



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, December 12, 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 CHRIS POPADICH, FIRST PRESBYTERIAN CHURCH, GAVE THE INVOCATION AND BERNICE E. SEIDEL, CLERK TO THE BOARD, LED THE BOARD IN THE PLEDGE OF ALLEGIANCE

1. Approve Agenda

A MOTION WAS MADE BY SUPERVISOR BORGEAS, SECONDED BY SUPERVISOR MENDES, THAT THE AGENDA BE APPROVED WITH THE EXCEPTION OF ITEM 5 WHICH WAS DELETED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

2. Approve Consent Agenda - Item Numbers 14 - 45

A MOTION WAS MADE BY SUPERVISOR BORGEAS, SECONDED BY SUPERVISOR MENDES, THAT THE CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEMS 25, 41 AND 45 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE. ITEM 38 WAS CONTINUED TO JANUARY 9, 2018. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Chairman Pacheco and Supervisor Mendes

3. Adopt Resolution recognizing professional boxer Jose Carlos Ramirez 's contributions to Fresno County and the San Joaquin Valley through his "Fight for Water" boxing events

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

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

Resolution No. 17-560

Public Works and Planning

4. Consider and approved proposed modifications to Fresno County Solar Facility Guidelines regarding commercial solar projects and processing within unincorporated areas of Fresno County

A MOTION WAS MADE BY SUPERVISOR MAGSIG, SECONDED BY SUPERVISOR BORGEAS, TO APPROVE PROPOSED REVISIONS TO THE FRESNO COUNTY SOLAR FACILITY GUIDELINES, WITH MODIFICATION TO GUIDELINE NO. 6 AS FOLLOWS: PROVIDE A RECLAMATION PLAN DETAILING THE LEASE LIFE, TIMELINE FOR REMOVAL OF THE IMPROVEMENTS AND SPECIFIC MEASURES TO RETURN THE SITE TO THE AGRICULTURAL CAPABILITY PRIOR TO INSTALLATION OF SOLAR IMPROVEMENTS. IF THE PROJECT IS APPROVED, ADEQUATE FINANCIAL SECURITY TO THE SATISFACTION OF THE COUNTY SHALL BE PROVIDED TO ENSURE SITE RECLAMATION. BOARD FURTHER DIRECTED SOLAR SUBCOMMITTEE TO REVIEW AND EVALUATE IMPACTS ASSOCIATED WITH THE POTENTIAL LOSS OF PROPERTY TAX REVENUES WHEN COMMERCIAL SOLAR FACILITIES ARE DEVELOPED ON PRODUCTIVE AGRICULTURAL LANDS, AND REPORT BACK TO THE BOARD THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

5. Conduct first hearing of proposed ordinance to amend Sections 11.24.010 through 11.24.100 of Chapter 11.24 of Fresno County Ordinance Code to reflect changes for speed limits as listed on Ordinance Summary Attachment, waive reading of Ordinance in its entirety, and set second hearing for February 6, 2018; and designate County Counsel to prepare a fair and adequate summary of proposed ordinance, and direct Clerk to the Board to post and publish required summary in accordance with Government Code Section 25124(b)(1)

DELETED

6. Approve in concept a Master Agreement with the City of Fresno for repairs and/or improvements, and certain types of maintenance, of public roads as to which the City and County share jurisdictional responsibility

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

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

Board of Supervisors' Committee Reports and Comments

7. 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 BERGEAS ANNOUNCED HIS CHAIRMANSHIP OF THE SAN JOAQUIN RIVER CONSERVANCY ENDS DECEMBER 13, 2017, WHEN THE CONSERVANCY WILL BE VOTING ON APPROVAL OF PUBLIC ACCESS POINTS ON THE FRESNO SIDE FOR THE RIVER WEST PROJECT. SUPERVISOR QUINTERO THANKED COUNTY EMPLOYEES FOR PARTICIPATING IN THE COAT DRIVE WHICH CONTINUES THROUGH DECEMBER 19, 2017. HE EXPRESSED APPRECIATION TO JORDAN SCOTT, COUNTY PUBLIC INFORMATION OFFICER, FOR NOTIFYING COUNTY DEPARTMENTS AND LABOR GROUPS REGARDING THE COAT DRIVE. SUPERVISOR QUINTERO THANKED JEAN ROUSSEAU, THE COUNTY ADMINISTRATIVE OFFICE, AND THE PUBLIC WORKS AND PLANNING DEPARTMENT FOR WORKING WITH THE CITY OF FRESNO BY PROVIDING FUNDING FOR CLEAN-UP OF ALLEYS AND STREETS. HE ALSO EXPRESSED APPRECIATION TO FRESNO CITY'S MAYOR LEE BRAND AND TOMMY ESQUEDA'S EFFORTS FOR THIS PROJECT AS WELL. SUPERVISOR MENDES COMMENTED THAT THE COUNTY NEEDS TO CONTINUE TO WORK CLOSELY WITH THE CITY OF FRESNO ON CLEAN-UP TYPE PROJECTS AND COMMENDS THE COUNTY AND CITY'S PUBLIC WORK DEPARTMENTS FOR WORKING TOGETHER TO GET THE JOBS DONE. HE ALSO REPORTED THAT THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL BOARD SELECTED AN EXECUTIVE DIRECTOR TO REPLACE SEYED SADREDIN IN JULY 2018. SUPERVISOR MENDES ANNOUNCED THAT THE SUBCOMMITTEE RECOMMENDED HIM TO BE CHAIRMAN OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL BOARD, HE WILL SERVE AS CHAIRMAN IN 2018 IF THE FULL BOARD APPROVES THE RECOMMENDATION. SUPERVISOR MAGSIG ANNOUNCED THAT THE FRESNO COUNTY EMPLOYEE RETIREMENT ASSOCIATION (FCERA) SHOULD BE OPENED TO THE PUBLIC SOON. FCERA IS CURRENTLY WAITING TO GET AN OCCUPANCY PERMIT FOR THE SECOND BUILDING, THEN WILL HOST AN OPEN HOUSE FOR ALL COUNTY EMPLOYEES. HE REPORTED THAT 2017 WAS A GOOD YEAR FOR THE RETIREMENT FUND AS THE FUNDED STATUS IS GETTING REALLY CLOSE TO 80%, WITH ANYTHING OVER 80% IS CONSIDERED VERY GOOD. HE ALSO SHARED THAT SUPERVISOR MENDES HAS AN OP-ED ARTICLE IN THE FRESNO BEE. SUPERVISOR MAGSIG PARTICIPATED IN THE 92ND TREK TO THE TREE ON SUNDAY, DECEMBER 10, 2017, WHICH IS PUT ON BY THE CITY OF SANGER AND THE SANGER CHAMBER OF COMMERCE. THE TREK IS TO THE GENERAL GRANT TREE LOCATED IN GRANT GROVE OF THE KINGS CANYON NATIONAL PARK, WHICH IS THE NATION'S CHRISTMAS TREE AND A NATIONAL MONUMENT TO ALL VETERANS WHO SERVED IN ANY COMBAT SITUATION. THE BOARD BY CONSENSUS, PROCLAIMED DECEMBER 12, 2017, AS BERNICE SEIDEL DAY AND PRESENTED BERNICE SEIDEL, CLERK TO THE BOARD WITH A PROCLAMATION

Board Appointments

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

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

CENTRAL VALLEY PEST CONTROL DISTRICT
APPOINTED JAY W. GILLETTE TO PREVIOUS POSITION HELD BY DEAN GILLETTE (TERM TO EXPIRE 12/17/18)

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Public Presentations

9. 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

10. Conference with legal counsel – Significant Exposure to Litigation – Government Code section 54956.9(d)(2) or (d)(3) (2 cases)
- PRIOR TO RECESSING INTO CLOSED SESSION, COUNTY COUNSEL DAN CEDERBORG ANNOUNCED THAT THERE WAS ONE CASE TO DISCUSS RATHER THAN TWO CASES AS NOTED ON THE AGENDA.
- HELD; NO REPORTABLE ACTION
11. Conference with legal counsel – Initiation of Litigation – Government Code section 54956.9(d)(4) (2 cases)
- PRIOR TO RECESSING INTO CLOSED SESSION, COUNTY COUNSEL DAN CEDERBORG ANNOUNCED THAT THERE WAS ONE CASE TO DISCUSS RATHER THAN TWO CASES AS NOTED ON THE AGENDA.
- HELD; NO REPORTABLE ACTION
12. 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; RECEIVED PUBLIC TESTIMONY BEFORE RETIRING TO CLOSED SESSION. NO REPORTABLE ACTION
13. Conference with Real Property Negotiators - Government Code 54956.8 Properties: 200 W. Pontiac Way, Clovis, CA 93612 and 3500 Pelco Way, Clovis, CA 93612; County Negotiator: Jean M. Rousseau, County Administrative Officer or Designee. Negotiating Parties: Pontiac 3 & 5, LLC, and Pontiac 2, LLC, Under Negotiations: Instructions to County's negotiator may concern purchase or lease of properties, price, terms and conditions
- NOT HELD
- 13.1 Conference with legal counsel – Existing Litigation Government Code section 54956.9(d)(1) - County of Fresno v. David Flagler Fresno County Superior Court Case No. 16 CECG02256
- HELD; NO REPORTABLE ACTION

