

MEMBERS OF THE BOARD

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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

March 21, 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. Receive a Presentation by the Tulare County Farm Bureau, in coordination with the Tulare County Office of Education, for the National Agriculture Week Children’s Art Calendar Awards.
3. Public Comments.

CONSENT CALENDAR (Numbers 4 through 30)

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. Appoint Lieutenant Rodney Parker to the Law Enforcement Rep Seat, and Reverend Suzy Ward to the Faith Community Rep Seat on the Tulare County Task Force on Homelessness for terms ending January 1, 2026.
5. Reappoint Marilyn Rankin to the Director – Area 5 Seat on the Exeter District Ambulance, for a term ending December 6, 2024.

Clerk of the Board

6. Approve the new Conflict of Interest Code adopted by the Ducor Water District.

County Administrative Office

7. Authorize the contribution of funds to the National Center for Public Lands Counties to give the County and its public lands media exposure and develop a county profile, in an amount not to exceed \$120,000 by April 4, 2023.

Fire Department

8. Approve a resolution identifying the terms and conditions for reimbursement under the California Fire Assistance Agreement when the Tulare County Fire Department is assigned to an emergency incident, as recognized in the California Fire Assistance Agreement.

General Services Agency

9. Approve the City of Dinuba Water Main Extension Agreement between the City of Dinuba and the County of Tulare. Authorize up to \$500,000 of reimbursement to the City of Dinuba for the design services cost and construction cost of extending the City of Dinuba Water Main to the Tulare County Fire Station located at 40404 Road 80, Dinuba, CA 93618.
10. Approve the bid documents for the Juvenile Detention Facility Interior Improvements Project. Authorize the advertisement of bids for the subject project. Set the bid opening for the project at 2:00 PM on Thursday, April 27, 2023.
11. Authorize the submission of interconnection agreement applications with Southern California Edison for the proposed solar project on the Visalia Road Yard Campus located at the corner of Avenue 256 and Road 140, east of the City of Visalia. Authorize the General Services Agency Director, or designee, to sign the applications and all other documents associated with the applications.
12. Approve an amendment to Lease Agreement No. 29766 with Madson Gardens Homekey, LP to amend the term of the agreement, retroactive from August 11, 2020 through September 21, 2022. Approve the termination of Agreement No. 29766 with Madson Gardens Homekey, LP, retroactive from September 21, 2022.
13. Approve an amendment to Lease Agreement No. 29927 with Mooney Sequoia, LP, a California limited partnership, to amend the term of the agreement, retroactive from November 19, 2020 through April 12, 2022. Approve the termination of Lease Agreement No. 29927 with Mooney Sequoia, LP, retroactive from April 12, 2022.
14. Award the contract for the Radio Towers Design and Construction Project to Tashjian Towers Corporation in the amount of \$3,160,213.33, for the Porterville Rocky Hill, Earlimart Sheriff Substation, Richgrove Fire Station #10, Tipton Fire Station #6, Traver Fire Station #2, Goshen Fire Station #7, and Exeter Rocky Hill radio tower projects. Allow funds for contingencies in the amount of 10 percent, or \$316,021.33 to cover unexpected construction conditions.

