Board Members
Joe Neves, District 1
Richard Valle, District 2, Chairman
Doug Verboon, District 3, Vice Chairman
Rusty Robinson, District 4
Richard Fagundes, District 5

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, January 10, 2023**
Time: **9:00 a.m.**
Place: **Board of Supervisors Chambers, Kings County Government Center**
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ bosquestions@co.kings.ca.us ❖ 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=mab1a8163669644d56d7127bcb1ff463b

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.

***WebEx will be available for access at 8:50 a.m. ***

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/MzvVSJpAQAA
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
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.

Diane Freeman, County Counsel stated that the Board of Supervisors will take public comment today as agendized and she advised that the Board has no authority to involve itself in the election process and will not engage over these matters in open session, any discussions on the topic will be in closed session solely on seeking the advise from Counsel on the threat of litigation.

Cal Rossi, Southern California Edison Government Relations Manager introduced himself to the Board and stated that he looks forward to working with the Board as the liaison.

Mark Devine, Kings County resident and former Hanford City Planning Commissioner and City Council member stated that every vote counts and asked the Board to be transparent and allow all 150 votes that were disputed to be counted for transparency.

Barbara Martin, Kings County resident stated that she wanted to learn how the absentee ballots were counted and toured the Kings County Elections Department and witnessed the process and how signature discrepancies are handled and was very pleased with the process and stated her concerns with how the State intervenes in the process and stated that a committee may be able to help to secure the votes are counted.

Maxine Bennett, Kings County resident and volunteer who has worked the Elections in Kings County for over 20 years stated that there are 150 ballots for signature discrepancies and those ballots should be counted and matter locally.

David Shepard, Tulare County resident stated that the position of Registrar of Voters is a Department Head appointed by the Board of Supervisors, so he asked to have the 150 ballot signature discrepancy votes to be counted going against the decision of the Registrar of Voters.

Andreas Borgeas, Fresno County resident requested that the Board of Supervisors review the Registrar of Voters decision on the challenged ballots with signature discrepancies due to a direct violation of the elections code and allow the recount to happen correctly and negate the need for litigation.

Catherine Venturella, Clerk to the Board of Supervisors stated that letters were received this morning and all Board members will receive copies and they will become part of the permanent record of today's meeting.

Ivette Chaidez, Kings County resident stated that she is a first time voter in this election and became a volunteer in 2020 and watched the ballot counting and the signature verification process and found this to be a positive experience and pleased with what she witnessed and was surprised to hear that a recount was requested.

III. **APPROVAL OF MINUTES**

A. Report out of Closed Session from the regular meeting for January 3, 2023.

REPORT OUT: Diane Freeman, County Counsel stated that the Board took no reportable action in closed session at their January 3, 2023 meeting.

B. Approval of the minutes from the regular meeting for January 3, 2023.

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

IV. CONSENT CALENDAR

A. Department of Finance:

1. Consider approving the Agreement with MGT of America, Inc. to provide State Mandated Program claims assistance and preparation for Fiscal Year 2021-2022 through Fiscal Year 2023-2024. **[AGMT 23-002]**

B. Human Services Agency:

1. Consider approving the Agreement with the University of California, Davis, for the purpose of Eligibility Services, Supportive Services, Employment Services, Adult Protective Services, and Child Welfare Worker trainings, effective January 10, 2023, through January 9, 2024. **[AGMT 23-003]**

C. Information Technology Department:

1. Consider approving the Agreement with Okta for multi-factor authentication and single sign on services. **[AGMT 23-001]**

D. Public Health Department:

1. Consider approving the amendment to Agreement 22-195 between the County and the California Department of Public Health to include the Contractor Certification Clause 04/2017 and Department of General Services Office of Legal Services 04 forms and the terms contained therein. **[AGMT 22-195.1]**
2. Consider approving the amendment to Agreement 18-10871 between the County and the California Department of Public Health to provide support services to people in Kings County with Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome. **[AGMT 19-044.1]**

E. Sheriff's Office:

1. a. Consider authorizing the Sheriff's Office to allow the Deputy Sheriffs' Association to purchase the service handgun for Deputy Sheriff Jerry Blackburn;
   b. Approve the purchase of a Glock handgun as replacement;
   c. Adopt the budget change. **(4/5 vote required)**