Adjourn

A MOTION WAS MADE BY SUPERVISOR MAGSIG, SECONDED BY MEMBER BORGEAS 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 25, 41 AND 45 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE. ITEM 38 WAS CONTINUED TO JANUARY 9, 2018. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Board of Supervisors

14. Approve minutes of meeting for December 5, 2017

APPROVED AS RECOMMENDED

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

Auditor Controller-Treasurer/Tax Collector

15. Receive, review, and file the attached County of Fresno Public Facilities Impact Fees Annual Report of Revenues and Expenditures for the fiscal year ending June 30, 2017

APPROVED AS RECOMMENDED

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

16. Approve one (1) resolution granting claim for excess proceeds from the County's 2014 sale of tax-defaulted property, and ordering distribution after the 90-day waiting period; and approve four (4) resolutions denying claims for excess proceeds from the County's 2014 sale of tax-defaulted property

APPROVED AS RECOMMENDED

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

Resolution No. 17-546, Resolution No. 17-547, Resolution No. 17-548, Resolution No. 17-549, Resolution No. 17-550

Sheriff/Coroner

17. Retroactively authorize the Sheriff-Coroner's previous submittal of a grant application to the National Institute of Justice, Department of Justice for the 2017 Forensic DNA Capacity Enhancement and Backlog Reduction Program Grant; approve and authorize the Chairman to execute and accept the grant award agreement from the National Institute of Justice, Department of Justice, for the 2017 Forensic Casework DNA Backlog Reduction Grant for the period of January 1, 2018 through December 31, 2019 (\$212,747); adopt Budget Resolution increasing FY 2017-18 appropriations and estimated revenue for Sheriff-Coroner's Org 3111 in the amount of \$56,522 (4/5 vote); authorize the Sheriff-Coroner, or her authorized representative, to sign claims for reimbursement and activity reports for the above grant award; and approve Salary Resolution Amendment for Sheriff-Coroner Org 3111 as reflected in Appendix "C", effective January 1, 2018

APPROVED AS RECOMMENDED

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

Agreement No. 17-631, Resolution No. 17-551, Salary Resolution No. 17-055

18. Approve and authorize Chairman to execute an Agreement with A-1 Auto Electric for automotive maintenance and repair services effective January 1, 2018, not to exceed five consecutive years which includes a three-year base contract and two optional one year extensions, total not to exceed \$625,000

APPROVED AS RECOMMENDED

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

Agreement No. 17-632

19. Approve and authorize the Chairman to execute retroactive Amendment II to Agreement 15-374 with Fig Garden Police Protection District extending the term by one year from July 1, 2017 to June 30, 2018 and increasing the contract maximum by \$437,120 to a total of \$1,179,188

APPROVED AS RECOMMENDED

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

Agreement No. 15-374-2

20. Approve and authorize the Clerk to the Board to execute Budget Transfer No. 10 (\$29,100) transferring appropriations within the Sheriff-Coroner Org 3111, from Account 7205 (Maintenance-Equipment) to Account 8300 (Equipment) for the purchase of one high cube storage container and one forklift

APPROVED AS RECOMMENDED

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

Administrative Office

21. 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. 17-552

22. Adopt Budget Resolution increasing the FY 2017-18 appropriations for Interest and Miscellaneous Expenditures Org 2540 in the amount of \$19,622 and decreasing Committed Fund Balance in the General Fund for Post Budget Mitigation in the amount of \$19,622 (4/5 vote); Adopt Budget Resolution increasing the FY 2017-18 appropriations and estimated revenues for the Board of Supervisors District 3 Org 01100103 in the amount of \$18,365 (4/5 vote); and, Adopt Budget Resolution increasing the FY 2017-18 appropriations and estimated revenues for the Board of Supervisors District 5 Org 01100105 in the amount of \$1,257 (4/5 vote)

APPROVED AS RECOMMENDED

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

Resolution No. 17-553, Resolution No. 17-554, Resolution No. 17-555

23. Approve Garfield Water District, Tri-Valley Water District, and Widren Water District request to move from odd to even-numbered year elections and set the date for the Districts' elections to occur on the same day as the Statewide General Election

APPROVED AS RECOMMENDED

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

Human Resources

24. Adopt resolution which approves extending provisions of the California Military & Veterans Code, section 395.03 to eligible permanent County employees, effective December 18, 2017 through December 16, 2018

APPROVED AS RECOMMENDED

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

Resolution No. 17-556

25. Approve amendment to the Salary Resolution adjusting the flat salary of the County Administrative Officer classification by 5%, as reflected on Appendix "B", effective January 1, 2018

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

Salary Resolution No. 17-057

26. Approve the Amendments to the Fresno County Salary Resolution, Sections 100 and 1100 as reflected on Appendix "D", effective December 18, 2017

APPROVED AS RECOMMENDED

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

Salary Resolution No. 17-056

27. Approve the amendment to Fresno County Personnel Rule 4: Selection Process, as shown on Appendix "A", on file with the Clerk to the Board, effective December 18, 2017

APPROVED AS RECOMMENDED

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

Salary Resolution No. 17-058

28. Approve amendments to Department Conflict of Interest Codes, on file with the Clerk to the Board, to become effective immediately

APPROVED AS RECOMMENDED

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

Internal Services

29. Approve and authorize the Chairman to execute First Amendment to Agreement No. 16-494 with Accruent, LLC. to increase the maximum Agreement cost by \$562,100, effective upon execution, for a total potential five year cost, not to exceed \$1,120,000

APPROVED AS RECOMMENDED

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

Agreement No. 16-494-1

- 29.1** Approve and authorize the Chairman to execute a Parking Permit Agreement with the City of Fresno for up to 600 parking stalls for County employee parking for a period of 5 years with two, five year options to extend, effective January 1, 2018

APPROVED AS RECOMMENDED

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

Agreement No. 17-635

Library

- 30.** Approve the revised Bylaws for the Historical Landmarks and Records Advisory Commission

APPROVED AS RECOMMENDED

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

Public Health

- 31.** Approve and authorize the Chairman to execute Amendment I to Agreement No. 15-429 with Fresno Humane Animal Services, to add staff, purchase an additional vehicle, and implement new services in the unincorporated areas of the County, effective upon execution with no change in term to June 30, 2020 and increasing the maximum by \$720,575 to a total of \$6,942,623

APPROVED AS RECOMMENDED

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

Agreement No. 15-429-1

- 32.** Approve and authorize the Chairman to execute a retroactive First Amendment to Agreement No. 13-570 with Diamond Drugs, Inc., dba Diamond Pharmacy Services, to extend the term of the existing agreement for pharmaceutical prescriptions and consultations by one year from September 18, 2017 to September 17, 2018 and decreasing the maximum by \$6,798,940 to a total of \$2,269,310

APPROVED AS RECOMMENDED

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

Agreement No. 13-570-1

33. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Public Health for Immunization Local Assistance Grant, effective July 1, 2017 through June 30, 2022 (\$2,396,685); and, approve and authorize the Director of Public Health, or designee, to execute changes in budget line items that do not exceed the annual maximum

APPROVED AS RECOMMENDED

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

Agreement No. 17-638

Public Works and Planning

34. Authorize Chairman to sign Resolution for submission of application for renewal of 25-year Public Agency Lease Agreement with California State Lands Commission for 12.5 acres within Laton/Kingston Park (\$3,025)

APPROVED AS RECOMMENDED

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

Resolution No. 17-557

35. Approve Fresno County Disc Golf's proposal to construct 18-Hole Disc Golf Course at Kearney Park utilizing private funds and direct staff to negotiate agreement with Fresno County Disc Golf for installation and on-going maintenance of the course

