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

Board of Supervisors Agenda

March 14, 2023

9:00 AM Board Convenes

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

NOTICE TO THE PUBLIC

LIVE STREAM: To view the live stream of the Board of Supervisors meetings, please visit <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 March 2023 as Red Cross Month in Tulare County.
3. Presentation by Leadership Porterville Facilitator Virginia Gurrola regarding the 2023 Porterville Leadership class.
4. Public Comments.

9:30 A.M. - TIMED ITEMS

5. **PUBLIC HEARING:** Request from the Resource Management Agency to approve General Plan Amendment No. GPA 21-001, Caldwell Corner, to change the County's land use designation within the Urban Area Boundary (UAB) and Urban Development Boundary (UDB) of Visalia, on approximately 8.46 gross acres, from "Heavy Industrial" to "Service Commercial" and change the Land Use Designation on approximately 5.4 gross acres from "Low-Medium Density" to "Service Commercial.", located on the southeast corner of Avenue 280/Caldwell Avenue and Road 140/Lovers Lane directly southeast of Visalia city limits as set forth in Planning Commission Resolution No. 10043. Adopt an ordinance amending Paragraph B of Section 3 of Ordinance No. 352, the Tulare County Zoning Ordinance for Change of Zone No. PZC 22-007 on zone district on 13.86-acres from AE-20 (Exclusive Agricultural Zone – 20 Acre Minimum) and C-1 (Neighborhood Commercial Zone) to C-3 (Service Commercial Zone), on Assessor's Parcel Number(s) 127-010-035 and of 127-010-056. Adopt the findings of approval, as set forth in Planning Commission Resolution No. 10044, and approve Zone Change No. PZC 22-007. Find that this ordinance by statute can only be passed after notice and public hearing, so it is exempt from the usual requirements that an ordinance be read in full and adopted over two regular meetings. Adopt the Initial Study/Mitigated Negative

Declaration consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations, Section 15063(c)(3)(D), as set forth in Planning Commission Resolution No. 10042.

CONSENT CALENDAR (Numbers 6 through 28)

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

6. Appoint Darrell Ward to the Community Partner Seat on the Tulare County Veteran Advisory Committee for a term ending January 25, 2025.

County Counsel/Risk Management

7. Approve an agreement with Nielsen Merksamer Parrinello Gross & Leoni, LLP for election law legal services, retroactive from November 1, 2022 through June 30, 2023. Authorize the County Counsel, or designee, to sign the agreement on behalf of the County per Tulare County Ordinance Code section 1-03-1290(c)(1).

Fire Department

8. Approve an agreement with the City of Kingsburg for Fire Protection Service, retroactive from October 13, 2022 through October 13, 2024.

General Services Agency

9. Approve an agreement with Vanir Construction Management Inc., for the construction management services related to the Main Jail Demolition Project, in an amount not to exceed \$265,045, effective upon Board execution through December 31, 2025.
10. Approve an amendment to Lease Agreement No. 30939 for space located at 927 Center Street, Suite B, Pixley, for County's use as Lessee with The Pixley Foundation as Lessor.

Health & Human Services Agency

11. Approve entry fee waiver for the Kings/Tulare Area Agency on Aging, Senior Day in the Park event at Mooney Grove Park for the 51st Annual Senior Day in the Park Event on May 5, 2023.

12. Approve an agreement with Gurnick Academy of Medical Arts, LLC to provide field experience for students in the Nursing Program, effective March 14, 2023, through June 30, 2025. There is no cost associated with this agreement.
13. Ratify and approve the agreement with the Business, Consumer Service and Housing Agency, for the Homeless Housing, Assistance and Prevention (HHAP) Program Round 3 grant funding, in the amount of \$909,669.15, retroactive from January 12, 2023 through December 31, 2026. Ratify the Chair of the Board's signature on the agreement. Authorize the Chair to sign the Authorized Signatories Form Cal ICH Grant Programs to allow the HHSA Director and HHSA Fiscal Director to sign all Cal ICH grant documents on behalf of the County.
14. Approve an agreement with Tulare County Superintendent of Schools for Mobile Crisis Services for Children and Youth aged 21 and younger, in an amount not to exceed \$3,666,074, retroactive from November 1, 2022 through June 30, 2027.
15. Approve an amendment to Agreement No. 30614 with CF Merced Behavioral, LLC dba Merced Behavioral Center to replace and supersede Exhibit B-1 to reflect revised reimbursement rates for the provision of skilled nursing services, in an amount not to exceed \$3,600,000, effective upon Board signature through June 30, 2024.
16. Approve an agreement with Eurofins DQCI, LLC for the Environmental Health Program backup lab, retroactive from August 19, 2022 through June 30, 2025.
17. Approve an agreement with Valley Teen Ranch to provide services on behalf of Tulare County Child Welfare Service's foster children to include the care and placement of foster children, in the amount of zero dollars, effective from March 14, 2023 through June 30, 2025.
18. Ratify a Proclamation of Local Emergency due to Winter Storms and Flooding proclaimed by the Emergency Services Director on March 9, 2023.