Health & Human Services Agency

15. Approve an agreement with Blue Cross of California Partnership Plan, Inc. to provide select educational services to Medi-Cal Managed Care plan enrollees effective from March 21, 2023, and renewing automatically for subsequent one (1) year periods for up to five (5) years, unless sooner terminated in accordance with the terms and conditions of this agreement.
16. Approve an agreement with the California Department of Public Health for the Public Health Emergency Preparedness program, in an amount not to exceed \$5,257,772, retroactive from July 1, 2022 through June 30, 2027. Approve the acceptance of supplemental Public Health Emergency Preparedness Laboratory program funding from the California Department of Public Health, in the amount of \$175,500, retroactive from July 1, 2022, through June 30, 2023. Approve the necessary budget adjustment (4/5th vote required).
17. Terminate Agreement No. PA8937 with Accela, Inc., entered into on July 15, 2021. Approve an agreement with Accela, Inc., to provide a subscription to its EnvisionConnect software utilized by the Environmental Health Division to track and analyze data, in an amount not to exceed \$1,169,923, retroactive from March 1, 2023 through February 29, 2028.
18. Approve a Memorandum of Understanding with the Superior Court of California, County of Tulare to provide monitoring and evaluation of clients in Mental Health Court, in an amount not to exceed \$28,345.
19. Approve an agreement with Madson Gardens Homekey, LP, for supporting costs associated with vacant units at Madson Gardens, in an amount not to exceed \$2,506,560, retroactive from September 20, 2022 through October 30, 2027. Approve the Regulatory Agreement with Madson Gardens Homekey, LP, to regulate and restrict rents, occupancy, operations, ownership, and management, as required by the Homekey Standard Agreement, retroactive from September 20, 2022 through September 30, 2067.
20. Approve an agreement with Mooney Sequoia, LP to support costs associated with vacant units at Sequoia Village, in an amount not to exceed \$2,238,000, retroactive from September 20, 2022, through October 30, 2027. Approve an amendment to Regulatory Agreement No. 30564 with Mooney Sequoia, LP, to regulate and restrict rents, occupancy, operations, ownership, and management, as required by the Homekey Standard Agreement, retroactive from September 20, 2022 through September 30, 2067.
21. Ratify all Orders related to evacuations issued by the Emergency Services Director, or successor, between March 14, 2023 and March 20, 2023, pursuant to the Local Emergency proclaimed on March 9, 2023.

Information & Communications Technology

22. Approve the Radio Communications Improvement Plan and modifications to the County's Capital Improvement Plan, to provide improved radio and communication services for all County Radio Customers, including Public Safety agencies throughout Tulare County. Approve the land improvement and building betterment project for the Radio Storage and Headquarters, in an amount not to exceed \$200,000, and authorize this betterment to be added to the County's Capital Improvement Plan. Approve the building betterment project for

the Radio Shop Garage, in an amount not to exceed \$200,000, and authorize this betterment to be added to the County's Capital Improvement Plan. Approve the capital asset purchase of Radio Fabricating Tools, Equipment, and Furniture for the Radio facility, in an amount not to exceed \$30,000. Approve the capital asset purchase of a Generator, for the Stokes Mountain Radio Tower, in an amount not to exceed \$35,000. Approve the capital asset purchase of a Land Mobile Radio Modulation and Signal Analyzer Equipment Bundle, in an amount not to exceed \$47,000. Approve the capital asset purchase of a Terrain Analysis Equipment Bundle, in an amount not to exceed \$20,000. Approve the capital asset purchase of a Microwave Backhaul Bandwidth Equipment Bundle, in an amount not to exceed \$35,000. Approve the necessary budget adjustments (4/5ths vote required).

23. Approve the capital asset purchases for: seven (7) point-to-point radio microwave antennas, not to exceed \$160,000, seven (7) networking/routing data equipment bundles, not to exceed \$105,000, seven (7) radio tower security systems, not to exceed \$85,000, seven (7) uninterruptable power supply units, not to exceed \$50,000, seven (7) direct current power supply units, not to exceed \$135,000, radio equipment, not to exceed \$190,000, per the Tulare County American Rescue Plan Act (ARPA), Final Recovery Plan. Approve the purchase and ad placement of seven (7) legal advertisements as required by the Federal Communications Corporation's rule on Antenna Structure Registrations, not to exceed \$5,500, per the Tulare County American Rescue Plan Act (ARPA), Final Recovery Plan. Approve the purchase of seven (7) frequency engineering studies as required by the Federal Communications Corporation's rule on Path Calculations & Coordination, not to exceed \$20,000, per the Tulare County American Rescue Plan Act (ARPA), Final Recovery Plan. Approve the necessary budget adjustments (4/5ths vote required).
24. Approve a Categorical Exemption for the Porterville Rocky Hill Radio 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.
25. Approve a Categorical Exemption for the Goshen Radio 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.
26. Approve a Categorical Exemption for the Exeter Rocky Hill Radio 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 and Section 15304 Minor Alterations to Land.