APPROVED AS RECOMMENDED

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

36. Make a determination that lease of approximately 20 acres of County farmland at Kearney Park to African American Farmers of California, is in the public interest and that such land is surplus land and is not now, and will not, during the period of proposed lease, be needed for County purposes; and approve and authorize Chairman to execute Lease with African American Farmers of California, with no rent payable, to operate a training and demonstration farm on approximately 20 acres of County owned farmland located at Kearney Park for a period of three years beginning July 31, 2018, with option to automatically renew lease for two additional one-year periods

APPROVED AS RECOMMENDED

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

Agreement No. 17-639

37. Approve and authorize the Chairman to execute an Agreement with Two Fayre Ladies for use of Kearney Park for one two-day event each year for a three year term commencing May 19, 2018 through May 30, 2020 with an option to extend the Agreement for an additional two one-year periods

APPROVED AS RECOMMENDED

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

Agreement No. 17-640

38. Conduct second hearing and adopt Ordinance amending Fresno County Ordinance Code, Title 8 - Health and Safety, regulating management, collection and/or disposal of solid waste; and waive reading of Ordinance in its entirety

CONTINUED TO JANUARY 9, 2018

39. Review and accept Annual Report of Transportation Mitigation Fee Activity for FY 2016-17, and make the following Findings: (A) the purpose of the Fee is to mitigate impacts caused by new development in the County in order to implement Goals and Policies of the County General Plan; (B) there is a reasonable relationship between the Fee and the purpose for which it is charged as specified in each Resolution or Agreement establishing a particular fund account; (C) County shall utilize these Public Facilities Fees in conjunction with other sources and amounts of funding from Federal, State, and local grant programs, local road funds, and private developer funds to complete the financing of necessary improvements; and (D) date on which funds will be utilized or deposited into appropriate fund or account is expected to be as noted in summary of accounts outlined in the Agenda Item

APPROVED AS RECOMMENDED

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

40. Adopt Budget Resolution increasing FY 2017-18 appropriations and estimated revenues for Parks and Grounds Org 7910 Budget in amount of \$1,303,051 (4/5 vote); and adopt Budget Transfer No. 11 reallocating appropriations from FY 2016-17 Interest and Miscellaneous Org 2540 to Parks and Grounds Org 7910 for FY 2017-18 in amount of \$239,188

APPROVED AS RECOMMENDED

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

Resolution No. 17-558

41. Approve and authorize second amendment to Agreement No. 09-126 with Carollo Engineers, Inc., for professional engineering services for improvements to Wastewater Treatment Facility serving Zone D of County Service Area 44; award Contract No. 17-16-C, CSA 44D Wastewater Treatment Facility Improvements, to low bidder, Integrated Water Services, Inc., P.O. Box 774565, Steamboat Springs, CO 80477 (IWS), in total amount of \$3,976,219, subject to and conditioned upon approval of the State Water Resources Control Board (SWRCB); authorize Director of Public Works and Planning (Director), following SWRCB's approval of Conditional Award, as confirmed by notification to the County of its issuance of Amended Financial Agreement, to: (a) provide notice to Chairman and IWS that County's receipt of such approval by SWRCB satisfies the condition of Conditional Award, and (b) to take any further actions and execute any such other documents as Director may deem necessary or advisable in order to consummate award of Contract No. 17-16-C, CSA 44-D Wastewater Treatment Facility Improvements, to IWS; authorize Chairman, (a) conditioned upon and following receipt of such notice from Director, and following receipt from IWS of the executed Contract No. 17-16-C, and the related documents as required by project specifications, to execute such construction contract on behalf of the County, and (b) to take any further actions and execute any such other documents as Director may deem necessary or advisable in order to consummate award of Contract No. 17-16-C, CSA 44-D Wastewater Treatment Facility Improvements, to IWS; and authorize Director of Public Works and Planning or his designee to execute Contract Change Orders up to \$210,000, which is approximately 5.3% of total contract construction cost for Contract 17-16-C

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

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

Agreement No. 09-126-2

42. Approve and authorize Clerk to the Board to Execute Budget Transfer No. 8 transferring FY 2017-18 appropriations within General Fund, Interest and Miscellaneous Expenditures Org 2540 to General Fund, Tree Mortality Org 55125200, in amount of \$500,000; and adopt Budget Resolution increasing FY 2017-18 appropriations and estimated revenues for Department of Public Works and Planning - Grants, Tree Mortality 2016 Org 55125200 in amount of \$1,650,000 (4/5 vote)

APPROVED AS RECOMMENDED

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

Resolution No. 17-559

- 43.** Authorize Chairman to execute proposed First Amendment to Memorandum of Understanding, Agreement 16-112, with San Joaquin River Exchange Contractors Water Authority with respect to Implementation of Sustainable Groundwater Management Act for a portion of Delta-Mendota Groundwater Basin located within Fresno County

APPROVED AS RECOMMENDED

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

Agreement No. 16-112-1

- 44.** Approve and authorize Chairman to execute Agreement with TRC Engineers, Inc., 575 E. Locust, Fresno, to provide design engineering services for Arroyo Pasajero Bridge Replacement Project on S. El Dorado Avenue, Federal Project No. BRLO-5942(271) in amount of \$624,076

APPROVED AS RECOMMENDED

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

Agreement No. 17-643

Social Services

- 45.** Approve and authorize the Chairman to execute a lease with PONTIAC 3 & 5 LLC, a California limited liability company, for 23,580 square feet of office space and 65,227 square feet of warehouse space, located at 200 W Pontiac Way, Clovis, CA 93612, for use by County's DSS, effective the date the County takes occupancy, not to exceed ten consecutive years, total not to exceed (\$18,140,670); Approve and authorize the Chairman to execute a lease with PONTIAC 3 & 5 LLC, a California limited liability company, for 37,282 square feet of office space and 65,252 square feet of warehouse space, located at 200 W. Pontiac Way, Clovis, CA 93612, for use by County's DSS, effective the date the County takes occupancy, not to exceed ten consecutive years, total not to exceed (\$22,226,533); Approve and authorize the Chairman to execute a lease with PONTIAC 2 LLC, a California limited liability company, for 21,966 square feet of office space and 87,117 square feet of warehouse space, located at 3500 Pelco Way, Clovis, CA 93612, for use by County's DSS, effective the date the County takes occupancy, not to exceed ten consecutive years, total not to exceed (\$21,390,576)

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

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

Recuse: 1 - Magsig

Agreement No. 17-644, Agreement No. 17-645, Agreement No. 17-646



Board Agenda Item 4

DATE: December 12, 2017

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Revised Fresno County Solar Guidelines - Commercial Solar Project Processing

RECOMMENDED ACTION:

Consider and approved proposed modifications to the Fresno County Solar Facility Guidelines regarding commercial solar projects and processing within the unincorporated areas of Fresno County.

This item comes before the Board based on direction received on January 10, 2017, following consideration of an Agenda Item regarding commercial solar projects and processing.

ALTERNATIVE ACTION:

The Board could determine that additional or different changes are warranted and direct staff accordingly, or that no change is necessary to the Solar Facility Guidelines, in which case the existing Guidelines would remain in effect.

FISCAL IMPACT:

There is no increase to Net County Cost associated with this item.

DISCUSSION:

On January 10, 2017, the Board considered information from Department staff regarding commercial solar projects and processing in Fresno County. At the conclusion of the item, the Board directed staff to work with the solar industry with regard to possible changes to the County solar policies and directed staff to explore options to improve solar policy and return to the Board. The Board's action also included the appointment of Supervisor Magsig to the Solar Subcommittee. The Solar Subcommittee is comprised of Supervisor Magsig and Supervisor Borgeas.

By way of background, Fresno County has been processing large-scale commercial solar facilities since 2010. Procedurally, commercial solar projects are evaluated through an Unclassified Conditional Use Permit (CUP) Application. Briefly, the CUP process is a discretionary permit process that is subject to the California Environmental Quality Act (CEQA) and requires a publicly noticed hearing before the Planning Commission for action. Staff makes a recommendation to the Planning Commission based upon analysis of the specific project proposal, the CEQA analysis and the four Findings as specified in the Zoning Ordinance related to site adequacy, road adequacy, impact on neighboring parcels and General Plan consistency. The Planning Commission action is final unless appealed to the Board of Supervisors. As a point of information, if a prospect site is enrolled under Williamson Act contract, a cancellation of the contract is required and is processed concurrently with the CUP, and is included in the CEQA document.

