution to appoint authorized agents to act on behalf of the County in securing and administering grant funds.
18. Proclaim the termination of the Local Emergency due to the Severe Flooding in Tulare County, as ratified by Resolution No. 2023-0003 on January 10, 2023.

Information & Communications Technology

19. Approve a Categorical Exemption for the Tulare Tower and Earlimart Tower consistent with the California Environmental Quality Act (CEQA) Title 14 California Code of Regulations (CCR), Section 15303 New Construction or Conversion of Small Structures.

Resource Management Agency

20. Authorize and approve the submittal of an application from the State Department of Housing and Community Development CalHome Program to fund homeownership programs, in an amount not to exceed \$5,000,000 in grant funding. Adopt the attached Resolution – CalHome Program. Authorize and direct the Resource Management Agency Director, or designee to sign and submit the application. Authorize the Chair of the Board to sign the agreement, subject to Counsel review and approval as to form.
21. Authorize and approve the submission of an application to the Department of Resources Recycling and Recovery (CalRecycle) for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, in an amount not to exceed \$90,000. Authorize and direct the Resource Management Agency Director, or designee, to sign and submit the application.

22. Approve the American Rescue Plan Act Subrecipient Agreement with the Poplar Community Services District for the Poplar Community Services District Well No. 10 Project, in the amount of \$499,000, effective February 7, 2023 through December 31, 2024. Approve the necessary budget adjustments (4/5ths vote required).
23. Approve the Right-of-Way Contract with Miguel Mendoza for the Road 160 Sidewalk Improvements Project, located in the unincorporated community of Ivanhoe, in the amount of \$25,700. Authorize the Resource Management Agency Director, or designee to sign the Contract and all documents needed to facilitate the related right-of-way acquisition. Direct the Resource Management Agency Director, or designee to provide a signed copy of the Contract to the Clerk of the Board, with all other related documents to be maintained by the Resource Management Agency. Direct the Auditor to draw warrants in favor of the County's designated escrow company for the contract plus escrow fees in the amount of \$29,590.
24. Approve the Right-of-Way Contract with Ramon Olivares for the Road 160 Sidewalk Improvements Project, located in the unincorporated community of Ivanhoe, in the amount of \$27,300. Authorize the Resource Management Agency Director, or designee to sign the Contract and all documents needed to facilitate the related right-of-way acquisition. Direct the Resource Management Agency Director, or designee to provide a signed copy of the Contract to the Clerk of the Board, with all other related documents to be maintained by the Resource Management Agency. Direct the Auditor to draw warrants in favor of the County's designated escrow company for the contract plus escrow fees, in the amount of \$30,790.
25. Approve the Right-of-Way Contract with Able and Jenny Vera for the Road 160 Sidewalk Improvements Project, located in the unincorporated community of Ivanhoe, in the amount of \$25,600. Authorize the Resource Management Agency Director, or designee to sign the Contract and all documents needed to facilitate the related right-of-way acquisition. Direct the Resource Management Agency Director, or designee to provide a signed copy of the Contract to the Clerk of the Board, with all other related documents to be maintained by the Resource Management Agency. Direct the Auditor to draw warrants in favor of the County's designated escrow company for the contract plus escrow fees, in the amount of \$27,090.
26. Authorize the filing of Notices of Partial Non-Renewal for the following Land Conservation Contract, as provided in the Williamson Act. Approve the execution of amendments to the Land Conservation Contract. The request is Applicant Initiation:
 - WAN 21-020** – Williamson Act Contract No. 2417, Ag Preserve No. 0138, located west of North Fork Road and approximately 4 miles north of State Route 198; (APNs: 037-030-001) (Elliott Land & Cattle Co., Inc.) (1.05 acres to be Non-Renewed as condition of approval for Lot Line Adjustment No., PLA 21-034).
 - WAN 22-009** – Williamson Act Contract No. 8595, Ag Preserve No. 3020, located on the southeast corner of Road 56 and Avenue 430; (APNs: 012-190-039 and 012-190-040) (Duane A Lamm) (1.06 acres to be Non-Renewed as condition of approval for Lot Line Adjustment No., PLA 22-031).
 - WAN 22-018** – Williamson Act Contract No. 4381, Ag Preserve No. 1300, located on the west side of Road 132 and approximately 800 feet south of El Nogal Avenue; (APNs: 079-071-014 and 079-072-005) (Sarjit S. Malli) (55.0 acres to be Non-Renewed as applicant initiated).

