

Board Members

Joe Neves, District 1 - Chairman
Richard Valle, District 2
Doug Verboon, District 3
Craig Pedersen, District 4
Richard Fagundes, District 5 - Vice Chairman



Staff

Edward Hill, County Administrative Officer
Diane Freeman, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors Regular Meeting Agenda

Date: Tuesday, May 24, 2022
Time: 9:00 a.m.
Place: Board of Supervisors Chambers, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ FAX (559) 585-8047 ❖ website: <https://www.countyofkings.com>

The meeting can be attended telephonically, on the Internet by clicking this link:

<https://countyofkings.webex.com/countyofkings/j.php?MTID=m5efdc93360778ead3da264ecf0bc3a9c>

or by sending an email to bosquestions@co.kings.ca.us on the morning of the meeting for an automated email response with the WebEx meeting link information. Members of the public attending via WebEx will have the opportunity to provide public comment during the meeting.

Members of the public who wish to view/observe the meeting virtually can do so via the worldwide web at:

www.countyofkings.com and click on the "Join Meeting" button or by clicking this link:

<https://youtu.be/n6BiTE15JmU>

Members of the public viewing the meeting through YouTube will not have the ability to provide public comment.

Members of the public who wish to comment may submit written comments on any matter within the Board's subject matter jurisdiction, regardless of whether it is on the agenda for the Board's consideration or action, and those comments will become part of the administrative record of the meeting. Comments will not be read into the record, only the names of who have submitted comments will be read into the record. Written comments received by the Clerk of the Board of Supervisors no later than 8:30 a.m. on the morning of the noticed meeting will be included in the record, those comments received after 8:30 a.m. will become part of the record of the next meeting. Email is not monitored during the meeting. To submit written comments by email, please forward them to bosquestions@co.kings.ca.us or by U.S. Mail, please forward them to: Clerk of the Board of Supervisors, County of Kings, 1400 W. Lacey Blvd., Hanford, CA 93230.

- I. 9:00 AM **CALL TO ORDER**
ROLL CALL – Clerk of the Board
INVOCATION – Pastor Chad Fagundes – Koinonia Church
PLEDGE OF ALLEGIANCE

II. **UNSCHEDULED APPEARANCES**

Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.



- III. APPROVAL OF MINUTES**
- A.** Report out of Closed Session from the regular meeting for May 17, 2022.
 - B.** Approval of the minutes from the regular meeting for May 17, 2022.

- IV. CONSENT CALENDAR**
- A. Behavioral Health Department:**
 - 1. Consider approving the Estoppel Certificate on the Lease with Angel-Ting 2 LP for 450 Kings County Drive, Suite 104 for the Lease term of June 1, 2021 through May 31, 2026.
 - B. Public Health Department:**
 - 1. Consider authorizing the advance step hire of Thomas Brand as a Senior Dietitian at Salary Range 226.0, Step 5.
 - C. Public Works Department:**
 - 1. a. Consider authorizing the Purchasing Manager to approve the Purchase Order exceeding \$207,500 for the purchase of five Toyota RAV 4s Hybrid vehicles; and
 - b. Adopt the budget change. **(4/5 vote required)**
 - D. Sheriff's Office:**
 - 1. a. Consider authorizing the Sheriff's Office to allow the Deputy Sheriffs' Association to purchase the service handgun for Sergeant Rod Shulman; and
 - b. Approve the purchase of a Glock handgun as replacement; and
 - c. Adopt the budget change. **(4/5 vote required)**
 - E. Administration:**
 - 1. Consider denying the claim for damages filed by Antonio White.
 - 2. Consider denying the claim for damages filed by the Law Office of Kevin G. Little on behalf of Charles Leon Minter.
 - 3. Consider denying the claim for damages filed by Jason Scott Harper.
 - 4. Consider denying the claim for damages filed by Nathaniel Dwayne Caetano.
 - 5. Consider denying the claim for damages filed by Steven Wayne Bonilla.

- V. REGULAR AGENDA ITEMS**
- A. Behavioral Health Department – Lisa Lewis/UnChong Parry**
 - 1. a. Consider approving the Memorandum of Understanding between the California Department of State Hospitals and the California Mental Health Services Authority for the purchase of state hospital beds, retroactively effective from July 1, 2021 to June 30, 2023; and
 - b. Consider adopting a Resolution authorizing the Director of Behavioral Health to sign the Memorandum of Understanding, and any amendments to this Agreement during the Agreement term.
 - B. Public Health Department – Rose Mary Rahn**
 - 1. Consider adopting a Resolution authorizing the Environmental Health Division of Public Health as the Kings County enforcement agency for Assembly Bill 1276.
 - 2. Consider approving the addition of 2.0 FTE Health Educator positions into Budget Unit 411300.
 - 3. a. Consider approving the purchase of two structures from DLX Enterprises, LLC; and
 - b. Adopt the budget change. **(4/5 vote required)**
 - C. Public Works Department – Dominic Tyburski/Mitchel Cabrera**
 - 1. Consider adopting a Resolution containing the projects planned to be constructed with Fiscal Year 2022-2023 utilizing Senate Bill 1 Funding.



D. Administration – Edward Hill/Matthew Boyett

1. Consider adopting a Resolution continuing to declare a local emergency due to drought conditions in Kings County.

VI. BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

- ◆ Board Correspondence
- ◆ Upcoming Events
- ◆ Information on Future Agenda Items

VII. CLOSED SESSION

- ◆ **Personnel Matter: [Govt. Code Section 54957]**
Public Employee Appointment: Department Head and Elected Official Salaries

VIII. ADJOURNMENT

The May 31, 2022 meeting has been canceled due to the observance of Memorial Day on Monday, May 30, 2022.

The next regularly scheduled meeting will be held on Tuesday, June 7, 2022 at 9:00 a.m.

IX. 11:00 AM IN HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY MEETING

<i>FUTURE MEETINGS AND EVENTS</i>		
May 31	-	Regular Meeting Canceled due to Observance of Memorial Day on Monday, May 30
June 7	9:00 AM	Regular Meeting
June 14	9:00 AM	Regular Meeting
June 21	9:00 AM	Regular Meeting

Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.

Board Members

Joe Neves, District 1 - Chairman
Richard Valle, District 2
Doug Verboon, District 3
Craig Pedersen, District 4
Richard Fagundes, District 5 - Vice Chairman



Staff

Edward Hill, County Administrative Officer
Diane Freeman, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors

Regular Meeting Action Summary

Date: Tuesday, May 17, 2022
Time: 9:00 a.m.
Place: Board of Supervisors Chambers, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ FAX (559) 585-8047 ❖ website: <https://www.countyofkings.com>

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I. 9:00 AM CALL TO ORDER

ROLL CALL – Clerk of the Board

INVOCATION – Pastor Andrew Cromwell – Koinonia Church

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT: JOE NEVES, DOUG VERBOON, CRAIG PEDERSEN, RICHARD FAGUNDES

MEMBERS ABSENT: RICHARD VALLE



II. UNSCHEDULED APPEARANCES

Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.

Edward Hill, County Administrative Officer introduced Sarah Poots, Risk Manager in Administration as of May 16, 2022.

Kristi Lee, Assessor/Clerk Recorder stated that she would like to bring attention to a nation wide problem that is affecting Kings County, there is a workflow and staffing issue and she asked the Board to implement a hybrid work from home program to help with longevity of current employees as well as enticing new applicants. She stated that the applicant pool numbers are lower in the past two years compared to previous years.

Rebecca Bell, Kings County resident asked the status on the SEIU Local 215 negotiations and if there will be a public announcement when a decision is made. She stated that she is also concerned with the pet population issue in Kings County and asked the Board to allocate funds for implementing programs for spay and neuter and enforcing fines for those who don't comply to help with funding. She asked if the Board will be holding a public meeting to discuss Measure F to get information out to the public.

III. APPROVAL OF MINUTES

A. Report out of Closed Session from the regular meeting for May 10, 2022.

REPORT OUT: Diane Freeman, County Counsel stated that on May 10, 2022 in closed session the Board approved a settlement on a claim for damages filed by Richard Valle in the amount of \$11,500.00 . (JN,DV, CP- Aye; RV, RF-Absent)

B. Approval of the minutes from the regular meeting for May 10, 2022.

ACTION: APPROVED AS PRESENTED (DV, CP, RF, JN-Aye, RV-Absent)

IV. CONSENT CALENDAR

A. Public Works Department:

1. a. Consider accepting the Final Map for Phase 4-3; and
- b. Authorize the Clerk of the Board to sign the map.
2. Consider approving the Deferred Improvement Agreement for Site Plan Review 21-05 (Humberto Raya Cabrera and Maria Angelica Perez Cisneros). **[Agmt 21-120 from 9-14-2021]**
3. Consider accepting the dedication for In-Lieu Parcel Map 21-02 (Donald Maciel, Daniel P. Maciel, Brenda Maciel, David A. Maciel, Debra L. Maciel) into the County Maintained Mileage.

ACTION: APPROVED AS PRESENTED (RF, DV, CP, JN-Aye, RV-Absent)

V. REGULAR AGENDA ITEMS

A. Community Development Agency – Chuck Kinney

1. Consider accepting the monthly report of Planning Commission's actions.

ACTION: APPROVED AS PRESENTED (DV, CP, RF, JN-Aye, RV-Absent)

B. Human Resources Department – Carolyn Leist/Melissa Avalos

1. Consider approving an Agreement with Koff & Associates, a division of Gallagher Benefit Services, Inc. for professional services to perform a Classification and Total Compensation Study beginning June 1, 2022. **[Agmt 22-064]**

ACTION: APPROVED AS PRESENTED (DV, CP, RF, JN-Aye, RV-Absent)



2. a. Consider approving the revised job specification for Clinical Program Manager;
- b. Approve all Program Manager positions in Behavioral Health to flexibly allocate to a Clinical Program Manager; and
- c. Allocate a 1.0 Full-Time Equivalency (FTE) position in Budget Unit 422200.

ACTION: APPROVED AS PRESENTED (DV, CP, RF, JN-Aye, RV-Absent)

C. Public Works Department – Dominic Tyburski/~~Mike Hawkins~~Mitchel Cabrera

1. Consider adopting a Resolution certifying the County's maintained road mileage for calendar year 2021. **[Reso 22-040]**

ACTION: APPROVED AS PRESENTED (DV, CP, RF, JN-Aye, RV-Absent)

D. Sheriff's Office – David Robinson

District Attorney's Office – Keith Fagundes/Charlie Flores

1. Consider waiving the second reading and adopt an Ordinance to add the military equipment use policy pursuant to AB 481. **[ORD 702]**

THE ITEM WAS PULLED BY COUNTY COUNSEL AND WILL BE BROUGHT BACK ON A FUTURE AGENDA

E. Sheriff's Office – David Robinson/Dave Putnam

1. Consider adopting a Resolution designating May 18, 2022 as Peace Officers' Memorial Day, and the week of May 15-21, 2022 as Police Week in Kings County with a Memorial Ceremony to be held on May 18, 2022. **[RESO 22-041]**

ACTION: APPROVED AS PRESENTED (RF, DV, CP, JN-Aye, RV-Absent)

F. Administration – Edward Hill

1. Consider appointing one member to the Kings County Behavioral Health Advisory Board.

ACTION: APPROVED AS PRESENTED (DV, RF, CP, JN-Aye, RV-Absent)

VI. 10:00 AM PUBLIC HEARING

A. Public Works Department – Dominic Tyburski/Mitchel Cabrera

County Counsel Department – Diane Freeman/Cindy Kliever

1. a. Hold a Public Hearing and adopt an Ordinance for the creation of the Zone of Benefit 6-7 to impose a parcel tax in Phase 6-7 of the Armona North Subdivision for the purpose of road improvement and maintenance;
- b. Waive the second reading of the Ordinance No. 701 amending Chapter 2 of the Code of Ordinances; and
- c. Adopt the Ordinance No. 701 amending Chapter 2 of the Code of Ordinances. **[ORD 701]**

SUPERVISOR NEVES OPENED THE PUBLIC HEARING, NO TESTIMONY WAS RECEIVED AND THE PUBLIC HEARING WAS CLOSED. ACTION: APPROVED AS PRESENTED AND WAIVE THE READING (CP, DV, RF, JN-Aye, RV-Absent)

VII. BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

Supervisor Pedersen stated that he just received information that Assembly Bill 2550 drafted by Assemblymember Juan Arambula could be detrimental to Kings County through the impacts to the San Joaquin Valley Air Pollution Control District authority and stated that he would like staff to watch that item and possibly bring a letter in opposition from the Board on a future agenda.