Information & Communications Technology

19. Approve an increase of \$32,000 to the Earlimart Radio Tower Project, for a total project cost not to exceed \$297,000, per the Tulare County American Rescue Plan Act, Final Recovery Plan. Approve the Public Safety Radio Tower Expansion Projects Written Justification. Approve the necessary budget adjustments (4/5ths vote required).
20. Approve an increase of \$338,000 to the Exeter Rocky Hill Radio Tower Project, for a total project cost not to exceed \$838,000, per the Tulare County American Rescue Plan Act, Final Recovery Plan. Approve the Public Safety Radio Tower Expansion Projects Written Justification. Approve the necessary budget adjustments (4/5ths vote required).
21. Approve an increase of \$161,000 to the Porterville Rocky Hill Radio Tower Project, for a total project cost not to exceed \$911,000, per the Tulare County American Rescue Plan Act, Final Recovery Plan. Approve the Public Safety Radio Tower Expansion Projects Written Justification. Approve the necessary budget adjustments (4/5ths vote required).

22. Approve an increase to the Tipton Radio Tower Project in an amount of \$6,500, for a total project cost not to exceed \$306,500, per the Tulare County American Rescue Plan Act, Final Recovery Plan. Approve the necessary budget adjustments (4/5ths vote required).

Resource Management Agency

23. Authorize the submission of a grant application for funding from the Sierra Nevada Conservancy, in the amount of \$175,000. Authorize and direct the Resource Management Agency Director, or designee, to sign and submit the grant.
24. Adopt the 2023 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan. Approve a Categorical Exemption Consistent with the California Environmental Quality Act (CEQA) Title 14 California Code of Regulations (CCR). Section 15262 (Feasibility and Planning Studies) and Section 15061(b)(3) General Rule Exemption. Find there is no substantial evidence that the proposed activity will have a significant effect on the environment and determine the Categorical Exemption is consistent with the CEQA Title 14 CCR, Section 15262 (Feasibility and Planning Studies) and Section 15061(b)(3) general rule exemption, that was prepared for the project reflects the independent judgement of the County and was completed in compliance with the CEQA of 1970. Direct the Environmental Assessment Officer of the Tulare County Resource Management Agency, or their designee, to file a Notice of Exemption with the Tulare County Clerk. Authorize the Resource Management Agency Director, designee, to make appropriate technical revisions to the 2023 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan and associated project documents.
25. Approve a Loan Agreement and Declaration of Restrictive Covenants with Neighborhood Village, L.P., for which Self-Help Enterprises serves as managing general partner and Salt and Light Works, Inc. serves as administrative general partner, for construction of a 52-unit affordable housing complex in Goshen, in an amount not to exceed \$2,684,326 of the County's 2021 Permanent Local Housing Allocation Program Grant funds. Approve the Affordable Housing Regulatory Agreement and Declaration of Restrictive Covenants. Approve the Deed of Trust and the Promissory Note.
26. Approve the forgiveness of County loans to County Service Area Sewer and Water funds, shown in Exhibit A, totaling \$665,000 pursuant to CA Government Code section 25214.5(b), (4/5ths vote required). Approve the necessary budget adjustments (4/5ths vote required)

Sheriff/Coroner

27. Ratify and approve an agreement with the Federal Bureau of Investigation to provide investigator assistance in an amount not to exceed \$25,000, retroactive from January 1, 2023 to September 30, 2023. Ratify the Chair of the Board's signature on the agreement.
28. Approve an agreement with U.S. Department of Justice, Drug Enforcement Administration for the Tulare County Sheriff's Office to provide staffing to conduct illicit marijuana eradication and suppression efforts, in an amount not to exceed \$410,000, retroactive from October 1, 2022 through September 30, 2023.

ITEMS NOT TIMED

Items not specifically timed may be taken in any order

- 29. Request from the County Administrative Office to receive the Mid-Year Budget Report for FY 2022/23. Approve the proposed schedule for preparation and adoption of the FY 2023/24 budget, which incorporates a rollover budget as the operating budget (including the Capital Projects budget) for the period between July 1, 2023, and adoption of the FY 2023/24 budget (4/5ths vote required). Adopt the personnel resolution to add, delete, reclass, retitle, amend positions, and approve and amend the required job specifications, class designations, and salary adjustments proposed in the Mid-Year Budget Report subject to completion of meet and confer. Approve the capital asset purchase list. Authorize the Auditor-Controller/Treasurer-Tax Collector, with the concurrence of the County Administrative Officer, to process any budget adjustments proposed in the Mid-Year Budget Report (4/5ths vote required).
- 30. Request from the Board of Supervisors' staff to approve and adopt the proposed policy language regarding invocations at meetings of the Tulare County Board of Supervisors, effective within thirty (30) days of adoption.

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 – ANTICIPATED LITIGATION
 Significant Exposure to Litigation (Government Code Section 54956.9(d)(2))
 Number of Potential Cases: 1
 See today's agenda item for a public hearing regarding the proposed amendment PZC 22-007 to the Tulare County Zoning Ordinance No. 352 and general plan amendment No. GPA 21-001 (Chase Morgan)

- ITEM B CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))
Name of Case: Mark Anderson v. County of Tulare
Workers Compensation Appeals Board Nos.: ADJ12773967, ADJ17169978

- ITEM C CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))
Name of Case: Mark Smith v. County of Tulare
Workers' Compensation Appeals Board No: ADJ12260759

- ITEM D CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))
Name of Case: Lightner vs. County of Tulare, et al.
Tulare County Superior Court, Case Number VCU292911

- 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.