Upon recommendation from the Fresno County Agricultural Land Conservation Commission, the Board takes action on the cancellation.

In early 2011, Department staff initiated development of the County Solar Guidelines based on concerns noted by the County's Agricultural Land Conservation Committee (ALCC) during their December 2010 consideration of a cancellation of a Williamson Act Contract in conjunction with the first large-scale solar facility in the County. The intent in developing the Solar Guidelines was, and still is, to obtain information from applicants that provide sufficient facts about the site for staff to make a recommendation while still allowing timely processing of the application. Upon development of the Guidelines, on March 2, 2011, staff brought the matter to the ALCC which conducted a public meeting that included members of the solar industry, and recommended approval of the Guidelines. Staff then brought the proposed Guidelines before the Board on May 3, 2011. At that hearing, the Board directed/authorized staff to formally implement the Guidelines as a requirement and that the information be included as part of the application submittal packet for solar facilities, regardless of Williamson Act enrollment.

The Guidelines have been amended since their adoption pursuant to Board direction. In August and October 2011, upon consideration of solar projects and associated Williamson Act cancellation items, the Board directed staff to conduct a solar workshop to include representatives from the solar industry, Pacific Gas and Electric (PG&E), and other interested parties to develop recommendations and return to the Board. On November 17, 2011, staff conducted a large public Solar Facility Workshop as well as smaller coordination meetings with agencies to receive additional information and input as to any additional provisions the County should include in its processes. On March 13, 2012, staff returned to the Board and presented 23 different recommendations received at the workshop. Upon consideration, the Board approved two revisions to the Guidelines related to adding the requirement for crop yield information to item No. 1 of the Guidelines and adding item No. 10 to explicitly state that the life of the approved land use permit will expire upon expiration of the initial life of the solar lease; and if the solar lease is to be extended, approval of a new land use permit will need to be obtained.

The Guidelines were again brought before the Board for review on May 21, 2013, pursuant to Board request. The only revision that was recommended and approved was in relation to the term used to describe farmlands in the introductory paragraph of the Guidelines.

As indicated, an applicant's adherence to the Guidelines does not presume approval of the requisite Conditional Use Permit. The Guidelines are an information-gathering tool to augment the standard operations statement and allow for more thorough analysis of the solar project proposal. The Guidelines also include a requirement for a reclamation plan with financial assurances (security) to ensure timely and effective removal of the solar facility and return the site to its former condition. To this end, the Guidelines have generally performed well advising applicants very early in the process as to what the County requires which in turn results in staff receiving the additional information for analysis and the project conditions of approval. The current Guidelines are attached as Exhibit 1.

On November 15, 2017, the Department provided a copy of the proposed revised Guidelines to the solar industry via email with a comment deadline of November 27, 2017. As of the writing of this Agenda Item, staff received a comment from a solar consultant indicating no "formal comments" at this time. A second comment from a representative of the Western Power Trade Forum was received indicating that review comments may be forwarded to the County prior to the Board hearing for this item. No other written comments have been received.

PROPOSED REVISIONS TO GUIDELINES:

Based upon staff research and discussion/consideration with the Solar Subcommittee, staff has revised the existing Solar Guidelines to address the following areas:

- Adequate financial security to ensure site reclamation;
- Reasonable efforts to establish a point of sale in Fresno County for equipment and construction related items;
- Reasonable efforts to recruit/hire locally;
- Provision of more detailed traffic information; and
- Reasonable efforts to purchase products and equipment from local sources.

Staff believes that the proposed modifications will allow the County and the Solar Industry to move forward cooperatively without creating delays to the processing of large commercial solar facilities. The proposed revised Guidelines are attached as Exhibit 2. Staff notes that Exhibit 2 also includes two pages that pertain to preparation of reclamation plans and standard information/conditions. No revisions are proposed to these pages. These pages are included with this Exhibit for informational purposes as they are part of the Solar Facility Guidelines packet that is currently provided to applicants.

REFERENCE MATERIAL:

BAI #24, May 3, 2011
BAI #8, March 12, 2013
BAI #7, May 21, 2013
BAI #12, January 10, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits 1 and 2

CAO ANALYST:

John Hays

EXHIBIT 1

Solar Facility Guidelines

(Revised by BOS on 5/21/13)

The need to accommodate new renewable energy technology must be balanced with the need to protect important farmlands and minimize impacts to existing agricultural operations. The land use process for evaluating solar facilities should rely on general guidelines and policies rather than specific standards which may not be flexible enough to accommodate the evolving technology.

Applicants for solar facilities shall address the following as part of the application review process:

1. Information shall be submitted regarding the historical agricultural operational/usage of the parcel, including specific crop type and crop yield, for the last ten years (if no agricultural operation in the last ten years, specify when land was last in agricultural use); and
2. Information shall be submitted that identifies the source of water for the subject parcel (surface water from irrigation district, individual well(s), conjunctive system). If the source of water is via district delivery, the applicant shall submit information documenting the allocations received from the irrigation district and the actual disposition of the water (i.e. utilized on-site or moved to other locations) for the last ten years. If an individual well system is used, provide production capacity of each well, water quality data and data regarding the existing water table depth; and
3. Identify the current status of the parcel (Williamson Act Contract, Conservation Easement, retired land, etc.), the purpose of any easement and limitations of the parcel. The applicant shall submit a Title Report or Lot Book Guarantee for verification.
4. Identify (with supporting data) the current soil type and mapping units of the parcel pursuant to the standards of the California State Department of Conservation and the Natural Resources Conservation Service; and
5. List all proposed measures and improvements intended to create a buffer between the proposed solar facility and adjacent agricultural operations (detailed information must be shown on Site Plan) and provide factual/technical data supporting the effectiveness of said proposed buffering measures; and
6. Provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements; and

7. Provide information documenting efforts to locate the proposed solar facility on non-agricultural lands and non-contracted parcels and detailed information explaining why the subject site was selected.
8. Develop and submit a project site Pest Management Plan to identify methods and frequency to manage weeds, insects, disease and vertebrate pests that may impact adjacent sites.
9. The applicant must acknowledge the County's Right to Farm Ordinance and shall be required to record a Right to Farm Notice prior to issuance of any permits. This shall be included as a recommended Condition of Approval of the land use entitlement.
10. Note: The life of the approved land use permit will expire upon expiration of the initial life of the solar lease. If the solar lease is to be extended, approval of new land use permit will need to be obtained.

GUIDELINES FOR PREPARING A SOLAR ELECTRICAL GENERATION FACILITY RECLAMATION PLAN

1. Description of present use of the site.
2. Describe the proposed alternate use of the land (all equipment to be installed above and underground, structures, fencing, etc.).
3. Duration of the alternate use of the property (specify termination date).
4. Address ownership of the property (lease or sale).
5. Describe how the subject property will be reclaimed to its previous agricultural condition, specifically:
 - A) Timeline for completion of reclamation after solar facility lease has termed (identify phasing if needed); and
 - B) Handling of any hazardous chemicals/materials to be removed; and
 - C) Removal of all equipment, structures, buildings and improvements at and above-grade; and
 - D) Removal of any below-grade foundations;
 - E) Removal of any below-grade infrastructure (cables/lines, etc.) that are no longer deemed necessary by the local public utility company; and
 - F) Detail any grading necessary to return the site to original grade; and
 - G) Type of crops to be planted; and
 - H) Irrigation system details to be used (existing wells, pumps, etc. should remain throughout the solar facility use).
6. A Site Plan shall be submitted along with the text of the Reclamation Plan showing the location of equipment, structures, above and underground utilities, fencing, buffer area, reclamation phasing, etc.
7. An engineering cost estimate of reclaiming the site to its previous agricultural condition shall be submitted for review and approval.
8. Financial assurances equal to the cost of reclaiming the land to its previous agricultural condition shall be submitted to ensure the reclamation is performed according to the approved plan. Financial assurances shall be made to the County of Fresno and may take the form of cash, letter of credit or bond that complies with Section 66499 of the California Government Code, et. seq.
9. Evidence that all owners of record have been notified of the proposed Reclamation Plan.