Supervisor Verboon stated that he was invited by Congressman David Valadao to be a speaker during the Drought Forum at the National Resource Hearing; attended the San Joaquin Valley Policy Council meeting, attended the Kings Guild fundraiser event and helped his daughter, Vice-President of the Guild, with planning and coordinating the event, attended the Antique Motorcycle show and the Corcoran Car show over the weekend.

Supervisor Fagundes stated that he attended a Kings Community Action Organization special meeting and the Kings/Tulare Area Agency on Aging meeting.

Supervisor Neves stated that he attended the Lemoore High School Senior Game honoring the class of 2022, attended the San Joaquin Valley Policy Council and toured Clovis tiny homes project, attended the American Legion breakfast and attended the South Fork Kings Groundwater Sustainability Policy meeting and attended the Kings Homelessness Committee meeting.

- ◆ Board Correspondence: Edward Hill stated that the Board received a letter from the California Department of Water Resources regarding the 2022 Petition for Temporary Change to modify the State Water Project and Central Valley Project Authorized Places of Use.
- ◆ Upcoming Events: Edward Hill stated that the Board has received information on the following events: Hanford's Thursday Night Market Place in downtown Hanford at Civic Park is back every Thursday from 5:30 p.m. to 9:00 p.m. This event will take place May 12, 2022, through October 6, 2022. The Kings County Peace Officers' Memorial will take place on Wednesday, May 18, 2022, at 10:00 a.m. in the Kings County Government Center Courtyard. This will be a celebration and memorial service hosted by the Lemoore Police Department. The Hanford Chamber of Commerce is hosting the Ambassador Leadership Luncheon which will take place on Wednesday, May 18, 2022, from 12:00 p.m. to 1:00 p.m. Todd Barlow (Superintendent of Schools for Kings County) will be presenting the role of the County Office of Education, legislative advocacy, trends in education, and what it means to be a successful leader. The cost is \$10 for non-members. There will be a Pet Vaccination Clinic on May 18, 2022 from 5:00 p.m. to 7:00 p.m. at Rice Park in Avenal. Vaccinations and licenses at affordable prices. Vaccines provided will be Dogs Rabies Vaccine for \$15 and DHP-P Vaccine for \$20. Felines vaccines for FVRC-P and FELV for \$20 each. Licenses are \$15 for non spayed/neutered animals and \$7.50 for spayed/neutered animals. There will be a Paint & Pour at the Children's Storybook Garden & Museum in Hanford for a night of painting on Friday, May 20, 2022 from 6:00 p.m. to 7:30 p.m. Tickets are \$25 for Members & \$30 for Non-Members and are available online at Eventbrite and on the website for the Children's Storybook Garden & Museum. There will be a Ladybug picnic at the Children's Storybook Garden & Museum in Hanford on May 21, 2022 at 11:00 a.m. The event is free with admission. Bring your picnic lunch or snack & a table will be set up for lunch and crafts. The Professional Latin American Association will be having its 7th Annual Taco Truck Throw Down Scholarship Fundraiser on May 21, 2022, from 5:00 p.m. to 10:00 p.m. on 7th Street in downtown Hanford. Music will be provided by Mezcal. The Central California Blood Center will be holding the Kings County Employee Blood Drive on Monday, May 23, 202nd from 9:00 a.m. to 1:00 p.m. located in the Old Jury Parking lot at 1400 Lacey Blvd. The Kings County Library will be hosting a free Introduction to Acting Class taught by Lauren Roche on Saturday, May 28, 2022, at 1:00 p.m. at the library located at 401 N. Douty Street in Hanford.



- ◆ Information on Future Agenda Items: **Edward Hill stated that the following items would be on a future agenda: Administration – Five claims for damages and adopt a resolution declaring a local emergency due to drought conditions in Kings County. Behavioral Health – approve the Estoppel Certificate on the Lease with Angel-Ting 2 LP for 450 Kings County drive, Suite 104, and approval of the Memorandum of Understanding between California Department of State Hospitals and the California Mental Health Services Authority for the purchase of State hospital beds, Public Health - Advanced Step Hire, Health Educator positions in the Health Department, and purchase outdoor structures for exercises and events. Public Works – the grant purchase of new alternative fuel vehicles., Sheriff’s Office- a grant purchase of service handguns.**

The Board took a recess from 9:42 a.m. to 10:00 a.m.

VIII. CLOSED SESSION

- ◆ **Workers Compensation: (2 Cases) [Govt. Code Section 54956.95]**
- ◆ **Litigation initiated formally: Title:**
BNSF Railway Company v. Alameda County, et al. US District Court Case No. 3:19-cv-07230-JCS
[Govt. Code Section 54956.9 (d)(1)]
Litigation initiated formally: Title: *Waggle v. County of Kings, et.al.* 21C-0282
[Govt. Code Section 54956.9 (d)(1)]

IX. ADJOURNMENT

The next regularly scheduled meeting will be held on Tuesday, May 24, 2022 at 9:00 a.m.

FUTURE MEETINGS AND EVENTS		
May 24	9:00 AM	Regular Meeting
May 31	-	Regular Meeting Canceled due to Observance of Memorial Day on Monday, May 30
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COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Behavioral Health – Lisa Lewis/UnChong Parry

SUBJECT: NEW ESTOPPEL CERTIFICATE ON LEASE WITH ANGEL-TING 2 LIMITED PARTNERSHIP FOR 450 KINGS COUNTY DRIVE, SUITE 104

SUMMARY:

Overview:

Kings County Behavioral Health (KCBH), on behalf of Angel-Ting 2 LP, is seeking to update the estoppel certificate for the lease for 450 Kings County Drive, Suite 104.

Recommendation:

Approve the Estoppel Certificate on the Lease with Angel-Ting 2 LP for 450 Kings County Drive, Suite 104 for the Lease term of June 1, 2021 through May 31, 2026.

Fiscal Impact:

There is no impact to the County General Fund by approving this certificate, as this certificate only guarantees existing lease terms that are already included in the department's FY 21/22 budget.

BACKGROUND:

Kings County Behavioral Health (KCBH) started the building lease for the 4,273 square feet office space at 450 Kings County Drive, Suite 104, on February 7, 2006 for a seven year term from June 1, 2006 to May 31, 2013. An amendment to extend the lease through May 31, 2016 was approved by the Board on April 2, 2011, an amendment to extend the lease through May 31, 2021 was approved on May 24, 2016, and an amendment to extend the lease through May 31, 2026 was approved on May 25, 2021.

The property was sold to new ownership and required a new estoppel certificate. The estoppel certificate has been reviewed and approved by the county counsel as to form.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

ESTOPPEL CERTIFICATE

To: Mechanics Bank ("Lender")

1111 Civic Drive

Walnut Creek, CA 94596

Attn: Real Estate Industries Group

Re: "Loan" by Lender to Borrower pursuant to a "Loan Agreement" which is secured by a Deed of Trust ("Deed of Trust") and a related Assignment of Rents ("Assignment") with respect to the Property.

"Lease" dated February 7, 2006 between Angel-Ting 2 LP
as "Lessor" and Kings County - Behavioral Health as "Lessee" with respect to "Premises"
described in the Lease as approximately 4,273 rentable square feet, constituting property located at
450 Kings County Drive, Ste 104, Hanford, California; as set forth in Paragraph 1 below.

Ladies and Gentlemen:

This Estoppel Certificate ("Estoppel") is furnished by Lessee to Borrower and to Lender pursuant to the requirements of the above-referenced Loan Agreement. Lessee understands that Borrower and Lender are relying upon Lessee's statements and agreements in connection with Lender making and maintaining the Loan.

Lessee hereby represents and certifies to, and agrees with, Borrower and Lender as set forth below.

1. A true, correct and complete copy of the Lease, including any and all amendments, is attached to this letter as Exhibit A. The Lease has not been amended or modified in any way, nor are there any side letters or other arrangements relating to the Premises or the Property, except for the following [if no exceptions are stated, there are NONE]:

1st Amendment to Lease signed May 31, 2006, 2nd Amendment signed April 5, 2011,

3rd Amendment signed May 24, 2016, and 4th Amendment to Lease signed May 25, 2021

2. The Lease has not been assigned, nor have the Premises sublet, in whole or in part, except as hereinafter stated [if no exceptions are stated, there are NONE]:

NONE

3. The Lease is presently in full force effect according to its terms and is valid and binding obligation of Lessee.
4. Neither Lessee nor Lessor is in default under the Lease nor does any state of facts exist that with the passage of time or the giving of notice, or both, could constitute a default under the Lease.

ESTOPPEL CERTIFICATE

5. All conditions under the Lease to be satisfied by Lessor as of the date hereof (including, without limitation, all work, if any, to be performed by Lessor in the Premises or the Property) have been satisfied, and all contributions, if any, required to be paid by Lessor under the Lease to date for improvements to the Premises have been paid, except as hereafter stated [if no exceptions are stated, there are NONE]:

NONE

6. Lessee is in possession of the Premises and is fully obligated to pay and is paying the rent and other charges due under the Lease and is fully obligated to perform and is performing all of the other obligations of Lessee under the Lease, except as hereafter stated [if no exceptions are stated, there are NONE]:

NONE

7. The termination date of the current term of the Lease: May 31, 2026
8. The Lease does not provide for any payments (including, without limitation, rent credits) by Lessor to Lessee that are presently due and payable, or that are due and payable in the future, except as hereafter stated [if no such payments or credits are stated, there are NONE]:

NONE

9. On this date, to the best of Lessee's knowledge, there are no existing defenses or off-sets that Lessee has against the enforcement of the Lease by Lessor, except as hereafter stated [if no exceptions are stated, there are NONE]:

NONE

10. Rent currently due under the Lease is as follows \$7,538.57 per month. Except as hereafter stated, no rent has been paid more than one (1) month of the due date and no security has been deposited with Lessor [if no advance rents or security deposits are stated, there are NONE]:

Security Deposit of \$4,128.00 has been paid and is being held by Lessor.

11. Except as hereafter stated, Lessee has no options to extend the Lease, to lease additional space at the Property, or to purchase the Property, and Lessee has no right of refusal with respect to leasing additional space at the Property or with respect to purchasing the Property [if no such options or rights of refusal are stated, there are NONE]:

An option to extend the term of the Lease is included in the 4th Amendment to extend 5 years.

12. Except as hereafter stated, no parties have guaranteed the payment or performance of any of Lessee's obligations under the Lease [if no guarantors are listed, there are NONE]:

NONE

ESTOPPEL CERTIFICATE

13. There are no actions, whether voluntary or otherwise, pending or threatened against Lessee, or any guarantor of Lessee's obligations under the Lease, pursuant to the bankruptcy or insolvency laws of the United States or any similar state laws.
14. To the undersigned's knowledge, the undersigned has not received notice and is not aware of any prior transfer, assignment, hypothecation or pledge by Landlord or of any of Landlord's interest in the Lease or the Property, except to Lender in connection with the Loan.
15. The undersigned is duly authorized to execute this Estoppel on behalf of Lessee. This Estoppel shall inure to the benefit of Borrower and Lender and their respective successors and assigns (including, without limitation, any Borrower at or after foreclosure) and shall be binding upon Lessee and Lessee's successors and permitted assigns.

Dated as of _____ day of _____, 2022.

LESSEE:

County of Kings

Chairman Joe Neves

By: _____

Print Name: _____

Title: _____

APPROVED AS TO FORM

Diane Freeman, County Counsel

By: Kyle Rose
Kyle Rose, Deputy County Counsel



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Department of Public Health- Rose Mary Rahn
SUBJECT: ADVANCED STEP HIRE – THOMAS BRAND

SUMMARY:

Overview:

The Kings County Department of Public Health is requesting the approval to hire Thomas Brand as a Senior Dietitian for the Women, Infants, and Children's division at Step 5, which requires Board approval under Personnel Rule 13051. County Administration and Human Resources support this request.

Recommendation:

Authorize the advance step hire of Thomas Brand as a Senior Dietitian at Salary Range 226.0, Step 5.

Fiscal Impact:

There is no impact to the General Fund for this item. This position and its associated salary was included in the budget for the Fiscal Year 2021-2022 Budget Unit 414000. There are salary savings due to the timeframe of filling this position that will accommodate the advance step hire.