F. Administration:

1. Consider approving the Agreement with the Corcoran Cemetery District for American Rescue Plan Act relief funding. **[AGMT 23-004]**

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

V. REGULAR AGENDA ITEMS

A. Administration – Edward Hill
Chemical Waste Management – Bob Henry

1. Consider accepting the report from Chemical Waste Management.

ITEM WAS PULLED AND WILL BE BROUGHT BACK ON THE JANUARY 24, 2023 MEETING AGENDA

B. Department of Finance – Jim Erb

1. Consider adopting the budget adjustment from contingencies to cover the actual loss of $84,988.

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

C. Public Works Department – Dominic Tyburski/Mitchel Cabrera

1. Consider approving the Notice of Completion for the Senate Bill -1 FY 21-22 Funded Kings County Roadway Improvement Project to provide notice to interested parties that the work has been completed.

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

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).

Supervisor Neves stated that he attended the Agriculture program at Island Elemetary School, toured the Fresno County watershed area that feeds into Kings County to prepare for the future, attended the American Legion breakfast, attended a basketball game in Reedley and toured the river and attended the South Fork Kings Groundwater Sustainability meeting.

Supervisor Verboon stated that he attended the funeral for Dennis Mann and discussed topics from his eulogy.

Supervisor Robinson stated that he attended a meeting with water engineers and stated that he learned that 93% of the water in the Delta System is flushed to the ocean.

Supervisor Valle wished his son Kobe Happy 21st Birthday tomorrow and stated that he is in his Junior year at Fresno State University.

- Board Correspondence: **None**
- Upcoming Events: **Edward Hill stated that Lemoore Parks & Recreation will be hosting a Mini Music Makers Class on Thursdays. The next class will be January 12, 2023 at 4:15 p.m. Children ages 5 and under will experiment with instruments and learn rhythm and beats. Parents must be present with their child and classes are held in the dance room. Classes are $25 per month. The Children's Storybook Garden and Museum will be hosting a Mad Hatter Tea Party on Saturday, January 28, 2023 from 10:00 a.m. to 12:00 p.m. The event is for ages 6 & under. There will be games, snacks and face painting. For more information please visit the Children's Storybook Garden & Museum website. Admittance varies depending on membership. The Rotary Club of Hanford will host its 45th Annual Crab Feed Fundraiser on Saturday, February 4, 2023 at the Hanford Civic Auditorium. Tickets are $100. There are also various sponsorship opportunities available ranging from $1,000 to $5,000. He stated that the Kings Area Rural Transit (KART) announced that individuals can purchase a three month pass for January, February, and March 2023 for only $20.00. The pass is good for all local, and out of town routes. For more information contact KART.**
- Information on Future Agenda Items: **Edward Hill stated that the following agenda items would be on a future agenda: Public Health Department - COVID 19, Influenza, and RSV update, and Administration will have the Waste Management report pulled from today's agenda.**

VII. **CLOSED SESSION**

- **Significant exposure to litigation:** *(1 Case)*
  [Govt. Code Section 54956.9 (d)(2)(e)(4)]
- **Personnel Matter: Public Employee Discipline/Dismissal/Release**
  [Govt. Code Section 54957]

VIII. **ADJOURNMENT**

The Regular Meeting for the Board of Supervisors for Tuesday, January 17, 2023 has been canceled due to the observance of Martin Luther King Jr. Holiday on January 16, 2023.

The next regularly scheduled meeting will be held Tuesday, January 24, 2023 at 9:00 AM.

IX. 11:00 AM CALIFORNIA PUBLIC FINANCE AUTHORITY REGULAR MEETING

X. 11:00 AM CALIFORNIA COMMUNITY HOUSING AGENCY REGULAR MEETING

FUTURE MEETINGS AND EVENTS		
January 17	--	Regular Meeting Canceled due to Martin Luther King Jr. Holiday on January 16
January 24	9:00 AM	Regular Meeting
January 31	9:00 AM	Regular Meeting
February 7	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.