STANDARD INFORMATION AND CONDITIONS FOR ALL UTILITY-GRADE PHOTOVOLTAIC PROJECTS

- Applicants must work to achieve a minimum 50-foot buffer from the edges of the property boundaries to the closest structural improvements or equipment (excluding fencing). Required setbacks will be included in this buffer.
- Salvage value estimates cannot be included to offset the estimated reclamation costs provided in the engineer's estimates.
- The following condition of approval will be included for all projects: *The reclamation plan shall be revised to provide for an annual increase in costs at 3% or tied to the Consumer Price Index (CPI) or other mechanism acceptable to the Department of Public Work's and Planning.*

EXHIBIT 2

Proposed Revision - Solar Facility Guidelines

The need to accommodate new renewable energy technology must be balanced with the need to protect important farmlands and minimize impacts to existing agricultural operations. The land use process for evaluating solar facilities should rely on general guidelines and policies rather than specific standards which may not be flexible enough to accommodate the evolving technology.

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6. Provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements. **If the project is approved,**

adequate financial security to the satisfaction of the County shall be provided to ensure site reclamation. Financial security can be in the form of a cash deposit to be placed in a trust account by the County with additional deposits required as needed to adjust for inflation and/or a Letter of Credit to be renewed every year to adjust for inflation.

7. Provide information documenting efforts to locate the proposed solar facility on non-agricultural lands and non-contracted parcels and detailed information explaining why the subject site was selected.
8. Develop and submit a project site Pest Management Plan to identify methods and frequency to manage weeds, insects, disease and vertebrate pests that may impact adjacent sites.
9. The applicant must acknowledge the County's Right to Farm Ordinance and shall be required to record a Right to Farm Notice prior to issuance of any permits. This shall be included as a recommended Condition of Approval of the land use entitlement.
10. Note: The life of the approved land use permit will expire upon expiration of the initial life of the solar lease. If the solar lease is to be extended, approval of new land use permit will need to be obtained.
11. If the project is approved, the applicant shall make all reasonable efforts to establish a point of sale in Fresno County for equipment and construction related items necessary for the project.
12. If the project is approved, the applicant shall make all reasonable efforts to conduct local recruitment efforts and/or coordinate with employment agencies in an attempt to hire from the local workforce.
13. In addition to disclosing the number of trips in the required project Operational Statement, the applicant shall disclose the weight of the shipments anticipated to the site. If the project is approved, pursuant to the CEQA analysis and based upon the existing road conditions and the weight/frequency of shipments to the site, the applicant shall mitigate impacts to County roads.
14. If the project is approved, the applicant shall make all reasonable efforts to purchase products and equipment from local (Fresno County) manufacturing facilities and/or vendors.

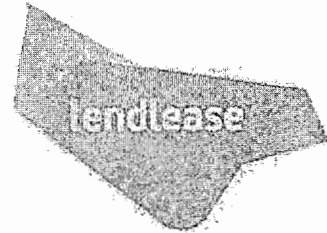
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 - C) Removal of all equipment, structures, buildings and improvements at and above-grade; and
 - D) Removal of any below-grade foundations;
 - E) Removal of any below-grade infrastructure (cables/lines, etc.) that are no longer deemed necessary by the local public utility company; and
 - F) Detail any grading necessary to return the site to original grade; and
 - G) Type of crops to be planted; and
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8. Financial assurances equal to the cost of reclaiming the land to its previous agricultural condition shall be submitted to ensure the reclamation is performed according to the approved plan. Financial assurances shall be made to the County of Fresno and may take the form of cash, letter of credit or bond that complies with Section 66499 of the California Government Code, et. seq.
9. Evidence that all owners of record have been notified of the proposed Reclamation Plan.

**STANDARD INFORMATION AND CONDITIONS FOR ALL UTILITY-GRADE
PHOTOVOLTAIC PROJECTS**

- Applicants must work to achieve a minimum 50-foot buffer from the edges of the property boundaries to the closest structural improvements or equipment (excluding fencing). Required setbacks will be included in this buffer.
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- The following condition of approval will be included for all projects: *The reclamation plan shall be revised to provide for an annual increase in costs at 3% or tied to the Consumer Price Index (CPI) or other mechanism acceptable to the Department of Public Work's and Planning.*

AE #4
12/12/17



December 8, 2017

Steven E. White
Director, Department of Public Works & Planning
County of Fresno

RE: Comments on Proposed Revised Solar Guidelines

Dear Mr. White,

Lendlease Energy Development (LED) is a solar industry participant with interests in Fresno County. We have reviewed a copy of the proposed revised Solar Guidelines document and would like to submit formal comments. LED requests our comments be considered during the Board of Supervisors meeting held on December 12, 2017.

Most of the Solar Guidelines revisions are reasonable amendments, however the Reclamation Plan financial security amendment is overly restrictive, as cash deposits are rarely a viable option for developers. The general industry practice (among both developers and Counties) is to procure a performance bond. We therefore suggest a wider array of commonly accepted instruments, consistent with what the Bureau of Land Management accepts for solar facilities on federal public lands, as follows: cash; cashier's or certified check; certificate or book entry deposits; negotiable U.S. Treasury securities equal in value to the bond amount; surety bonds; irrevocable letters of credit; or an acceptable policy of insurance.

These surety options are consistent with other California County requirements and should be included in the revised guidelines. Additionally, the deadline to submit financial security should be tied to the start of physical construction on the site, or the issuance of a grading permit, rather than upon permit approval, as there can sometimes be a delay between project approval and commencement of construction.

Thank you for considering these comments.

Respectfully,

A handwritten signature in black ink, appearing to be "Lendlease", is written over a horizontal line.

Lendlease Energy Development LLC
909 Lake Carolyn Parkway, Suite 260
Irving, TX 75039

Lendlease Energy Development LLC
909 Lake Carolyn Parkway, Suite 260, Irving, TX 75039 www.lendlease.com
T 214 499 5301



Western Power Trading Forum

12/12/17
A-4

December 11, 2017

Fresno County Department of Public Works and Planning
Will Kettler
Division Manager
Development Services and Capital Projects Division

RE: Proposed Revision to the County Solar Facility Guidelines

Dear Mr. Kettler:

Western Power Trading Forum (WPTF) appreciates the opportunity to comment on the November 27, 2017 proposed revisions to the Fresno County Solar Facility Guidelines. As a broad-based membership organization with nearly 70 member companies dedicated to establishing a vital energy market, WPTF shares a common goal with Fresno County (County) to accommodate renewable energy projects while minimizing impacts to County lands.

While WPTF is supportive of the County's efforts to provide clear guidelines for development of commercial solar facilities in the County, we do have some clarifications that are recommended to the proposed guidelines as presented below. The proposed clarifications are shown in strike-out/underline text below.

6. Reclamation Plan

Proposed Clarification:

Provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements. If the project is approved, adequate financial security to the satisfaction of the County shall be provided to ensure site reclamation and shall incorporate an inflation factor. Financial security can be in the form of a cash deposit to be placed in a trust account by the County, surety bond, trust fund or irrevocable letter of credit ~~with additional deposits required as needed to adjust for inflation and/or a Letter of Credit to be renewed every year to adjust for inflation;~~

Rationale:

The proposed clarification provided above is essential for project success as the financial security needs to be finalized at the time of project entitlement and cannot be deferred for potential renewable on an annual basis as proposed by the County. This is necessary in order to secure project financing and also to have assurances as to the costs for reclamation. It is standard industry practice for the reclamation cost estimate prepared by a licensed engineer to include an escalator to account for inflation. It is therefore recommended that the inflation rate be determined at the time the reclamation plan is approved by the County, so the financial security does not have to be updated on a yearly basis to account for inflation. The adjustment on a yearly basis to account for inflation is not standard industry practice as it provides too much uncertainty for project economics.

Will Kettler
December 11, 2017
Page 2

10. Land Use Permit Renewal:

Proposed Clarification:

The life of the approved land use permit will expire upon ~~termination~~ expiration of the initial life of the solar lease. If the solar lease is to be extended beyond its initial term, and operations are conducted in a manner in substantial compliance with the originally permitted use, no new land use permit will be required. If an extension or a new lease is sought that substantially changes the nature of the operations, then the County will require a new use permit, approval of new land use permit will need to be obtained;

Rationale:

WPTF believes that the suggested refinements set forth above will allow the County to meet their goal of balancing the need to accommodate new renewable energy technology with the need to protect important farmlands and minimize impacts to agricultural operations.

If you have any questions or require additional information please contact Clare Breidenich at clare@wptf.org.