BACKGROUND:

Mr. Brand has more than 10 years of experience as a Registered Dietitian with United Health Centers in Fresno County. He has experience in staff training and implementing new regulations within the Women, Infant, and Children's (WIC) division which will be a great asset to our department as a Senior Dietitian for the WIC program. Mr. Brand meets the minimum education and experience requirements.

Within the past two months, we have had multiple staff vacancies within our WIC division which includes our WIC Manager and two Senior Dietitian positions as well as multiple other vacancies. There is a history of

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

ADVANCED STEP HIRE – THOMAS BRAND

May 24, 2022

Page 2 of 2

recruitment challenges when it comes to the Senior Dietitian position, and we are excited to have the opportunity to bring Mr. Brand on board to the Public Health Department.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Public Works Department - Dominic Tyburski/Rhonda Mann

SUBJECT: GRANT PURCHASE OF NEW ALTERNATIVE FUEL VEHICLES

SUMMARY:

Overview:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) offers a competitive grant for providing additional funding for purchasing zero-emission or low emission vehicles. The district has accepted our application and given us a contract to purchase five (5) new alternative fuel Toyota RAV 4 Hybrid vehicles.

Recommendation:

- a. Authorize the Purchasing Manager to approve the Purchase Order exceeding \$207,500 for the purchase of five Toyota RAV 4s Hybrid vehicles; and
- b. Adopt the budget change. (4/5 vote required)

Fiscal Impact:

This purchase will not impact the General Fund as the grant will provide funding up to \$100,000 towards the purchase of five (5) vehicles at \$20,000 per vehicle. The net cost to the County for each vehicle will be approximately \$21,500. The County Fleet Fund will supply the remaining balance.

BACKGROUND:

All purchases will be funded out of the Vehicle Replacement Fund and partially reimbursed by this grant and the vehicles will be assigned to Motor pool for use by all departments. The Pacifica vans are gas/electric vehicles and are well liked by County employees due to their reliability as indicated by their frequent use. If approved, these cars will be clean air vehicle additions to the County's Motor pool. The net cost to the County for each vehicle will be approximately \$21,500. If approved by your Board, Fleet will order and purchase these vehicles.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only
Date
J/E No.
Page of

(A) New Appropriation

Expenditures:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
Public Works	Fleets	SUV	500100	925600	94001	207,500
TOTAL						207,500

Funding Sources:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
Valley Air District	Fleet	Other Revenue	500100	925600	88025	100,000
Fleet	Fleet		500100		71009	107,500
TOTAL						207,500

(B) Budget Transfer:

Transfer From:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred Out
TOTAL						0

Transfer To:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred In
TOTAL						0

Explanation: (Use additional sheets or expand form for more data entry rows or additional narrative, if needed).

Auditor Approval _____ Department Head 

CAO Approval _____ Board Approval _____



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Sheriff's Office – David Robinson

SUBJECT: SERVICE HANDGUN PURCHASE

SUMMARY:

Overview:

The Kings County Sheriff's Office is seeking authorization to allow the Deputy Sheriffs' Association to purchase service handgun for Sergeant Rod Shulman and authorize the Kings County Sheriff's Office to purchase handguns as replacement.

Recommendation:

- a. Authorize the Sheriff's Office to allow the Deputy Sheriffs' Association to purchase the service handgun for Sergeant Rod Shulman; and
- b. Approve the purchase of a Glock handgun as replacement; and
- c. Adopt the budget change (4/5 vote required)

Fiscal Impact:

The Deputy Sheriffs' Association will pay replacement value of the handgun, estimated to be \$440. The Kings County Sheriff's Office will purchase a replacement weapon at a cost, not to exceed \$440, to be paid out of Budget Unit 222000.

BACKGROUND:

The Deputy Sheriffs' Association is requesting to purchase a Glock handgun from the Kings County Sheriff's Office. In turn, the Deputy Sheriff's Association will present the service handgun as a gift to Sergeant Rod Shulman. The Kings County Sheriff's Office is asking to purchase a new handgun to replace the handgun.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only
Date _____
J/E No. _____
Page of _____

(A) New Appropriation

Expenditures:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General Fund	Sheriff-Operations	Firearms	100000	222000	94009	\$440
					TOTAL	\$440

Funding Sources:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General Fund	Sheriff-Operations	Other Revenue	100000	222000	88025	\$440
					TOTAL	\$440

(B) Budget Transfer:

Transfer From:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	AMOUNT TO BE TRANSFERRED OUT
					TOTAL	\$0

Transfer To:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	AMOUNT TRANSFERRED IN
					TOTAL	\$0

Explanation: (Use additional sheets or expand form for more data entry rows or additional narrative, if needed.)

Purchase of (2) Commercial Washing Machines. KCSO will move funds in for the actual cost of completed purchase/install from the Prison Inmate Welfare Fund 100810.

Dept. of Finance Approval _____

Department Head  _____

Administration Approval _____

Board Approval _____

BOS meeting date _____



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Administration – Edward Hill/Sarah Poots

SUBJECT: CLAIM FOR DAMAGES FOR ANTONIO WHITE

SUMMARY:

Overview:

Claim for damages are received by the Board of Supervisors and reviewed by the Risk Management division within Administration with consultation of County Counsel. The recommendation is brought before the Board for consideration.

Recommendation:

Deny the claim for damages filed by Antonio White.

Fiscal Impact:

None with this action.

BACKGROUND:

On March 7, 2022, a claim for damages was filed by Antonio White claiming his constitutional rights were violated by being unlawfully detained therefore, negligently accused of a wrongful act. After review of the claim, County Counsel's office finds that the County is not liable for any damages and there is no cognizable claim. Pursuant to Government Code section 912.6, if the claim contains insufficient information, the public entity must provide notice within twenty days or this defense is waived, staff recommends the Board find that the claim is without merit and deny the claim.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Administration – Edward Hill/Sarah Poots

SUBJECT: CLAIM FOR DAMAGES FOR CHARLES LEON MINTER

SUMMARY:

Overview:

Claim for damages are received by the Board of Supervisors and reviewed by the Risk Management division within Administration with consultation of County Counsel. The recommendation is brought before the Board for consideration.

Recommendation:

Deny the claim for damages filed by the Law Office of Kevin G. Little on behalf of Charles Leon Minter.

Fiscal Impact:

None with this action.

BACKGROUND:

On March 11, 2022, a claim for damages was filed by the Law Office of Kevin G. Little on behalf of Charles Leon Minter claiming excessive force, emotional distress, and false charges by the Kings County Sheriff's Office. After review of the claim, County Counsel's office finds that the County is not liable for any damages due to an incomplete description of the facts presented. Pursuant to Government Code section 912.6, if the claim contains insufficient information, the public entity must provide notice within twenty days or this defense is waived, staff recommends the Board find that the claim is without merit and deny the claim.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Administration – Edward Hill/Sarah Poots

SUBJECT: CLAIM FOR DAMAGES FOR JASON SCOTT HARPER

SUMMARY:

Overview:

Claim for damages are received by the Board of Supervisors and reviewed by the Risk Management division within Administration with consultation of County Counsel. The recommendation is brought before the Board for consideration.

Recommendation:

Deny the claim for damages filed by Jason Scott Harper.

Fiscal Impact:

None with this action.

BACKGROUND:

On March 31, 2022, a claim for damages was filed by Jason Scott Harper claiming he was denied the right to file criminal complaints in court therefore, violating his civil rights. After review of the claim, County Counsel's office finds that the County is not liable for any damages and there is no cognizable cause for action. Pursuant to Government Code section 912.6, if the claim contains insufficient information, the public entity must provide notice within twenty days or this defense is waived, staff recommends the Board find that the claim is without merit and deny the claim.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Administration – Edward Hill/Sarah Poots

SUBJECT: CLAIM FOR DAMAGES FOR NATHANIEL DWAYNE CAETANO

SUMMARY:

Overview:

Claim for damages are received by the Board of Supervisors and reviewed by the Risk Management division within Administration with consultation of County Counsel. The recommendation is brought before the Board for consideration.

Recommendation:

Deny the claim for damages filed by Nathaniel Dwayne Caetano.

Fiscal Impact:

None with this action.

BACKGROUND:

On February 18, 2022, a claim for damages was filed by Nathaniel Dwayne Caetano claiming his civil rights were violated by the Kings County Sheriff's Office and was negligently accused of a wrongful act. After review of the claim, County Counsel's office finds that the County is not liable for any damages and there is no cognizable claim found by Mr. Caetano. Pursuant to Government Code section 912.6, if the claim contains insufficient information, the public entity must provide notice within twenty days or this defense is waived, staff recommends the Board find that the claim is without merit and deny the claim.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Administration – Edward Hill/Sarah Poots

SUBJECT: CLAIM FOR DAMAGES FOR STEVEN WAYNE BONILLA

SUMMARY:

Overview:

Claim for damages are received by the Board of Supervisors and reviewed by the Risk Management division within Administration with consultation of County Counsel. The recommendation is brought before the Board for consideration.

Recommendation:

Deny the claim for damages filed by Steven Wayne Bonilla.

Fiscal Impact:

None with this action.

BACKGROUND:

On March 17, 2022, a claim for damages was filed by Steven Wayne Bonilla claiming his constitutional rights were violated therefore, negligently accused of a wrongful act. After review of the claim, County Counsel's office finds that the County is not liable for any damages and there is no cognizable claim found by Mr. Bonilla. Pursuant to Government Code section 912.6, if the claim contains insufficient information, the public entity must provide notice within twenty days or this defense is waived, staff recommends the Board find that the claim is without merit and deny the claim.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ **OTHER:** _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Behavioral Health Department – Lisa Lewis/UnChong Parry

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN CALIFORNIA DEPARTMENT OF STATE HOSPITALS AND THE CALIFORNIA MENTAL HEALTH SERVICES AUTHORITY FOR THE PURCHASE OF STATE HOSPITAL BEDS

SUMMARY:

Overview:

Kings County Behavioral Health (KCBH) seeks approval of the Memorandum of Understanding (MOU) between the California Department of State Hospitals (DSH) and the California Mental Health Services Authority (CalMHSA) for the purchase of state hospital beds and any addendums to this agreement during this term.

Recommendation:

- a. Approve the Memorandum of Understanding between the California Department of State Hospitals and the California Mental Health Services Authority for the purchase of state hospital beds, retroactively effective from July 1, 2021 to June 30, 2023; and
- b. Adopt a resolution authorizing the Director of Behavioral Health to sign the Memorandum of Understanding, and any amendments to this agreement during the agreement term.

Fiscal Impact:

There is no impact to the County General Fund. There is no fiscal transaction involved with this MOU, and only authorizes CalMHSA to be the administrative agent for Kings County in the procurement of state hospital beds. However, KCBH does have an agreement with CalMHSA to be part of their coordinated efforts in the behavioral health industry, and the dues to be part of CalMHSA are \$59,674 per year.

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

MEMORANDUM OF UNDERSTANDING BETWEEN CALIFORNIA DEPARTMENT OF STATE HOSPITALS AND THE CALIFORNIA MENTAL HEALTH SERVICES AUTHORITY FOR THE PURCHASE OF STATE HOSPITAL BEDS

May 24, 2022

Page 2 of 2

BACKGROUND:

KCBH has entered into various participation agreements with CalMHSA since 2013. CalMHSA was established as a Joint Powers Authority to conduct the work on behalf of participating counties for the purpose of coordinating mental health services through supportive services offered by CalMHSA. This MOU is DSH authorizing CalMHSA as administrative agent to serve as liaison agency for Kings County.

In April 2012 at the CalMHSA Annual Strategic Planning Session, the Board directed staff to work with the California Behavioral Health Directors Association (CBHDA) to explore the feasibility of the JPA acting on behalf of counties to develop an annual purchase agreement for statewide utilization of state hospitals beds with the Department of State Hospitals (DSH), as provided under sections 4330 et seq. of WIC. Counties were collectively paying between \$90-130 million for the procurement of state hospital beds and expressed their angst regarding the non-negotiable annual rate increases of 22% imposed by the DSH. On behalf of the counties, CalMHSA successfully negotiated a new purchase agreement with DSH, saving the counties millions of dollars each year.

On November 21, 2021, KCBH entered into a participation agreement with CalMHSA to establish and negotiate the agreements for statewide utilization of state hospital beds and ensure meeting the compliance with all applicable requirements and provisions of CalMHSA's contract with DSH.