I, Carson Macedo cast my ballot for the previous election and I am sending this because I want my vote counted. I am currently out of the country and will be returning at the end of January. I appreciate the cooperation in making sure my vote is accounted for.

Thank you very much,

Carson Macedo

7956 20th Ave

Lemoore CA 93245

Jacob Pepe
130 Maple Way
Hanford, Ca 93230

January 9, 2023

RE: mail-in ballot

To whom it may concern,

My name is Jacob Pepe Please accept this letter as a notification that I voted at my home here in Kings County signed and mailed my ballot back to the county. After the election, I received a letter stating that my signature did not match the signature on file. I have spastice diplegia so my signature can be hard to read how ever I signed and sent back the verification form. My question is was my vote counted? I would appreciate any information on this matter.

Thank you,

Jacob Pepe

BELL, McANDREWS & HILTACHK, LLP
ATTORNEYS AND COUNSELORS AT LAW

455 CAPITOL MALL, SUITE 600
SACRAMENTO, CA 95814

(916) 442-7757
FAX (916) 442-7759

January 3, 2023

BY ELECTRONIC TRANSMISSION

Diane Freeman, *Esq.*
County Counsel
Kings County
1400 W Lacey Blvd, Bldg 4.
Hanford, CA 93230-5905

Re: Senate District 16 Recount

Dear Ms. Freeman:

This law firm represents David Shepard who has requested a recount for the Senate District 16 race. This letter will serve as a notice of our client's concerns relative to the conduct of the recount in Kings County.

Our client's primary concern involves the review of unopened vote by mail (VBM) ballot envelopes in Kings County for the SD 16 race. The Elections Code provides that "all ballots, whether voted or not, and any other relevant material may be examined as part of any recount if the voter requesting the recount so requests." (Elec. Code §, 15630; e.g., *Americans for Safe Access v. County of Alameda* (2009) 174 Cal. App. 4th 1287, 1292 [Request for examination of four kinds of "other relevant material" was improperly denied by registrar of voters, whose ground for denial was his conclusion that those materials were not relevant].)

Challenges to VBM Ballots/Ballot Envelopes: Secretary of State regulation 20823 allows challenges to be made to ballots that have been allegedly improperly included or excluded in the vote count. Regulation 20823 provides that challenges may be made to "[a] voted ballot that was not counted in the official canvass, including a rejected unopened vote by mail or provisional ballot." Regulation 20823 continues that a challenged ballot "may be ... added to the count if the elections official determines that the ballot was properly cast."

"Presumption" of Validity: The process for reviewing VBM ballot envelope signatures (including during a recount) is prescribed by the Elections Code and Secretary of State regulations. First, Elections Code section 3019(a)(2)(A) states specifically that "[a] presumption exists that the signature on the [VBM] envelope ... is the voter's signature." Second, when reviewing a challenged signature, "[a]n exact match is not required for an elections official to determine that a voter's signature is valid. The fact that signatures share similar characteristics is sufficient to determine that a signature is valid." (Elec. Code, § 3019(a)(2)(B); see also Cal. Code Regs. Tit. 2, § 20960 ["(d) ... The fact that signatures share similar characteristics is sufficient to determine that a signature is valid. (e) Similar characteristics between a signature being compared and any signature in the voter's registration record are sufficient to determine a signature is valid"].)

Importantly, Elections Code section 3019(a)(2)(C) provides that in reviewing VBM signatures, the ROV "*shall* consider explanations for discrepancies between signatures that are specified in regulations promulgated by the Secretary of State." Use of the term "shall" by the Legislature means the ROV *must* consider SOS regulations in conducting signature comparison for VBM ballots. (Elec. Code, § 354 ["'Shall' is mandatory...."].)