Respectfully submitted,



Clare Breidenich
Assistant Director



DEPARTMENT of PUBLIC WORKS and PLANNING **DEVELOPMENT SERVICES DIVISION**

Solar Facility Guidelines – Proposed Revisions



Solar Facility Guidelines (Revised by BOS on 5/21/13)

The need to accommodate new renewable energy technology must be balanced with the need to protect important farmlands and minimize impacts to existing agricultural operations. The land use process for evaluating solar facilities should rely on general guidelines and policies rather than specific standards which may not be flexible enough to accommodate the evolving technology.

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EXHIBIT 2
Proposed Revision -
Solar Facility Guidelines

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December 8, 2017



Steven E. White
Director, Department of Public Works & Planning
County of Fresno

RE: Comments on Proposed Revised Solar Guidelines

Dear Mr. White,

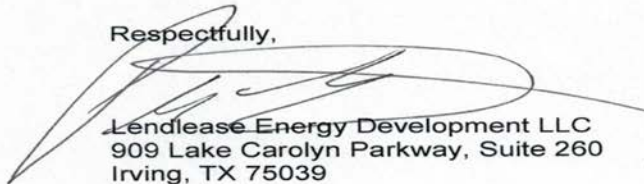
Lendlease Energy Development (LED) is a solar industry participant with interests in Fresno County. We have reviewed a copy of the proposed revised Solar Guidelines document and would like to submit formal comments. LED requests our comments be considered during the Board of Supervisors meeting held on December 12, 2017.

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These surety options are consistent with other California County requirements and should be included in the revised guidelines. Additionally, the deadline to submit financial security should be tied to the start of physical construction on the site, or the issuance of a grading permit, rather than upon permit approval, as there can sometimes be a delay between project approval and commencement of construction.

Thank you for considering these comments.

Respectfully,



Lendlease Energy Development LLC
909 Lake Carolyn Parkway, Suite 260
Irving, TX 75039



December 11, 2017

Fresno County Department of Public Works and Planning
Will Kettler
Division Manager
Development Services and Capital Projects Division

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Dear Mr. Kettler:

Western Power Trading Forum (WPTF) appreciates the opportunity to comment on the November 27, 2017 proposed revisions to the Fresno County Solar Facility Guidelines. As a broad-based membership organization with nearly 70 member companies dedicated to establishing a vital energy market, WPTF shares a common goal with Fresno County (County) to accommodate renewable energy projects while minimizing impacts to County lands.

While WPTF is supportive of the County's efforts to provide clear guidelines for development of commercial solar facilities in the County, we do have some clarifications that are recommended to the proposed guidelines as presented below. The proposed clarifications are shown in strike-out/underline text below.

6. Reclamation Plan

Proposed Clarification:

Provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements. **If the project is approved, adequate financial security to the satisfaction of the County shall be provided to ensure site reclamation and shall incorporate an inflation factor. Financial security can be in the form of a cash deposit to be placed in a trust account by the County, surety bond, trust fund or irrevocable letter of credit ~~with additional deposits required as needed to adjust for inflation and/or a Letter of Credit to be renewed every year to adjust for inflation;~~**

Rationale:

The proposed clarification provided above is essential for project success as the financial security needs to be finalized at the time of project entitlement and cannot be deferred for potential renewable on an annual basis as proposed by the County. This is necessary in order to secure project financing and also to have assurances as to the costs for reclamation. It is standard industry practice for the reclamation cost estimate prepared by a licensed engineer to include an escalator to account for inflation. It is therefore recommended that the inflation rate be determined at the time the reclamation plan is approved by the County, so the financial security does not have to be updated on a yearly basis to account for inflation. The adjustment on a yearly basis to account for inflation is not standard industry practice as it provides too much uncertainty for project economics.

10. Land Use Permit Renewal:

Proposed Clarification:

The life of the approved land use permit will expire upon ~~termination~~ ~~expiration of the initial life~~ of the solar lease. If the solar lease is to be extended beyond its initial term, and operations are conducted in a manner in substantial compliance with the originally permitted use, no new land use permit will be required. If an extension or a new lease is sought that substantially changes the nature of the operations, then the County will require a new use permit. ~~approval of new land use permit will need to be obtained;~~

Rationale:

WPTF believes that the suggested refinements set forth above will allow the County to meet their goal of balancing the need to accommodate new renewable energy technology with the need to protect important farmlands and minimize impacts to agricultural operations.

If you have any questions or require additional information please contact Clare Breidenich at clare@wptf.org.

Respectfully submitted,



Clare Breidenich
Assistant Director

6. Provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements. **If the project is approved, adequate financial security to the satisfaction of the County shall be provided to ensure site reclamation. ~~Financial security can be in the form of a cash deposit to be placed in a trust account by the County with additional deposits required as needed to adjust for inflation and/or a Letter of Credit to be renewed every year to adjust for inflation.~~**



DEPARTMENT of PUBLIC WORKS and PLANNING **DEVELOPMENT SERVICES DIVISION**

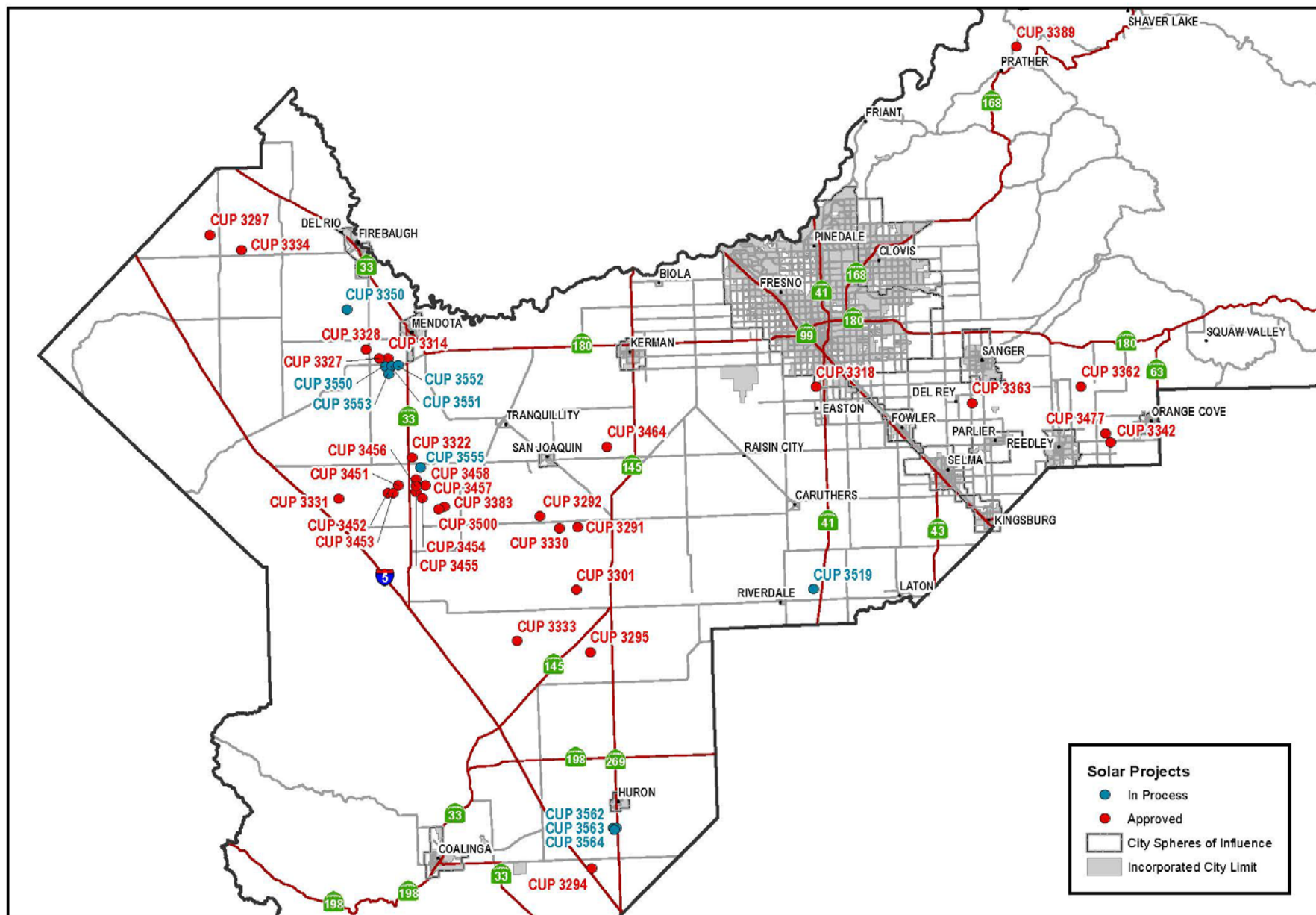
Solar Facility Guidelines – Proposed Revisions