The agreement and resolution have been reviewed and approved by County Counsel as to form.

ADMINISTRATIVE SERVICES DIVISION

1215 O Street, Suite 670
Sacramento, CA 95814

**Purchase of State Hospital Beds****Memorandum of Understanding**

**California Department of State Hospitals
and
The California Mental Health Services Authority (CalMHSA) and
Participating Counties**

I. RECITALS

- A. The parties to this Memorandum of Understanding (“MOU”) are the California Department of State Hospitals (“DSH”), the California Mental Health Services Authority (“CalMHSA”) as administrative agent for participating Counties, and each participating County which has executed this MOU (“County”) as indicated in Exhibit 1. “MOU” shall be deemed to include Exhibits 1-4, attached hereto.
- B. The DSH has jurisdiction over all DSH facilities, as defined in Welfare and Institutions Code, section 4100, including non-DSH treatment facilities contracted with DSH pursuant to Welfare and Institutions Code, section 4361 (hereafter collectively “Hospitals”), excluding community-based restoration of competency services that are operated by the County. All DSH facilities that admit LPS patients shall comply with the responsibilities noted for DSH in this MOU. A description of services provided by the DSH shall be included in Exhibit 2.
- C. Welfare and Institutions Code section 4330 requires counties to reimburse DSH for the use of DSH Hospital beds and services, provided pursuant to the Lanterman-Petris-Short Act (“LPS”, Welfare and Institutions Code section 5000 et. seq.) and in accordance with annual MOUs between DSH and each County acting singly or in combination with other counties, pursuant to Welfare and Institutions Code section 4331.
- D. CalMHSA is a joint powers authority pursuant to Government Code section 6500 (Joint Exercise of Powers Act) of counties and cities with mental health programs. CalMHSA was requested by its members to negotiate a joint agreement with DSH and serve as liaison agency for matters of compliance with terms and conditions.
- E. The parties are independent agents. Nothing herein contained shall be construed as creating the relationship of employer and employee, or principal and agent,

between the parties or any of their agents or employees. Notwithstanding the independence of the parties, all Patient services should be integrated and coordinated across levels of care for continuity of care.

II. TERMS AND CONDITIONS

A. The term of this MOU is July 1, 2021 through June 30, 2022 (“FY 2021-22”).

B. County Referred Patient (“Patient”)

1. The County Mental Health Director, the County Behavioral Health Director, or their designee (collectively, “County Director”) shall screen, determine the appropriateness of, and authorize all referrals for admission of Patients to the Hospital. The County Director shall, at the time of admission, provide admission authorization and identify the preferred Hospital and bed type to which a Patient is being referred, and identify the estimated length of stay for each Patient. However, the Hospital’s Medical Director or designee shall make the determination of the appropriateness of a Patient for admission to the preferred Hospital and assign the Patient to the appropriate level of care and treatment unit.
2. If the Hospital Medical Director’s, or their designee’s, assessment determines the Patient shall not be admitted to the preferred Hospital, the preferred Hospital will notify the County Director and the DSH – Sacramento Patient Management Unit (PMU) for review and consideration of placement within an alternative appropriate DSH Hospital.
3. The County Director shall name a point-of-contact and provide assistance to the Hospital treatment staff in the screening of Patients to initiate, develop and finalize discharge planning and necessary follow-up services for the Patients. The County and DSH mutually agree that the goal is to transition Patients into their least restrictive setting, as clinically appropriate, and in alignment with Welfare and Institutions Code 5358. Either party may initiate this process by contacting the other party and engaging in collaborative discharge planning with the other party to ensure the patient’s treatment needs are met.

C. Description of Provided Hospital Services

1. The DSH defines bed types and uses in accordance with the following California Department of Public Health hospital licensing definitions. These definitions shall apply to the MOU:
2. Acute Psychiatric Hospital (APH) Acute psychiatric hospital means a hospital having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care for mentally disordered, incompetent or other Patients referred to in Division 5 (commencing with section 5000) or Division 6 (commencing with section 6000) of the Welfare and Institutions Code, including the following basic services: medical, nursing, rehabilitative, pharmacy and dietary services. An acute psychiatric hospital shall not include separate

buildings which are used exclusively to house personnel or provide activities not related to hospital patients.

3. Intermediate Care Facility (ICF) Intermediate care facility is a health facility, or a distinct part of a hospital or skilled nursing facility which provides inpatient care to patients who have need for skilled nursing supervision and need supportive care, but do not require continuous nursing care.
4. Skilled Nursing Facility (SNF) Skilled nursing facility is a health facility or a distinct part of a hospital which provides continuous skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. A skilled nursing facility provides 24-hour inpatient care and, as a minimum, includes physician, skilled nursing, dietary, pharmaceutical services and an activity program.
5. Provided the LPS Patient is admitted to a facility under the jurisdiction of DSH, DSH shall provide inpatient psychiatric health care and treatment, including outside medical health care and treatment, ancillary care and treatment, and/or support services, to those persons admitted to DSH by the County for LPS services, and Welfare and Institutions Code Section 5008, subdivision (h)(1)(B) (Murphy Conservatorships). A summary of services provided to LPS Patients and the definition of care is detailed in Exhibit 2.
6. The DSH and the County shall provide or cause to be provided, expert witness testimony by appropriate mental health professionals in legal proceedings required for the commitment, admission, or treatment of the Patients.
7. The County is responsible for transportation to and from the Hospitals in the following circumstances: court appearances, County-initiated medical appointments or services, and pre-placement visits and discharge to final placements. The County is also responsible for transportation between Hospitals when the County initiates the transfer. The DSH is responsible for all DSH-initiated transportation between the Hospitals and transportation to and from local medical appointments or services. The reimbursement rates in Exhibit 3, entitled "Statement of Annual Bed Rates and County Estimated Bed Need," include reimbursement for transportation that is the responsibility of DSH.
8. Hospitals shall be culturally-competent (including sign-language) in staff and resources to meet the needs of Patients treated pursuant to this MOU.
9. Multi-disciplinary treatment team composition will be provided as set forth in Exhibit 2.

D. Admission and Discharge Procedures

1. Hospital admissions, intra-hospital transfers, inter-hospital transfers, referrals to outside medical care, and discharges shall be in accordance with the admission and discharge criteria established by court order, statute, or DSH. A complete admission package must be submitted by the County with the referral, including all assessments available, as referenced in Section F of the MOU.

2. Denial of admission may be based on a Patient's failure to meet admission criteria, insufficient pre-admission information supplied pursuant to Section F of this MOU, the Hospital's lack of bed capacity, or based on Patient-specific treatment needs such as if a patient's primary treatment needs are medical. All denials of admission shall be in writing with an explanation for the denial. A denial of admission may be appealed as provided in the next paragraph.
3. Appeal Process for Admissions. When agreement cannot be reached between the County staff and the Hospital admitting staff regarding the admission of a Patient, the following appeal process shall be followed; the case may be referred to the Hospital Medical Director and the County Director within five (5) business days. Such appeals may be made by telephone, and shall be followed up in writing; email being an acceptable option. If the Hospital Medical Director and the County Director are unable to achieve agreement, the case may be referred to the Hospital Executive Director within five (5) business days. If the Hospital Executive Director and the County Director are unable to achieve agreement, the case may be referred to the DSH Deputy Directors of Clinical Operations and Hospital Strategic Planning and Implementation within five (5) business days. The DSH Deputy Directors of Clinical Operations and Strategic Planning and Implementation shall discuss the case with the Hospital Medical Director, or designee, and Executive Director and shall obtain additional consultation from the County Director. The DSH shall render a final decision within five (5) business days after receiving the documented basis on which the appeal is based.
4. Discharge planning by the County Director, conservator and/or Public Guardian, and Hospital shall begin at admission, as individuals should be placed and receive services in the least restrictive setting appropriate for treatment. However, the estimated length of stay shall not be used as a basis for discharge, unless mutually agreed upon by both DSH and the County Director, conservator and/or Public Guardian upon admission. The Hospital shall discharge a Patient at the County's request, and only in accordance with the approved discharge plan except: (1) if at the time the discharge is to occur, the Hospital's Medical Director, or designee, determines that the Patient's condition and the circumstances of the discharge would pose an imminent danger to the safety of the Patient or others; or, (2) when a duly appointed conservator refuses to approve the Patient's discharge or placement based on a clinical assessment by a licensed medical doctor. A denial of discharge may be appealed as provided the next paragraph.
5. The Parties agree to develop a process for elevating and discussing LPS Patients for which DSH has provided notice to the County Director are clinically eligible for discharge but have not discharged in a reasonable amount of time. Process will be implemented for future fiscal years.

E. Bed Type Transfers

1. If, for any reason, a County Patient is in a bed that is inappropriate to that Patient's needs, the attending clinician shall develop, in consultation with the

Hospital's treatment team and the County (except when the urgency of the Patient's situation precludes such consultation) a plan for transfer of the Patient to an appropriate unit in accordance with the treatment plan. This plan shall be developed and communicated to the County Director within forty-eight (48) hours of any urgent transfer. The County may initiate a treatment team discussion with the attending Hospital clinician at any time County feels that a County Patient is in a bed that is inappropriate to the Patient's needs or does not accurately reflect the level of care the Patient requires (APH, ICF, or SNF).

2. The Hospital shall provide the County Point-of-Contact notice of transfers between bed types within two (2) business days of any such transfer.
3. **Bed Types Appeals.** When agreement cannot be reached between the County staff and the Hospital staff regarding the type of bed the Patient needs, the following appeal process shall be followed. When the County staff determines that an impasse has been reached and further discussions would not be productive, the bed type may be appealed, along with all available data and analysis, to the Hospital Medical Director and the County Director, or designee, within two (2) business days. If the County Director and Hospital Medical Director are unable to achieve agreement, the case may be referred to the Hospital Executive Director and the County Director within two (2) business days. Such appeals may be made by telephone and shall be followed up in writing. If the Hospital Executive Director and the County Director are unable to achieve agreement, the case may be referred to the DSH Deputy Directors of Clinical Operations and Strategic Planning and Implementation within two (2) business days. The DSH Deputy Directors of Clinical Operations and Strategic Planning and Implementation shall discuss the case with the Hospital Medical Director and Executive Director and shall obtain additional consultation from the County Director, or designee, The DSH shall render a final decision within two (2) business days after receiving the documented basis on which the appeal is based.

F. Pre-Admission Requirements

1. The County shall, prior to admission, provide the Hospital with the complete medical records on file, the Short-Doyle Authorization Form, and all applicable court commitment orders for each Patient. The County shall identify an initial projected length of stay which the Hospital shall address in Patient's treatment plan and discharge plan.

G. Coordination of Treatment/Case Management

1. It is the intent of the Parties to this MOU to be collaborative in all matters and specifically in matters of Patient's care.
2. The County shall maintain a case management process and shall identify a case manager or case management team for each Patient. The case manager shall provide available assessment information on Patients admitted to the Hospital.

3. The Hospitals shall provide at least two weeks notification to the County Director of treatment plan conferences or 90-day reviews. The Hospitals shall identify a treatment team member to function as the primary contact for the County case manager or the case management team.
4. The County Director may direct the Hospital to discharge the Patient to a facility that the County determines to be more appropriate to the Patient's treatment requirements. The Hospital shall provide to the County Director, within five (5) business-days of request for copies of current medical records, copies of current medical records needed to assist in this process. In such cases, the Hospital shall discharge the Patient within two days of the date an alternative placement option is identified and available except if the discharge is contrary to the medical necessity of hospitalization or would pose an imminent danger to the safety of the Patient or others, or as otherwise required by law.
5. When an agreement cannot be reached between the County and the DSH on clinical assessment, treatment or the Patient's acuity, the DSH Hospital Medical Director or designee and County Director or designee shall confer for a resolution. If a resolution cannot be achieved, the issue will be elevated to the DSH Deputy Directors of Clinical Operations and Hospital Strategic Planning and Implementation. The DSH Deputy Directors of Clinical Operations and Hospital Strategic Planning and Implementation will review the case and shall make every effort to resolve the issue. If a resolution is not achieved, the County may direct the Hospital to discharge the Patient. In such an event, the DSH response will be handled in accordance with Section II, Admission and Discharge Procedures (D).