27. **FOR INFORMATION ONLY:** Bid Opening results for 2023 Road Repair and Accountability Act (RRAA) Project 1.

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Granite Construction Company	\$4,410,440.00
Cal Valley Construction, Inc.	\$4,740,214.55
Emmett’s Excavation, Inc.	\$4,747,039.45
Griffith Company	\$4,824,400.00
Agee Construction Corporation	\$4,824,507.75
A. Teichert & Son, Inc.	\$4,924,450.00
Bush Engineering, Inc.	\$4,945,576.30
Avision Construction, Inc.	\$5,025,781.00
Central Valley Asphalt	\$5,355,017.87
Engineer’s Estimate	\$4,922,811.20

Solid Waste

28. Reaffirm the existence of an emergency due to the impending failure of the Cotton Gin Water Well at the Visalia Landfill, Resolution No. 2022-0625.

Sheriff/Coroner

29. Approve an amendment to Agreement No. 30699 with the Tulare County High Intensity Drug Trafficking Area Task Force to include King’s County Sheriff’s Office as a participating law enforcement agency, retroactive from January 1, 2023 through June 30, 2027.

ITEMS NOT TIMED

Items not specifically timed may be taken in any order

30. Receive a presentation from the District Attorney’s Office regarding the proposed personnel requests. Adopt a Personnel Resolutions to add, delete, and reclass positions, and approve and amend the required job specifications, class designations, and salary adjustments. Changes will be effective beginning pay period 5 on February 12, 2023.

BOARD MATTER REQUESTS

31. Board members may make a referral to staff to have a matter of business be considered for a future agenda (Gov. Code, sec. 54954.2, subd. (a)(3)).

CLOSED SESSION

**NOTICE TO THE PUBLIC
CLOSED SESSION**

As provided in the Ralph M. Brown Act, Government Code sections 54950 et seq., the Board of Supervisors may meet in closed session with its attorneys, county staff, and consultants. These sessions are not open to the public and may not be attended by members of the public. The matters the Board will meet on in closed session are identified below, or are those matters appropriately identified in open session as requiring immediate attention and arising after the posting of the Agenda. Any public reports of action taken in closed session will be made in accordance with Government Code section 54957.1.

It is the intention of the Board to meet in closed session concerning:

Sitting as the Tulare County Board of Supervisors

- ITEM A CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))
Name of Case: County of Tulare v. Purdue Pharma et al.,
U.S. District Court, Eastern District of California, Case No. 1:18-cv-00860) (MDL No. 2804)
- ITEM B CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
(Government Code Section 54956.9(d)(4))
Number of Potential Cases: 1
- ITEM C CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
(Government Code Section 54956.9(d)(4))
Number of Potential Cases: 1
- ITEM D CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))
Name of Case: Alexander Martinez v. County of Tulare
Workers' Compensation Appeals Board Nos.: ADJ12662044, ADJ14405645
- ITEM E CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
Agency Designated Representatives: Lupe Garza and Shelline K. Bennett
Employee Organizations: All Certified Employee Organizations
Unrepresented Employees: All Unrepresented Employees.

ITEM F PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT CONSIDERATION AND
POSSIBLE APPOINTMENT

(Government Code Section 54957)

FOR THE POSITION OF: CHIEF PROBATION OFFICER

The Board may meet in a continuous closed session each business day on this topic beginning immediately upon recess of the open portion of this meeting through February 27, 2023 to deliberate on the possible appointment.

ITEM G CONFERENCE WITH LABOR NEGOTIATORS

(Government Code Section 54957)

RE: CHIEF PROBATION OFFICER SALARY AND BENEFITS

The Board may meet in a continuous closed session each business day on this topic beginning immediately upon recess of the open portion of this meeting through February 27, 2023.

Agency Designated Representative: Jason T. Britt, Lupe Garza

Unrepresented Employee: Chief Probation Officer, Bargaining Unit 10