County of Fresno

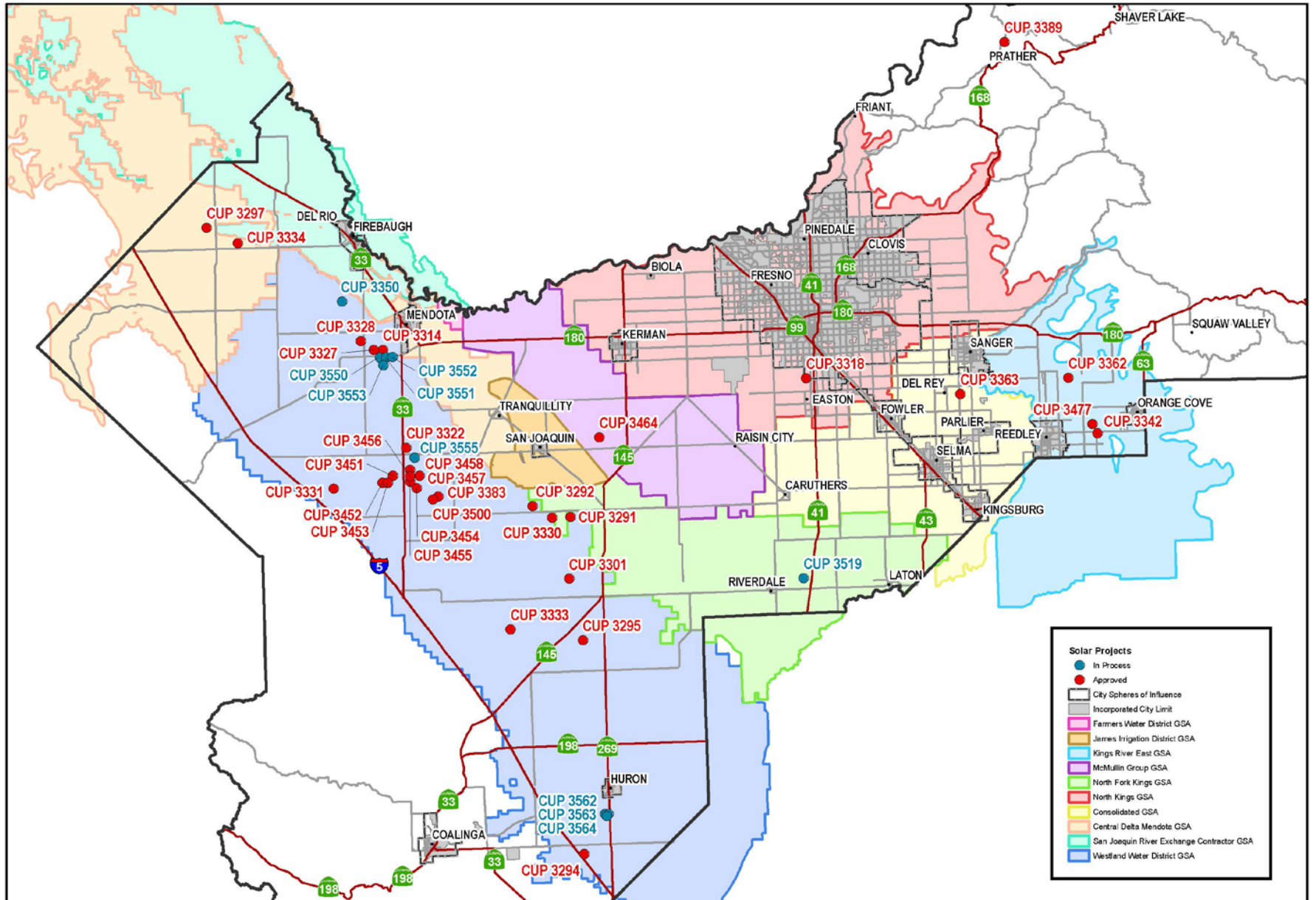
Solar Projects





County of Fresno

Solar Projects with GSAs



Commercial Solar Project Processing

Number of Projects Approved:	37 (Inc. 6 project amendments)
Total Acreage Approved for solar:	8,425
Total MW Approved:	1,065
Number of Projects in Process:	10
Total Acreage in Process:	8,856
Total Proposed MW:	932

Commercial Solar Project Processing

Number of Projects Constructed: 8

Total Acreage Developed: 1,775

Total MW Being Produced: 329

Commercial Solar Project Processing

Approved and in process total acres: 17,281 acres

Approved and in process total MW: 1,997

Clovis City Limits = 15,479 acres

Clovis SOI = 21,109 acres

MW serves approximately 200 – 750 homes

$1,997 \times 500 = 399,400$ homes

$1997 \times 750 = 1,497,750$ homes

325,996 Housing Units in Fresno County

	Applicant	Application	APN	Address	Zone District	Acreage	Use	Ag. Contract	MW Proposed	Status/Action
Photovoltaic Solar Projects Submitted to Fresno County										
1	SunPower	CUP 3350	011-130-17ST&18ST;012-110-05ST,08ST,09ST,22ST,24ST-27ST;121-120-15ST	Approx 4m NW of Mendota btwn N. Washoe & N. Douglas	AE-20	1,890.34	Solar Facility	n/a	200	On hold indefinitely per Applicant
2	GASNA 30P	CUP 3519	055-250-04	499 W. Harlan Ave	AE-20	19.16	Solar Farm	No	2.0	On Hold per Applicant
3	GASNA 6P LLC	CUP 3531 (Amend UCUP 3291)	040-080-35S	S of W. Kamm btwn S. Yuba & S. Butte	AE-20	13.5	Solar Facility	No	0	In Process
4	Little Bear Solar 1, LLC	CUP 3550	019-110-04ST	S of W California btwn San Bernardino & S Ohio	AE-20	157	Solar Farm	n/a	20	In Process
5	Little Bear Solar 2, LLC	CUP 3551	019-110-05ST	S of W California btwn San Bernardino & S Ohio	AE-20	157	Solar Farm	n/a	20	In Process
6	Little Bear Solar 3, LLC	CUP 3552	019-110-06ST	S of W California btwn San Bernardino & S Ohio	AE-20	157	Solar Farm	n/a	20	In Process
7	Little Bear Solar 4, LLC	CUP 3553	019-110-03ST,13ST	S of W California btwn San Bernardino & S Ohio	AE-20	793	Solar Farm	n/a	100	In Process
8	RE Scarlet, LLC	CUP 3555	028-111-04ST etal	E of SR 33 to S San Mateo Ave btwn W Dinuba Ave & W South Ave	AE-20	4,069	Solar Farm	n/a	400	In Process
9	EC&R Solar Development, LLC (ECR Solar) Fifth Standard	CUP 3562	07513059S, 07513060S, 07506052S, 07513012S, 07507001S, 07507032S, 07507033S, 07507034S, 07507035S, 07513054S, 07506015S,	W of SR 269 to west of Tinity, from South of Phelps to north of Tractor	AE-20	1,600 acres	Solar Farm	multiple (ALCC 365, 367, 1809, 227, 2779, 5150)	150	In Process
10	EC&R Solar Development, LLC (ECR Solar) Stonecrop	CUP 3563			AE-20		Solar Farm	multiple (ALCC 365, 367, 1809, 227, 2779,	20	In Process
11	EC&R Solar Development, LLC (ECR Solar) Blackbriar	CUP 3564			AE-20		Solar Farm Battery Storage	multiple (ALCC 365, 367, 1809, 227, 2779, 5150)	0	In Process