H. Patient's Rights and Confidentiality

1. The parties to this MOU shall comply with The Health Insurance Portability and Accountability Act (HIPAA) and all applicable state laws, regulations, and policies relating to the Patient's rights and confidentiality.

I. Bed Usage and Availability

1. It is acknowledged by all parties to this MOU that prior MOUs, incorporated herein by reference, including annual renewals, included an agreement to limit referrals for civil commitment by all Counties, pursuant to the LPS Act, which included Murphy Conservatorships, to a maximum total of 556 beds at any one point in time. It is further acknowledged that exceeding this maximum total beds limits DSH's ability to admit new LPS Patients to beds, and persons committed to DSH pursuant to Penal Code sections 1026, 1370, and 2960 et. seq.
2. CalMHSA/DSH shall make best efforts to develop a bed management protocol by July 1, 2022, for the purpose of aligning the number of beds allocated to LPS patients to the current maximum threshold of 556. This management protocol shall include, but not be limited to, DSH and Counties providing current data on the patient population for each County, including data for those counties which contract directly with DSH, and the number of Murphy Conservatorship(s), CalMHSA providing an allocation formula regarding how

the 556 beds will be distributed among the various counties, DSH re-identifying which LPS Patients are capable of discharge to a less restrictive levels of care, and County and CalMHSA's mutual identification of alternative placement options for said qualifying LPS Patients, including a placement and/or final discharge target date. This management and utilization protocol shall also identify a plan to reduce the counties bed usage to 556 and describe how DSH and the counties will ensure that counties do not exceed the 556 beds in the future.

3. If DSH intends to change LPS bed rates, the following procedure shall apply:
 - a. No later than May 1, of each fiscal year, DSH shall provide CalMHSA, or counties not represented by CalMHSA, with preliminary LPS bed rate cost utilization notice applicable to types of LPS beds for the fiscal year beginning fourteen (14) months from May 1 of that year.
 - b. After DSH's preliminary cost utilization notice, the County shall notify DSH, through CalMHSA, if represented by CalMHSA, by July 1 of each year, of its preliminary estimate of the number and type of LPS beds that the County expects to use, during the fiscal year beginning twelve (12) months from July 1 of that year, for bed planning purposes.
 - c. No later than November 1, of each fiscal year, DSH shall provide CalMHSA, or counties not represented by CalMHSA, with a final LPS bed rate cost utilization notice applicable to the number and types of LPS beds sought for the fiscal year beginning eight (8) months from November 1 of that year.
 - d. By January 1, of each fiscal year, CalMHSA, or counties not represented by CalMHSA, shall provide DSH with final written notification of the number and type(s) of LPS beds sought for the fiscal year beginning July 1 of that year. For example, if CalMHSA provides written notification on the number and type(s) of LPS beds to DSH on December 1, 2021, said notice will be for the fiscal year beginning July 1, 2022.
 - e. DSH shall provide a mechanism for memorializing a formal agreement between CalMHSA, or counties not represented by CalMHSA, no later than June 15, or fifteen (15) days before the start of the fiscal year, with the new LPS bed rates and number of LPS beds contracted for, not to exceed the County allocations and the total allocation of 556 beds.
 - f. Counties contracting directly with the DSH may submit the Statement of Annual Bed Rates and County Bed Need directly to the DSH. However, the County is only obligated to pay for beds it uses. The DSH will update Exhibit 3 with the County's bed need estimate and submit it to the County.
4. The County is required to execute Exhibit 1 of this MOU in order to obtain LPS beds. A County shall complete Exhibit 1 and provide a signed "Purchase Agreement of State Hospital Beds" (Exhibit 4), within 120 days of submitting any application for admission of a Patient from the County.
5. Patients under the care of the DSH, referred to outside medical facilities, will remain the responsibility of the DSH unless the County initiates discharge. Upon a County-initiated discharge, the Patient and all costs become the

responsibility of the County, during all offsite leave, Counties will continue to be charged at the daily bed rate. For all offsite leave of greater than 30 days, the DSH and the County may, at the request of either party, discuss appropriate care options for Patients.

J. Bed Payment

1. The current bed rates, historical bed usage and current estimated bed usage are reflected in Exhibit 3.

This MOU involves a minimum commitment of zero beds for any particular County. The amount that the Controller is authorized to reimburse DSH from the mental health account of the County's Health and Welfare Trust Fund, pursuant to Welfare and Institutions Code section 17601, subdivision (b), is based on the amounts provided to the Controller per the County Actual Use statement reflecting actual bed usage by the County for the prior month.

2. Development of ICF, APH and SNF Rates for FY 2022-2023 – The parties to this MOU acknowledge that on March 15, 2021, and as required by Welfare and Institutions Code, section 4331, subdivision (b), and Section II (I)(3) of this MOU, DSH disclosed its intent to begin negotiations with CalMHSA and Counties regarding a proposed increase to ICF, acute care APH and SNF bed rates. The proposed new ICF, APH and SNF bed rates would have an effective date of July 1, 2022. The parties are continuing to work collaboratively on the corresponding methodology and data that would justify the proposed bed rate increases. Prior to July 1, 2022, the current bed rates will remain in effect. DSH represents that the current ICF and APH bed rate reflects a blended Acute and ICF rate based on the prior year's established bed rates. DSH will review rates on an annual basis, based on actual expenditures at Hospitals that serve LPS patients.
3. The bed rates in this MOU represent the total amount due from the County for services provided in Section II, Terms and Conditions (C)(1-6, 8-9) by the DSH. These rates may not represent the total claimable amount for services provided to the Patient. Patient will be responsible for any costs exceeding the bed rates described in this MOU.

K. Utilization Review – Hospital Operations

1. The Hospitals shall have ongoing utilization review activities which shall address the appropriateness of Hospital admissions and discharges, clinical treatment, length of stay and allocation of Hospital resources, to most effectively and efficiently meet the Patient's care needs. Such utilization reviews shall be at a minimum of one time per year and include the County's participation. The DSH will provide written results of the utilization review, if available.
2. The County shall take part in the utilization review activities.

L. Records

1. Patient Records

- a. Hospitals shall maintain adequate medical records on each Patient. These medical records shall include legal status, diagnosis, psychiatric evaluation, medical history, individual treatment plan, records of Patient interviews, progress notes, recommended continuing care plan, discharge summary, and records of services. These records shall be provided by various professional and paraprofessional personnel in sufficient detail to permit an evaluation of services.
- b. Subject to applicable federal and California privacy laws and regulations, including DSH policies, the DSH will provide access to Patient medical records to Counties and CalMHSA through the use of a secure file sharing technology determined by the DSH. Access to the information described in this section shall only be made available to CalMHSA upon execution of a data sharing agreement. To facilitate such access, the DSH will work with CalMHSA and the Counties to make sure that each County has an authorized person with sufficient training and credentials (i.e., user name and password) that the person will be able to access DSH Patient records on behalf of the County.
- c. Subject to applicable federal and California privacy laws and regulations, including DSH policies, upon request by the County for medical records of County's Patient, the DSH will ordinarily upload and make available to the County through a secure file sharing technology all current records of Patient within seven (7) business days, provided, however, that if records of a Patient are unusually voluminous the DSH may give notice that more than seven (7) business days will be needed.
- d. Subject to applicable federal and California privacy laws and regulations, including DSH policies, upon request by the County for physical access to medical records of County's Patient, the DSH will make available all current records of Patient for inspection at the facility where Patient resides, within a timeframe agreed upon by the DSH Hospital representative and the County.

2. Financial Records

- a. The DSH shall prepare and maintain accurate and complete financial records of the Hospitals' operating expenses and revenue. Such records shall reflect the actual cost of the type of service for which payment is claimed, on an accrual basis. Additionally, such records shall identify costs attributable to County LPS Patients, versus other types of patients to whom the Hospitals provide services. Any apportionment of, or distribution of costs, including indirect costs, to or between programs or cost centers of the Hospitals shall be

documented, and shall be made in accordance with generally accepted accounting principles and applicable laws, regulations, and state policies. The Patient eligibility determination, and any fee charged to and collected from Patients, together with a record of all billings rendered and revenues received from any source, on behalf of Patients treated pursuant to this MOU, shall be reflected in the Hospital's financial records.

3. Retention of Records

- a. The Hospitals shall retain all financial and Patient records pursuant to federal, State and DSH record retention requirements.

M. Inspections and Audits

1. Consistent with confidentiality provisions of Welfare and Institutions Code section 5328, any authorized representative of the County shall have access to the medical and financial records of the DSH for the purpose of conducting any fiscal review or audit during the Hospital's record retention period. The Hospital shall provide the County adequate space to conduct such review or audit. The County may, at reasonable times, inspect or otherwise evaluate services provided in the Hospitals; however, the County shall not disrupt the regular operations of the Hospitals.
2. The County shall not duplicate reviews conducted by other agencies (e.g., State Department of Public Health, County Coroner's Office, and District Attorney's Office), if the detailed review results, methods, and work papers of any such review are made available to the County and the County determines the review was sufficient for County purposes. Practitioner-specific peer review information and information relating to staff discipline is confidential and shall not be made available.

N. Notices

1. Except as otherwise provided herein, all communication concerning this MOU shall be as follows:

Department of State Hospitals

- a. Billing and general MOU provisions:

Christian Jones, Associate Governmental Program Analyst
trustoffice@dsh.ca.gov
(916) 651-8727

- b. Patient Placement and Appeals coordination:

Lydia Smith, Chief – Patient Management Unit

Lydia.smith@dsh.ca.gov

(916) 562-2537

CalMHSA

Michael Helmick, Senior Program Manager

michael.helmick@calmhsa.org

(279) 234-0712

The County has designated the following as its MOU coordinator:

Name: _____

E-mail: _____

Phone: _____

1. The Hospitals shall notify the County by telephone (with subsequent written confirmation), encrypted email or FAX, within twenty-four (24) hours of becoming aware of any occurrence of a serious nature which involves a Patient. Such occurrences shall include, but are not limited to, homicide, suicide, accident, injury, battery, Patient abuse, rape, significant loss or damage to Patient property, and absence without leave.
2. The Hospital shall notify the County of the conversion of a Patient on LPS status to a PC commitment status that results in the DSH becoming financially responsible for the placement of the Patient. The Hospital shall notify the County, by telephone at the earliest possible time, but not later than five (5) business days after such conversion. Such telephone notification shall be followed by a written notification to the County, which shall be submitted no later than ten (10) business days after the Patient's conversion.

III. SPECIAL PROVISIONS

- A. This MOU is subject to and is superseded by, any restrictions, limitations, or conditions enacted by the Legislature and contained in the Budget Act, or any statute or regulations enacted by the Legislature which may affect the provisions, terms, or funding of this MOU. The parties do not intend to amend or waive any statutory provision applicable to the use of state hospital beds by counties pursuant to Part 1 of Division 5 of the Welfare and Institutions Code, unless the subsection to be amended or waived is specifically identified in this MOU with a statement indicating the parties' intent to amend or waive the provision as thereafter described. If statutory, regulatory, bed rate, or billing process changes occur during the term of this MOU, the parties may renegotiate the terms of this MOU affected by the statutory, regulatory, bed rate or billing process changes.
- B. Should the DSH's ability to meet its obligations under the terms of this MOU be substantially impaired due to loss of a Hospital license, damage or malfunction of the Hospital, labor union strikes, or other cause beyond the control of the DSH, the parties may negotiate modifications to the terms of this MOU.
- C. Mutual Indemnification
 1. The County shall defend, indemnify, and hold the DSH and its agencies, their respective officers, employees and agents, harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injury or damages arising out of the performance of this MOU but only in proportion to and to the

extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the County, its officers, agents, or employees.

2. The DSH shall defend, indemnify, and hold the County, its officers, employees, and agents, harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injury or damage arising out of the performance of this MOU but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the DSH and/or its agencies, their officers, agents, or employees.

D. The signatories below represent that they have the authority to sign this MOU on behalf of their respective agencies. Execution by a participating County of Exhibit 1 confirms the participating County agrees to the terms of this MOU and Exhibits 1-4. This MOU and its Exhibit 1 may be executed in counterparts.

E. This MOU, which includes Exhibits 1-4, comprises the entire agreement and understanding of the parties and supersedes any prior agreement or understanding.