Probation

27. Approve the disposition of excess Assembly Bill 109 Base Funding Allocation for Fiscal Year 2022-23 to remain in Trust Fund 590 for additional Community Corrections Partnership Reserves, in the amount of \$1,901,026.00. Approve the disposition of Growth Funds for Fiscal Year 2020-21 in the amount of \$3,996,592.21 and Fiscal Year 2021-22 in the amount of \$3,576,652.55 for a combined total of \$7,573,245.76 to be distributed equally between the Tulare County Sheriff's Office (\$3,786,622.38) and the Tulare County Probation Department (\$3,786,622.38).

Public Defender

28. Approve a five-year Master Services and Purchasing Agreement between the Public Defender's Office and Axon Enterprise, Inc. to purchase Attorney Premier Evidence Management Software and additional licensing, in an amount not to exceed \$543,636.32, effective April 1, 2023 through March 31, 2028. Waive the formal bidding process and make the sole-source purchase with Axon Enterprise, Inc. Approve a capital asset purchase of Attorney Premier Evidence Management software, not to exceed \$543,636.32. Authorize the necessary budget adjustments (4/5ths vote required).

Resource Management Agency

29. Accept the Irrevocable Offer of Dedication shown on Parcel Map No. 5246, recorded in Book 53 on Page 53, in the Office of the County of Tulare Clerk-Recorder on March 8, 2019, in its entirety, as an extension of Bradham Drive. Accept the extension of Bradham Drive into the County road system. Accept the portion of Bradham Drive underlying the Irrevocable Offer of Dedication accepted by Board Resolution 2020-0624 on September 22, 2020, into the County road system.

Solid Waste

30. 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.

ITEMS NOT TIMED**Items not specifically timed may be taken in any order**

31. Request from the Tulare County Employees' Retirement Association to take action on one of the following options regarding employer and employee retirement contribution rates:

Option 1: Approve implementation of the employer and employee retirement contribution rates from the Tulare County Employees' Retirement Association Actuarial Valuation Report dated June 30, 2022, as approved by the Board of Retirement on November 2, 2022, and direct that the rates be adjusted effective with the pay period of the fiscal year that includes July 1, 2023 (2023 pay period 14).

OR

Option 2: Approve implementation of employer and employee retirement contribution rates from the Tulare County Employees' Retirement Association Actuarial Valuation Report dated June 30, 2022, as approved by the Board of Retirement on November 2, 2022 and direct that the rates be adjusted "not later than 90 days after the beginning of the immediately succeeding fiscal year" as permitted under California Government Code Section 31454. The changes to the employer and employee contribution rates could be delayed until 2023 pay period 21, the last pay period before the end of the 90-day limit.

BOARD MATTER REQUESTS

- 32. 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: Veronica Arroyo v. County of Tulare
Workers’ Compensation Appeals Board Nos.: ADJ12149129, ADJ12277115, and ADJ14258763

- ITEM B CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))
Name of Case: Ricardo Cantu v. County of Tulare
Workers’ Compensation Appeals Board No.: ADJ15141792

- ITEM C CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))
Name of Case: Guillon, Inc. vs. County of Tulare et al.
Tulare County Superior Court Case No.: VCU290846

- ITEM D CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))
Name of Case: City of Tulare v. County of Tulare, et al.
Tulare County Superior Court Case No.: VCL295130

- ITEM E THREAT TO PUBLIC SERVICES OR FACILITIES:
(Government Code Section 54957)
Consultation with: Jason Britt, County Administrative Officer, Andrew Lockman, Tulare County Emergency Services Manager and Charles Norman, Fire Chief

ITEM F 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 G PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT CONSIDERATION AND
POSSIBLE APPOINTMENT

(Government Code Section 54957)

FOR THE POSITION OF: BOARD REPRESENTATIVE

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 March 27, 2023, to deliberate on the possible appointment.

ITEM H CONFERENCE WITH LABOR NEGOTIATORS

(Government Code Section 54957)

RE: BOARD REPRESENTATIVE 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 March 27, 2023 to deliberate on the possible appointment.

Agency Designated Representative: Jason T. Britt, Lupe Garza

Unrepresented Employee: Bargaining Unit 19 - Board Representative