EXHIBIT 1

*APPROVED - Solar Projects Submitted to Fresno County											
	Applicant	Application	APN	Address	Zoning	Acreage	Use	Ag. Contract	Action Date	MW	STATUS
1	GA Solar	CUP 3291	040-080-15s	SE corner of Kamm and Butte (Helm)	AE-20	318.18	Solar Facility	AP 1387	11/3/2011	27	-
2	Joe Contreras (GA Solar)	CUP 3292	040-070-41	NE corner of El Dorado align and Kamm (Helm)	AE-20	317.57	Solar Facility	AP 2105	11/3/2011	46	-
3	Westlands Solar Farms LLC - Constructed	CUP 3294	085-040-21S	S side W Jayne btwn I-5 and S Lassen	AE-40	90.5	Solar Facility	AP 365	10/20/2011	20	constructed
4	Whitney Point Solar LLC - Under Construction	CUP 3295	060-042-16s, 17s	E side of S Lake Ave btwn W Paige and W Jeffrey Aves	AE-40	320	Solar Facility	n/a	7/21/2011	40	-
5	Sr Solis Oro Loma LLC - Under Construction	CUP 3297	005-040-17s	W side of N Russell btwn W Nees and W Althea Aves	AE-20	156	Solar Facility	AP 1425	11/17/2011	20	-
6	Boulevard Associates LLC	CUP 3301	050-080-25s	Cerini and Butte (NW of inter of Mnt. Whitney and Lassen (Five Points))	AE-20	320	Solar Facility	AP 2123	10/20/2011	40	-
7	NorthLight Power LLC - Constructed	CUP 3314	019-050-55-56	S. Side Whitesbridge btwn San Bernardino and Ohio Ave	AE-20	640	Solar Facility	n/a	4/12/2012	60	constructed
8	GASNA 16P LLC - Constructed	CUP 3318	329-030-17	N. side Central btwn Fig and Elm	AE-20	18.66	Solar Facility	AP 5446	10/20/2011	2.5	constructed
9	RE Adams East, LLC Constructed	CUP 3322	028-071-32ST	E. side SR 33 btwn South Ave. and W. Manning	AE-20	319	Solar Facility	n/a	10/18/2012	37	constructed

**Note: Closed projects requesting time extensions are not subject to additional conditioning except for matters of life and safety.*

	Applicant	Application	APN	Address	Zoning	Acreage	Use	Ag. Contract	Action Date	MW	STATUS
10	Silverado Power LLC - Under Construction	CUP 3327	019-050-61ST	W. side San Bernardino btwn California and Whiresbridge	AE-20	321.04	Solar Facility	n/a	12/13/2012	70	-
11	Silverado Power LLC	CUP 3328	019-040-05ST	N. side Whitesbridge btwn. San Diego and Washoe	AE-20	161.06	Solar Facility	n/a	12/13/2012	40	-
12	Silverado Power LLC	CUP 3330	040-160-21 etal	S. side W. Kamm btwn Yuba and Colusa	AE-20	292.59	Solar Facility	n/a	N/A	63	-
13	Three Rocks Solar LLC	CUP 3331	038-060-03	S side Rose Av btwn S Douglas & Ormsby Av	AE-20	100	Solar Facility	n/a	6/4/2013	13	-
14	Frontier Renewables LLC - Under Construction	CUP 3333	060-020-05ST	N side Paige btwn S Sonoma & S Napa	AE-20	500	Solar Facility	n/a	4/10/2014	60	-
15	Gestamp Solar	CUP 3334 - REVISED	005-060-17S,18S	N side W Nees btwn Millux & Russell	AE-20	167.42	Solar Facility	AP 2047	7/26/2012	20	-
16	Cenergy Power	CUP 3342	373-120-58; 01	23039 E Manning	AE-20	18.53	Solar Facility	n/a	6/21/2012	3	-
17	Stan Battersby (Pristine Sun) - Constructed	CUP 3362	333-300-32,34	4735 S. Englehart Avenue, Reedley	AE-20	44.18	Solar farm	AP 4727	6/18/2013	1.25	constructed
18	Kara Haugen (Pristine Sun) - Constructed	CUP 3363	350-190-01	5652 S. Bethel	AE-20	14	Solar farm	n/a	11/15/2012	1	constructed
19	Giffen Solar Park LLC - Under Construction	CUP 3383	038-080-11S; 31S	N Side W Mtn View Av btwn S Oil City Av & S Stanislaus Av	AE-20	316.79	Solar farm	AP 4249	6/3/2014	20	-

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	Applicant	Application	APN	Address	Zoning	Acreage	Use	Ag. Contract	Action Date	MW	STATUS
20	SH3 Solar LLC - Under Construction	CUP 3389	128-450-58	32180 Auberry Road	M-3 c	68.28	Solar farm	n/a	4/25/2013	2	-
21	NorthLight Power LLC - Amendment to CUP 3314	CUP 3413	019-040-6S,7,10;019-050-55ST,56ST,60S,61ST;019-110-17S,18S	S. Side Whitesbridge btwn San Bernardino and Ohio Ave	AE-20	0	Amendment to CUP 3314 - New gen-tie route for approved solar farm	n/a	11/14/2013	0	-
22	RE Tranquillity #1 - Constructed	CUP 3451	028-101-48ST etal	seven miles southwest of the community of Tranquillity	AE-20	600	Solar Facility	n/a	10/9/2014	200	constructed
23	RE Tranquillity #2	CUP 3452	028-101-47ST etal	seven miles southwest of the community of Tranquillity	AE-20	500	Solar Facility	n/a	10/9/2014	15	-
24	RE Tranquillity #3	CUP 3453	028-101-70ST etal	seven miles southwest of the community of Tranquillity	AE-20	200	Solar Facility	n/a	10/9/2014	15	-
25	RE Tranquillity #4	CUP 3454	028-101-51T etal	seven miles southwest of the community of Tranquillity	AE-20	200	Solar Facility	n/a	10/9/2014	35	-
26	RE Tranquillity #5	CUP 3455	038-320-02T etal	seven miles southwest of the community of Tranquillity	AE-20	200	Solar Facility	n/a	10/9/2014	40	-
27	RE Tranquillity #6	CUP 3456	038-320-16T etal	seven miles southwest of the community of Tranquillity	AE-20	200	Solar Facility	n/a	10/9/2014	35	-

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	Applicant	Application	APN	Address	Zoning	Acreage	Use	Ag. Contract	Action Date	MW	STATUS
28	RE Tranquillity #7	CUP 3457	038-320-17T etal	seven miles southwest of the community of Tranquillity	AE-20	400	Solar Facility	n/a	10/9/2014	20	-
29	RE Tranquillity #8	CUP 3458	028-111- 60ST etal	seven miles southwest of the community of Tranquillity	AE-20	1432	Solar Facility	n/a	10/9/2014	40	-
30	FPC Solar - Constructed	CUP 3464	030-070- 78,79	W. side Lassen approx. one mile N. of Manning	AE-20	49.53	Solar Farm	n/a	9/18/2014	7.5	constructed
31	Pristine Sun LLC	CUP 3477	373-360-19	22694 E. Parlier Ave, Reedley	AE-20	19.5	Solar Facility	n/a	8/11/2015	1	-
32	Five Points Solar Park, LLC - Amendment to CUP 3333 - Under Construction	CUP 3498	060-020-05S			0	CUP 3333 Solar Farm Amendment		6/4/2015	60	-
33	Aspiration Solar G, LLC - Under Construction	CUP 3500	038-080- 14ST	E of S. Oil City Av btwn W. Nebraska & W. Mountain	AE-20	120.82	Solar Farm	n/a	10/22/2015	9	-
34	Citizen Solar B	CUP 3513	019-050- 61ST	E side N San Diego Ave btwn Whitesbridge Ave & W. California Ave	AE-20	0	Amend CUP 3327 (Solar Farm)	Yes	4/14/2016	0	-
35	Citizen Solar E	CUP 3514	019-050- 61ST	E side N San Diego Ave btwn Whitesbridge Ave & W. California Ave	AE-20	0	Amend CUP 3327 (Solar Farm)	Yes	4/14/2016	0	-
36	Citizen Solar F	CUP 3515	019-050- 61ST	E side N San Diego Ave btwn Whitesbridge Ave & W. California Ave	AE-20	0	Amend CUP 3327 (Solar Farm)	Yes	4/14/2016	0	-

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	Applicant	Application	APN	Address	Zoning	Acreage	Use	Ag. Contract	Action Date	MW	STATUS
37	Jess Melin/Whitney Point Solar, LLC - Amendment to UCUP 3295	CUP 3518	060-042-16S, 17S	E side S Lake Ave btwn Jeffrey & Paige (unincorporated Five Points area)	AE-20	0	Amend CUP 3295 (Solar Farm)	n/a	2/18/2016	0	-

**Note: Closed projects requesting time extensions are not subject to additional conditioning except for matters of life and safety.*



6. Provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements. **If the project is approved, adequate financial security to the satisfaction of the County shall be provided to ensure site reclamation. ~~Financial security can be in the form of a cash deposit to be placed in a trust account by the County with additional deposits required as needed to adjust for inflation and/or a Letter of Credit to be renewed every year to adjust for inflation.~~**