F. This MOU which includes Exhibits 1-4 may be amended or modified only by a written amendment signed by the parties.

Amie Miller, Executive Director
CalMHSA

Date

Paul Bernal, Chief
Procurement and Contract Services Section
Department of State Hospitals

Date

EXHIBIT 1

Execution acknowledges the signatory possesses actual or apparent authority to declare the applicable County is a participating County under this MOU.

Signature
Name _____ Title _____
County of _____

Date

EXHIBIT 2

LPS SERVICES SUMMARY

Licensure

The Hospitals comply with all applicable federal and state laws, licensing regulations and provide services in accordance with generally accepted practices and standards prevailing in the professional community at the time of treatment. The Hospitals, which are accredited, shall make a good-faith effort to remain accredited by the Joint Commission throughout the term of the MOU.

The DSH provides the services to its LPS patients as follows:

Core Treatment Team and Nursing Care

The Hospitals provide Treatment Team services that are the core to a Patient's stabilization and recovery. The Treatment Team groups consist of the following individuals: Psychiatrist, Psychologists, Social Workers, Rehabilitation Therapists, and Nurses. These teams provide a highly-structured treatment for mental rehabilitation and re-socialization in preparation for an open treatment setting or community placement.

Treatment Team Ratios		
Treatment Team Member:	ICF Staffing Ratio:	Acute Care Staffing Ratio:
Psychiatrist	1:35	1:15
Psychologist	1:35	1:15
Social Worker	1:35	1:15
Rehabilitation Therapist	1:35	1:15
Registered Nurse	1:35	1:15

The Hospitals provide nursing care according to nursing licensing ratio requirements for state hospitals as follows:

Licensing Compliance Nursing Staff Ratios (Non-Treatment Team)		
Nursing Shift:	ICF Staffing Ratio:	Acute Care Staffing Ratio:
A.M. Shift	1:8	1:6
P.M. Shift	1:8	1:6
NOC Shift	1:16	1:12

The ratios provided above are the current staffing standards employed by the DSH. Each facility may adjust unit ratios as necessary for the continued treatment and safety of Patients and staff.

Skilled Nursing Facility services provide continuous skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. A skilled nursing facility provides 24-hours inpatient care and, as a minimum, includes physician, skilled nursing, dietary, pharmaceutical services and an activity program.

Additional Treatment Services

Medical Services: Medical Clinics include Neurology, GYN, Ophthalmology, Optometry, Endocrinology, Cardiology, Podiatry, Dental and X-Ray services as well as referral services for Gastro-Intestinal care, Hematology, Nephrology, Surgery and related care for diseases of the liver (e.g., Hepatitis C). Full Acute Medical Care services are provided via contracts with community hospitals and/or a County Hospital.

Physical, Occupational and Speech Therapy (POST): Department provides physical rehabilitation services to all the patients at Napa State Hospital with the goal of assisting Patients to reach or maintain their highest level of functioning. The POST Team provides assessment services, treatment services and training to staff and Patients on the use and care of adaptive equipment that has been evaluated as appropriate for the Patient.

Individualized Active Recovery Services: Active Recovery Services focus on maximizing the functioning of persons with psychiatric disabilities and are provided both within the residential units and in the Treatment Mall. Treatment is geared to identify, support and build upon each person's strengths to achieve their maximum potential in meeting the person's hopes, dreams, treatment needs and life goals.

Active Recovery Services at the Hospitals:

- Are based on the specific needs of each Patient.
- Are developed and delivered based on a philosophy of recovery.
- Provide a wide range of courses and activities designed to help patients develop the knowledge and skills that support recovery, and transition toward community living.
- Are organized to fully utilize staff resources and expertise.
- Provide a range of services that lead to a more normalized environment outside of the residential areas.
- Are facilitated by psychiatrists, psychologists, social workers, rehabilitation therapy staff, and nursing staff.

Industrial Therapy: Opportunities include dining room cleaning services, grounds maintenance, as well as other therapeutic services. Participants must demonstrate an appropriate level of behavior to ensure safety and security.

EXHIBIT 3

**COUNTY
STATEMENT OF ANNUAL BED RATES
AND
COUNTY-ESTIMATED BED NEED
July 1, 2021 through June 30, 2022**

1. STATE HOSPITAL BED RATE FOR FY 2021-22

Acute	\$626
Intermediate Care Facility (ICF)	\$626
Skilled Nursing Facility (SNF)	\$775

2. BED USAGE BY ACUITY (IN BED DAYS)

	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	*FY 2021/22	Acuity Totals
Acute	91,479	98,617	117,699	139,007	146,762	136,861	141,812	872,237
ICF	111,235	111,382	109,095	97,594	98,697	105,818	102,258	736,079
SNF	18,413	19,546	19,132	16,178	17,535	17,971	17,753	126,528
FY Totals	221,127	229,545	245,926	252,779	262,994	260,650	261,823	1,734,844

*Totals are an estimate based on the average of FY 2019-2020 and 2020-2021.

EXHIBIT 4

Purchase Agreement of State Hospital Beds

Fiscal Year 2021-22

California Department of State Hospitals

By signing this Purchase Agreement, the County agrees to all recitals, terms and conditions, and special provisions between the County below and the Department of State Hospitals, (DSH) contained within the Fiscal Year (FY) 2021-22/Memorandum of Understanding (MOU) for the purchase of state hospital beds from the DSH. The DSH shall be reimbursed for use of state hospital beds by counties pursuant to Welfare and Institutions Code section 4330 et seq. Any County signing this form will be entitled to the same services contained in the FY 2021-22/MOU. The County will also abide by the same remunerative and legal policies contained within the FY 2021-22/MOU. The County agrees to sign Exhibit 1 of the MOU within the next 120 days. The DSH reserves the right to not accept patients from any County without a signed Exhibit 1.

County

County Director or Director designee – print

County Director or Director designee – sign/date

Paul Bernal, SSM II, DSH

Paul Bernal, Procurement and Contract Services Section – print

Paul Bernal, Procurement and Contract Services Section – sign/date

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING AND
AUTHORIZING THE DIRECTOR OF THE
KINGS COUNTY BEHAVIORAL HEALTH
DEPARTMENT TO SIGN THE CALIFORNIA
MENTAL HEALTH SERVICES AUTHORITY
AGREEMENT /

Resolution No. _____

WHEREAS, pursuant to the Board of Supervisor’s approval in February of 2012, the County of Kings (“County”) joined the California Mental Health Services Authority (“CalMHSA”) as a voting member to jointly develop and fund mental health services and education programs on a statewide, regional, or local basis; and

WHEREAS, the County is entering into a new two (2) year agreement to participate in the CalMHSA State Hospitals Program; and

WHEREAS, the agreement allows CalMHSA to continue jointly contracting for state hospital beds, to implement various mental health services, to contract with the state for administration of Mental Health Programs, to jointly implement managed mental healthcare for Medi-Cal beneficiaries, and to offer statewide program risk pools for mental health plan services.

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

1. That the Board of Supervisors approves the agreement between the County of Kings and CalMHSA for the State Hospitals Program.
2. That the Kings County Board of Supervisors authorizes the Director of Kings County Behavioral Health to sign the agreement between the County of Kings and the CalMHSA, Memorandum of Understanding between the California Department of State Hospitals and CalMHSA, and to sign any future amendments during the term of this agreement.

The foregoing resolution was adopted upon the motion by Supervisor _____, seconded by Supervisor _____ at a regular meeting held on 24th day of May 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Joe Neves, Chairman of the Board of Supervisors
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this 24th day of May 2022.

Clerk of the Kings County Board of Supervisors



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM

May 24, 2022

SUBMITTED BY: Department of Public Health– Rose Mary Rahn

SUBJECT: AUTHORIZING THE DIVISION OF ENVIRONMENTAL HEALTH AS ENFORCEMENT AGENCY TO ENFORCE ASSEMBLY BILL 1276

SUMMARY:

Overview:

Assembly Bill 1276 creates new rules about how food facilities are able to provide “single-use foodware accessories and condiments” to their customers. The law requires that, no later than June 1, 2022, each county must authorize an enforcement agency to enforce Assembly Bill 1276. Environmental Health already performs periodic inspections of food facilities and is therefore appropriately situated to be authorized as Kings County’s enforcement agency to enforce Assembly Bill 1276.

Recommendation:

Adopt a Resolution authorizing the Environmental Health Division of Public Health as the Kings County enforcement agency for Assembly Bill 1276.

Fiscal Impact:

There is no impact to the General Fund.

BACKGROUND:

On October 5, 2021, California Governor Gavin Newsom signed Assembly Bill 1276 (AB1276) into law, amending Chapter 30, Part 3, Chapter 5.2 (Sections 42270-42273) of the Public Resources Code (PRC). Prior law had generally required that food facilities could not provide straws to patrons unless the patron requested one. AB1276 expanded the scope of that law to include all single-use foodware accessories—utensils, straws, stirrers, etc.—and to individually packaged condiments. Additionally, AB1276 extended this requirement to third-party delivery platforms; websites and applications for third-party delivery platforms must now have a separate menu to allow patrons to request single-use foodware accessories and prepackaged condiments. Food facilities violating the law commit an infraction punishable by a \$25 fine, with a \$300 annual cap on individual fines.

(Cont’d)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

Agenda Item

AUTHORIZING ENVIRONMENTAL HEALTH AS ENFORCEMENT AGENCY TO ENFORCE ASSEMBLY BILL 1276

May 24, 2022

Page 2 of 2

The law does not require the county to create its own ordinance if it does not already have one. However, section 4 of the law (codified in PRC Section 42272) requires that on or before June 1, 2022, the county shall authorize an enforcement agency to enforce the new law.

The Kings County Department of Public Health, Division of Environmental Health, is the county agency currently assigned to performing periodic health inspections of restaurants, food trucks, and other entities that fall under the definition of “food facility” under AB1276. Additionally, Environmental Health already has enforcement authority over certain state health and safety laws, and certain violations of the Kings County Ordinance.

Environmental Health’s existing enforcement authority, in conjunction with its regular inspections of food facilities, makes it uniquely situated as the most logical choice for an enforcement agency over a law that governs food facilities.

The Resolution has been reviewed and approved by County Counsel as to form.

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF AUTHORIZING
ENVIRONMENTAL HEALTH DIVISION
AS THE ENFORCEMENT AGENCY FOR
ASSEMBLY BILL 1276

RESOLUTION NO. _____

_____ /

WHEREAS, on October 5, 2021, California Governor Gavin Newsom signed into law Assembly Bill 1276 (“AB 1276”), amending Division 30, Part 3, Chapter 5.2 (Sections 42270-42273) of the California Public Resources Code (“PRC”).

WHEREAS, AB 1276 regulates the provision of single-use foodware accessories and condiments in California, making it an infraction for a food facility to provide certain utensils and individually packaged condiments to diners except under specified conditions.

WHEREAS, Section 4 of AB 1276 (PRC Section 42272) requires that on or before June 1, 2022, each county shall authorize an enforcement agency to enforce this chapter.

WHEREAS, the Environmental Health Division of the Kings County Department of Public Health is the County agency responsible for performing periodic inspections of all food facilities within Kings County and is, therefore, uniquely positioned to include such enforcement within its jurisdiction.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Environmental Health Division of the Kings County Department of Public Health is authorized to enforce in Kings County the provisions of AB 1276 as codified in in PRC Section 42270 et seq. and as may be amended.

The foregoing resolution was adopted upon motion by Supervisor _____, seconded by Supervisor _____ at a regular meeting held on the ___ day of _____, 2022, by the following vote:

AYES: Supervisors
NOES: Supervisors
ABSENT: Supervisors
ABSTAIN: Supervisors

Chairperson of the Board of Supervisors
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this ___ day of _____, 2022.

Clerk of said Board of Supervisors



AB-1276 Single-use foodware accessories and standard condiments. (2021-2022)

SHARE THIS:



Date Published: 10/06/2021 09:00 PM

Assembly Bill No. 1276

CHAPTER 505

An act to amend Sections 42270 and 42271 of, to amend the heading of Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of, and to add Sections 42272 and 42273 to, the Public Resources Code, relating to solid waste.

[Approved by Governor October 05, 2021. Filed with Secretary of State October 05, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1276, Carrillo. Single-use foodware accessories and standard condiments.

Existing law prohibits a full-service restaurant, as specified, from providing single-use plastic straws, as defined, to consumers unless requested by the consumer, and places the duty to enforce this prohibition on specified state and local health and environmental health officers and their agents. Existing law specifies that the first and 2nd violations of these provisions result in a notice of violation, and any subsequent violation is an infraction punishable by a fine of \$25 for each day the full-service restaurant is in violation, but not to exceed an annual total of \$300.

This bill would instead prohibit a food facility from providing any single-use foodware accessory or standard condiment, as defined, to a consumer unless requested by the consumer, as provided. The bill would prohibit those items from being bundled or packaged in a way that prohibits the consumer from taking only the item desired. The bill would authorize a food facility to ask a drive-through consumer, or a food facility located within a public airport to ask a walk-through consumer, if the consumer wants a single-use foodware accessory in specified circumstances. The bill would require a food facility using a third-party food delivery platform to list on its menu the availability of single-use foodware accessories and standard condiments and only provide those items when requested, as provided. The bill would exclude from these requirements correctional institutions, health care facilities, residential care facilities, and public and private school cafeterias.

This bill would require a city, county, or city and county, on or before June 1, 2022, to authorize an enforcement agency to enforce these requirements. The bill would specify that the first and 2nd violations of these provisions result in a notice of violation, and any subsequent violation is an infraction punishable by a fine of \$25 for each day in violation, but not to exceed an annual total of \$300. By creating a new crime and imposing additional duties on local governing bodies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the

statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The heading of Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the Public Resources Code is amended to read:

CHAPTER 5.2. Single-Use Foodware Accessories and Condiments

SEC. 2. Section 42270 of the Public Resources Code is amended to read:

42270. For purposes of this chapter, the following definitions apply:

- (a) "Consumer" has the same meaning as in Section 113757 of the Health and Safety Code.
- (b) "Food facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- (c) "Ready-to-eat food" has the same meaning as in Section 113881 of the Health and Safety Code.
- (d) "Single-use" means designed to be used once and then discarded, and not designed for repeated use and sanitizing.
- (e) "Single-use foodware accessory" means all of the following single-use items provided alongside ready-to-eat food:
 - (1) Utensils, which is defined as forks, knives, spoons, and sporks.
 - (2) Chopsticks.
 - (3) Condiment cups and packets.
 - (4) Straws.
 - (5) Stirrers.
 - (6) Splash sticks.
 - (7) Cocktail sticks.
- (f) "Standard condiment" means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes.
- (g) "Third-party food delivery platform" has the same meaning as in Section 113930.5 of the Health and Safety Code.

SEC. 3. Section 42271 of the Public Resources Code is amended to read:

42271. (a) Except as provided in subdivisions (c) and (d), a food facility, for on-premises dining or when using a third-party food delivery platform, shall not provide any single-use foodware accessory or standard condiment packaged for single use to a consumer unless the single-use foodware accessory or standard condiment is requested by the consumer.

(b) Single-use foodware accessories and standard condiments packaged for single use provided by food facilities for use by consumers shall not be bundled or packaged in a manner that prohibits a consumer from taking only the type of single-use foodware accessory or standard condiment desired without also having to take a different type of single-use foodware accessory or standard condiment.

(c) A food facility may ask a drive-through consumer if the consumer wants a single-use foodware accessory if the single-use foodware accessory is necessary for the consumer to consume ready-to-eat food, or to prevent spills of or safely transport ready-to-eat food.

(d) A food facility that is located entirely within a public use airport, as defined in Section 77.3 of Title 14 of the Code of Federal Regulations, may ask a walk-through consumer if the consumer wants a single-use foodware accessory if the single-use foodware accessory is necessary for the consumer to consume ready-to-eat food, or to prevent spills of or safely transport ready-to-eat food.

(e) (1) A third-party food delivery platform shall provide consumers with the option to request single-use foodware accessories or standard condiments from a food facility serving ready-to-eat food.

(2) If a food facility uses any third-party delivery platform for ready-to-eat food, the food facility shall customize its menu with a list of available single-use foodware accessories and standard condiments, and only those single-use foodware accessories or standard condiments selected by the consumer shall be provided by the food facility. If a consumer does not select any single-use foodware accessories or standard condiments, no single-use foodware accessory or standard condiment shall be provided by the food facility for delivery of ready-to-eat food.

(f) Nothing in this section shall prohibit a food facility from making unwrapped single-use foodware accessories available to a consumer using refillable self-service dispensers that dispense one item at a time to allow for single-use foodware accessories to be obtained.

(g) Nothing in this section shall prohibit a food facility from making standard condiments available to a consumer using refillable self-service dispensers to allow for standard condiments to be obtained. A food facility that offers standard condiments is encouraged to use bulk dispensers for the condiments rather than condiments packaged for single use.

(h) Nothing in this section shall prevent a city, county, city and county, or other local public agency from adopting and implementing an ordinance or rule that would further restrict a food facility or a third-party food delivery platform from providing single-use foodware accessories or standard condiments to a consumer.

(i) A food facility is encouraged, but not required, to take actions in addition to the requirements of this section that support a goal of reducing the use of and waste generated by all single-use food service products.

SEC. 4. Section 42272 is added to the Public Resources Code, to read:

42272. (a) On or before June 1, 2022, a city, county, or city and county shall authorize an enforcement agency to enforce this chapter.

(b) The first and second violations of this chapter shall result in a notice of violation, and any subsequent violation shall constitute an infraction punishable by a fine of twenty-five dollars (\$25) for each day in violation, but not to exceed three hundred dollars (\$300) annually.

SEC. 5. Section 42273 is added to the Public Resources Code, to read:

42273. This chapter does not apply to any of the following:

(a) Correctional institutions, which has the same meaning as in Section 7502 of the Penal Code.

(b) Health care facilities licensed pursuant to Article 1 (commencing with Section 1250) of Chapter 2 of Division 2 of the Health and Safety Code or facilities that are owned or operated by a health care service plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code.

(c) Residential care facilities licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

(d) Public and private school cafeterias, as referenced in paragraph (1) of subdivision (b) of Section 113789 of the Health and Safety Code.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Department of Public Health – RoseMary Rahn

SUBJECT: HEALTH EDUCATOR POSITIONS IN THE HEALTH DEPARTMENT

SUMMARY:

Overview:

The Public Health Department would like to add two Health Educator positions to their department. These positions would be an additional 2.0 Full Time Employees in the Communicable Disease division, which would be assigned to the Health Education unit for Infection & Prevention and for COVID-19 and other communicable diseases.

Recommendation:

Approve the addition of 2.0 FTE Health Educator positions into Budget Unit 411300.

Fiscal Impact:

There will be no cost to the general fund. The cost for the Health Educators is \$15,324 for the remainder of Fiscal Year 2021-2022. These positions were included in the Fiscal Year 2022-2023 recommended budget.

BACKGROUND:

With Kings County Public Health ramping down from COVID-19 services, it is critical to continue to provide health education and outreach to the community on prevention and treatment measures. We initially requested six additional Health Educator positions in the upcoming Fiscal Year (FY) 2022-2023 budget and have recently developed a need to only fill two of those positions this FY.

These two positions would be assigned to our Communicable Disease division and would be working with the Kings County schools, local provider offices, and community outreach with other County departments, Community Based Organizations, and Faith Based Organizations. Health Educators are a much needed component of Public Health. They provide community assessment, outreach as well as linkage and referrals to services. During COVID-19 we identified a need for Health Educators to coordinate, advocate and assist partners in accessing information and resources related to COVID-19 which included prevention measures, treatment and vaccinations.

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Department of Public Health - Rose Mary Rahn

SUBJECT: PURCHASE OF OUTDOOR STRUCTURES FOR EXERCISES AND EVENTS

SUMMARY:

Overview:

The Kings County Department of Public Health, Public Health Emergency Preparedness Division is requesting approval to purchase two outdoor structures for emergency preparedness exercises and events.

Recommendation:

- a. Approve the purchase of two structures from DLX Enterprises, LLC; and
- b. Adopt the budget change (4/5 vote required)

Fiscal Impact:

There is no fiscal impact to the County General Fund. One structure will be purchased with COVID-19 Hospital Preparedness Program supplemental funding and the other with Pandemic Influenza grant funds for a combined total of \$36,712 in Budget Unit 417400, Equipment Account 94000.

BACKGROUND:

The Public Health Emergency Preparedness Division of Kings County Department of Public Health (KCDPH) identified a need to have durable outdoor structures to support healthcare operations. Quotes were received from DLX Enterprises, Grainger, Air Shelters USA LLC, and Safeware Inc., and DLX Enterprises provided the lowest bid. KCDPH is requesting to purchase two rapid deployment structures from DLX Enterprises. The rapid deployment structures offered by DLX Enterprises function like pop-up tents only requiring two people, minimal time to deploy or store. The rapid deployment capability of these structures allows them to be used for day-to-day operations. The structures can also be connected to each other to form one large structure if needed. This provides the opportunity to buy additional structures in the future to increase capacity for larger operations. These structures will also support the Kings County Healthcare Emergency Preparedness Committee comprised of the Adventist Health Hospital, skilled nursing facilities, clinics, and other healthcare facilities. The structures will be available to assist any of its members shall a need arise to use these in the event of an emergency.

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only
Date
J/E No.
Page of

(A) New Appropriation

Expenditures:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General	Hospital Prep (HPP)	Equipment	100000	417400/ 407600	94000	18,357.00
					TOTAL	18,357.00

Funding Sources:

FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General	Hospital Prep (HPP)	Revenue Transfer In	100000	417400/ 407600	89000	18,357.00
					TOTAL	18,357.00

(B) Budget Transfer:

Transfer From:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred Out
General	Pan Flu	Pub Hlth Emerg/Reg EE	100000	417400	91000	11,080.00
General	Pan Flu	Pub Hlth Emerg/Retire	100000	417400	91005	2,429.00
General	Pan Flu	Pub Hlth Emerg/MediCare	100000	417400	91012	848.00
General	Pan Flu	Pan Flu/Office Equip/Supp	100000	417400/ 407500	92018	4,000.00
					TOTAL	18,357.00

Transfer To:

FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred In
General	Pan Flu	Equipment	100000	417400/ 407500	94000	18,357.00
					TOTAL	18,357.00

Explanation: (Use additional sheets or expand form for more data entry rows or additional narrative, if needed).

The Kings County Health Department Emergency Preparedness office is requesting appropriation of funds for \$18,357 to the HPP fixed asset equipment account and a budget transfer of \$18,357 to the Pan Flu fixed asset account for a grand total \$36,714.00 for the purchase of two rapid deployment structures.

Auditor Approval _____

Department Head _____

CAO Approval _____

Board Approval _____

Kyria Martinez





COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM

May 24, 2022

SUBMITTED BY: Public Works Department – Dominic Tyburski/Mitchel Cabrera

SUBJECT: FISCAL YEAR 2022-2023 SENATE BILL 1 PROJECT LIST

SUMMARY:

Overview:

Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017, requires your Board to adopt a list of proposed projects by Resolution.

Recommendation:

Adopt a Resolution containing the projects planned to be constructed with Fiscal Year 2022-2023 utilizing Senate Bill 1 Funding.

Fiscal Impact:

There is no impact to the General Fund. SB 1 funds will be allocated and expensed from the County road fund budget Unit 311000. This funding is estimated to be \$4.70M for Fiscal Year 2022-23.

BACKGROUND:

SB1 became law in 2017. This is the 6th year that this additional funding has been available for much needed road maintenance. The project list for last year was hot mix asphalt concrete overlays and slurry seals, construction is slated to start this summer. The fiscal year 2022-23 list is attached and includes hot mix asphalt overlays, slurry seals, and micro seals. Slurry and micro seals are the application of a mixture of water, asphalt emulsion, aggregate (very small, crushed rock), and additives to an existing asphalt pavement surface. The major difference between slurry seal and microsurfacing is in how they “break” or harden. Slurry relies on evaporation of the water in the asphalt emulsion. The asphalt emulsion used in microsurfacing contains chemical additives which allow it to break without relying on the sun or heat for evaporation to occur.

Road segment selection is based on recommendations from our Pavement Management System (PMS), a program that suggests maintenance work based on the age and type of road, the amount of daily traffic, and the distress exhibited by the road. Recommendations are reviewed by staff and may be modified based on engineering judgement. County Counsel has reviewed this resolution.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2022-23 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 /

RESOLUTION NO. _____

WHEREAS, Senate Bill 1 (“SB 1”), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our County are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the County must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (“RMRA”), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement; and

WHEREAS, the County, will receive an estimated \$4.70M in RMRA funding in Fiscal Year 2022-23 from SB 1; and

WHEREAS, this is the sixth year in which the County is receiving SB 1 funding and will enable the County to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the County has undergone a robust public process to ensure public input into our community’s transportation priorities/the project list; and

WHEREAS, the County used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

Whereas, the funding from SB 1 will help the County maintain and rehabilitate 15 miles of streets/roads, throughout the County this year and similar projects in the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the County’s streets and roads are in an “good/at-risk” condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a “good” condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE BE IT RESOLVED, ORDERED AND FOUND by the Board of Supervisors, County of Kings, State of California, as follows:

1. The foregoing recitals are true and correct.

2. The proposed projects that will be funded in-part or solely with fiscal year 2022-23 Road Maintenance and Rehabilitation Account revenues are shown on the list attached hereto as **Exhibit A** and incorporated herein by reference.

The foregoing resolution was adopted upon motion by Supervisor _____, seconded by Supervisor _____, at a regular meeting held on the 24th day of May, 2022, by the following vote:

AYES: Supervisors
NOES: Supervisors
ABSENT: Supervisors
ABSTAIN: Supervisors

Joe Neves, Chairperson
Board of Supervisors
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this 24th day of May, 2022.

Catherine Venturella, Clerk of said Board

Exhibit A

Avenal Cutoff Road Full Depth Reclamation with Cement 2022-2023				Estimated Completion		Estimated Useful Life (years)	
Road	Begin	End	Project Type	Pre-Con.	Construction*	Min.	Max.
Avenal Cutoff Road	SR 198	CA Aqueduct (County Limit)	Road Maint. & Rehab	10/2022	6/2023	15	25

*Project construction will be completed in phases (estimated 1 project phase per year)



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM May 24, 2022

SUBMITTED BY: Administration – Edward Hill/Matthew Boyett

SUBJECT: RESOLUTION DECLARING A LOCAL EMERGENCY DUE TO DROUGHT
CONDITIONS IN KINGS COUNTY

SUMMARY:

Overview:

On March 28, 2022, the governor signed an executive order to bolster regional water conservation efforts to address the state's ongoing drought issues. The executive order was signed due to the Department of Water Resources (DWR) reducing State Water Project (SWP) allocations to only five percent of requested supplies because of emergency declarations proclaimed in 2021 caused by minimal amounts of precipitation and as January through March 2022 were the driest three-month stretch in the state's history. As a result of the governor's executive order, on April 1, 2022, the Board adopted a resolution declaring a local emergency due to drought conditions in Kings County. With continued drought conditions and water concerns in Kings County, a renewal of the April 1, 2022, local emergency resolution is being brought forward for consideration, as Government Code Section 8630 (c) states that local emergency declarations need to be reviewed every sixty days until the governing body terminates the local emergency.

Recommendation:

Adopt a Resolution continuing to declare a local emergency due to drought conditions in Kings County.

Fiscal Impact:

The declaration of local emergency may provide some financial and administrative relief to help local farmers, businesses, and government agencies in addressing the problems associated with fire risk and the lack of adequate supplies of irrigation water.

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

RESOLUTION DECLARING A LOCAL EMERGENCY DUE TO DROUGHT CONDITIONS IN KINGS COUNTY

May 24, 2022

Page 2 of 2

BACKGROUND:

The California Emergency Services Act, Government Code section 8550, *et seq.*, authorizes the Board to proclaim local emergencies based on the “existence of conditions of disaster or of extreme peril to safety of persons and property” caused by fire or drought (Gov. Code, § 8558, subd. (c).). Thereafter, the County may work with the California Emergency Management Agency to seek aid, and may also appropriate and transfer funds to address emergency situations upon a four-fifths vote (Gov. Code, § 29127.).

Throughout 2021, Governor Newsom declared a State of Emergency throughout all California counties based on severe to exceptional drought conditions throughout California and substantial water supply and ecosystem challenges in the state. January through March 2022 have been the driest three-month stretch in the state’s history, resulting in DWR reducing SWP allocations to only five percent of requested supplies. As a result of continued drought conditions, on March 28, 2022, the governor signed an executive order to bolster regional water conservation efforts to address these critical drought issues. Such efforts revolve around limiting landscaping irrigation in commercial and business areas, water conservation contingency plans, and additional restrictions on groundwater well permitting.

As a result of the governor’s executive order, on April 1, 2022, the Board adopted a resolution declaring a local emergency due to drought conditions in Kings County. Because of the drought, Kings County is facing substantial reductions to its water supply and significant adverse environmental, economic, and social impacts. These impacts pose an imminent threat of disaster and threaten to cause widespread harm to people, businesses, property, communities, wildlife and recreation in Kings County. By declaring an emergency due to drought, the County provided the ability to seek additional resources to expeditiously mitigate the effects of the drought and address the water supply and ecosystem challenges within Kings County.

With continued drought conditions and water concerns in Kings County, a renewal of the April 1, 2022, local emergency resolution is being brought forward for consideration, as Government Code Section 8630 (c) states that local emergency declarations need to be reviewed every sixty days until the governing body terminates the local emergency.

The resolution has been reviewed and approved by County Counsel as to form.

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF CONTINUING
A DECLARATION OF LOCAL
EMERGENCY DUE TO
DROUGHT CONDITIONS _____/

RESOLUTION NO. _____

WHEREAS, on April 1, 2022, the Kings County Board of Supervisors (“Board”) adopted Resolution 22-027 declaring a local emergency due to drought conditions within Kings County (“Drought Declaration”) based on minimal amounts of precipitation over the past three years as described in Governor Newsom’s Emergency Proclamations dated April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, and Executive Order N-7-22;

WHEREAS, California and Kings County continue to receive precipitation well below their annual average;

WHEREAS, on April 1, 2022, the California Department of Water Resources reported that the regional snowpacks in the Sierra Nevada Mountain Range are thirty-eight percent (38%) of the annual average;

WHEREAS, as of May 3, 2022, the Department of Water Resources reported that the statewide snowpack has been reduced to twenty-nine percent (29%) of the annual average;

WHEREAS, as of May 3, 2022, the Department of Water Resources reported that the statewide average precipitation for the 2021-2022 rain year is seventy-four percent (74%) of the annual average;

WHEREAS, the drought conditions as stated herein persist in Kings County and are appearing to become more severe; and

WHEREAS, local resources are not adequate to cope with the continued and increasing drought-related impacts of these conditions on the County.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. Pursuant to Government Code Section 8630, the Board hereby renews and continues its April 1, 2022, declaration of a local emergency due to drought conditions in Kings County.

2. During the existence of this local emergency, the powers, functions and duties of the Emergency Services Officer and staff shall be as prescribed by state law and by County ordinance and resolutions of this Board.

3. The Emergency Services Officer is hereby authorized and directed to consult and cooperate with federal and state officials about mitigating the conditions caused by the drought.

4. The Board of Supervisors hereby requests disaster assistance from the state and federal government due to drought conditions.

The foregoing resolution was adopted upon motion by Supervisor _____, seconded by Supervisor _____ at a regular meeting held on the 24th day of May, 2022, by the following vote:

AYES: Supervisors
NOES: Supervisors
ABSENT: Supervisors
ABSTAIN: Supervisors

Chairperson of the Board of Supervisors
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this ____ day of _____, 2022.

Clerk of said Board of Supervisors

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at SaveOurWater.com provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

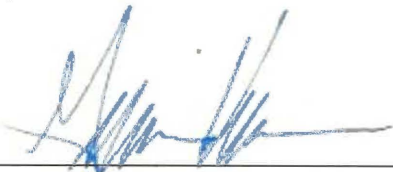
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

Board Members

Joe Neves, District 1 - Chairman
Richard Valle, District 2
Doug Verboon, District 3
Craig Pedersen, District 4
Richard Fagundes, District 5- Vice Chairman



Staff

Edward Hill, County Administrative Officer
Diane Freeman, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors Special Meeting Action Summary

Date: Friday April 1, 2022
Time: 4:00 p.m.
Place: Board of Supervisors Chambers, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ FAX (559) 585-8047 ❖ website: <https://www.countyofkings.com>

COUNTY OF KINGS PUBLIC MEETING PROTOCOL IN RESPONSE TO CORONAVIRUS COVID-19

California Governor Gavin Newsom signed into Law AB 361 on September 16, 2021, relating to the convening of public agency meetings via teleconference in light of the COVID-19 pandemic. Under this authority, the Board of Supervisors will convene its public meetings via video and teleconference. Pursuant to AB 361, and as advised by local Health Officials, the Kings County Board of Supervisors, County staff and interested members of the public may attend the meeting in person.

The meeting can also be attended telephonically or by the Internet by clicking this link: <https://countyofkings.webex.com/countyofkings/j.php?MTID=mb9433235da0751d802b60da82ca0f672> or by sending an email to bosquestions@co.kings.ca.us on the morning of the meeting for an automated email response with the WebEx meeting link information. Members of the public attending via WebEx will have the opportunity to provide public comment during the meeting.

Members of the public who wish to view/observe the meeting virtually can do so via the worldwide web at: www.countyofkings.com and click on the "Join Meeting" button or by clicking this link: <https://youtu.be/HxViCOuKFo>

Members of the public viewing the meeting through YouTube will not have the ability to provide public comment.

Members of the public who wish to comment may submit written comments on any matter within the Board's subject matter jurisdiction, regardless of whether it is on the agenda for the Board's consideration or action, and those comments will become part of the administrative record of the meeting. Comments will not be read into the record, only the names of who have submitted comments will be read into the record. Written comments received by the Clerk of the Board of Supervisors no later than 8:30 a.m. on the morning of the noticed meeting will be included in the record, those comments received after 8:30 a.m. will become part of the record of the next meeting. Email is not monitored during the meeting. To submit written comments by email, please forward them to bosquestions@co.kings.ca.us or by U.S. Mail, please forward them to: Clerk of the Board of Supervisors, County of Kings, 1400 W. Lacey Blvd., Hanford, CA 93230.

- I. 4:00 PM **CALL TO ORDER**
 - ROLL CALL – Clerk of the Board
 - PLEDGE OF ALLEGIANCE
 - ALL MEMBERS PRESENT



II. UNSCHEDULED APPEARANCES

Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.

Catherine Venturella, Clerk of the Board stated that the Board received a letter from Marshall Whitney with Whitney, Thompson & Jeffcoach and the letter will become part of the permanent record for the minutes of today's meeting.

Andrew Hermans, People's and Settlers Ditch Company General Manager stated that he has concerns for the proposed urgency Ordinance and the plans for their own pipeline project.

Nathan George, Sandridge Partners stated that he has concerns that the Board is meeting to adopt an urgency ordinance on the same issue that is being heard in courts right now and this could have been placed on a regular meeting on Tuesday not on a Friday afternoon. He stated that the urgency ordinance seems to be addressing one individual and does not address hypothetical problems and is contrary to the County's own Legislative Platform recently adopted.

III. CLOSED SESSION

4:15 P.M. – 4:54 P.M. – ♦ **Significant exposure to litigation: (1 case) Interim Urgency Ordinance [Govt. Code Section 54956.9 (d)(2)(e)(1)]**

Report out: Diane Freeman, County Counsel stated that the Board decided in closed session that they will not be proceeding with the Urgency Ordinance today and will work with staff to address existing policies and statutes in Ordinance and place the item on a future agenda.

IV. REGULAR CALENDAR

A. Administration – Edward Hill/Matthew Boyett

1. Consider adopting a Resolution declaring a local emergency due to drought conditions in Kings County. **[Reso 22-027]**

ACTION: APPROVED AS PRESENTED (DV, RF, RV, CP, JN-Aye)

**B. Community Development Agency – Chuck Kinney
 County Counsel – Diane Freeman**

1. a. Consider adopting an interim urgency ordinance, declaring a moratorium on constructing agricultural pipe infrastructure that is greater than 24 inches in diameter in Kings County.
- b. Return within 35 days to receive preliminary report from Community Development for further consideration.

THE ITEM WAS PULLED FROM THE AGENDA BY THE BOARD.

V. ADJOURNMENT

The next regularly scheduled meeting will be held on Tuesday, April 5, 2022 at 9:00 a.m.

FUTURE MEETINGS AND EVENTS

April 5	9:00 AM	Regular Meeting
April 12	9:00 AM	Regular Meeting
April 19	9:00 AM	Regular Meeting
April 26	9:00 AM	Regular Meeting

Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.