Mandatory Secretary of State Regulations: Secretary of State regulation 20960 provides that "[t]he comparison of a signature shall begin with the basic presumption that the signature on the petition or ballot envelope is the voter's signature." Regulation 20960 provides further that "[i]n comparing signatures of vote-by-mail identification envelopes and provisional ballot envelopes, elections officials *shall* consider as explanations for the following discrepancies in signatures:

- Evidence of trembling or shaking in a signature could be health-related or the result of aging.
- The voter may have used a diminutive of their full legal name, including, but not limited to the use of initials, or the rearrangement of components of their full legal name, such as a reversal of first and last names, use of a middle name in place of a first name, or omitting a second last name.
- The voter's signature style may have changed over time.
- The signature on the vote-by-mail identification envelope or provisional ballot envelope may have been written in haste.
- A signature in the voter's registration file may have been written with a stylus pen or other electronic signature tool that may result in a thick or fuzzy quality.
- The surface of the location where the signature was made may have been hard, soft, uneven, or unstable.

These criteria clearly call for an in-depth examination of the VBM envelope signature and of the signatures on file for the voter. Significantly, Secretary of State regulations contemplate that the ROV must compare a VBM ballot's signature with *all* of the voter's signatures on file in the voter's registration record. (Cal. Code Regs. Tit. 2, § 20960(e) ["Similar characteristics between a signature being compared and *any signature in the voter's registration record* are sufficient to determine a signature is valid"].)

Inadequate Signature Comparison by the ROV: Here, we are informed and believe recount observers requested a close examination of approximately 150 VBM ballot envelopes. The challenges primarily requested a full and fair review of each voter's signature history (including *all* of the voters' prior signatures on record pursuant to regulation 20960(e)) and a close comparison and analysis with the signatures contained on the respective VBM ballots. According to observers, however, instead of considering the Secretary of State's mandatory criteria, the ROV spent mere seconds rejecting each and every request.

The challenges made by observers were made only to signatures that exhibited similarities to the voters' signatures on file with the ROV's office. However, the ROV apparently refused to engage in any sort of detailed analysis, effectively disenfranchising those voters, and despite the Elections Code's directive that Elections Code provisions governing the comparison of voters' signatures, "shall be liberally construed in favor of the vote by mail voter." (Elec. Code, § 3000.) In the amount of time the ROV spent on evaluating the signatures of the ~150 VBM envelopes challenged by both parties to the recount, there is no conceivable way the ROV could have complied with the six separate mandatory review criteria imposed by the SOS for conducting signature review.

By refusing to meaningfully consider the interposed challenges, the ROV has failed to adequately perform his ministerial duties as set forth in the Elections Code. This has resulted in irreparable harm and prejudice for numerous voters within SD 16, since lawfully cast ballots are likely being withheld from the results which, if counted, could realistically alter the outcome of the election. Effective legislative governance in the State of California is being compromised due to the inaction of the ROV and his summary rejection of voters' VBM ballots.

By this letter, we request the ROV conduct a de novo review of the VBM ballot envelopes at issue here. We further request that during this review, the ROV conduct a full and fair signature comparison with a "presumption" that the signatures are in fact valid, and that the ROV "liberally construe[]" the Elections Code signature comparison criteria in favor of the VBM voter as required by law. This will ensure that every legal ballot is counted in the SD 16 race, which is undoubtedly of critical importance to the voters of Kings County.

Timing for Resolution of Open Issues: We understand the Board of Supervisors has decided to consider this issue in closed session during its meeting on January 10, 2023. In light of this, and to give the County the opportunity to resolve this matter, our client's SD 16 recount effort will focus on one or more of the other counties with ballots cast in SD 16. Our client is of course prepared to participate at any time in a full review and analysis of the ~150 VBM ballots at issue in Kings County.

Thank you for your time and attention to this important matter.

Very truly yours,

Brian T. Hildreth

From: **Brian T. Hildreth** bhildreth@bmhlaw.com
Subject: California Senate District 16 Recount
Date: January 6, 2023 at 8:26 AM
To: Villa, Lupe Lupe.Villa@co.kings.ca.us, David Shepard davideshepard@gmail.com
Cc: Austin Gilbert austinhgilbert14@gmail.com

Mr. Villa: This email will serve as notice that my client Mr. Shepard is requesting to manually review the voted ballots (and related materials) in Kings County precincts 1203, 1205, 1407, 1209, and 1403 in connection with his ongoing recount, pursuant to Elections Code section 15630 ["All ballots, whether voted or not, and any other relevant material, may be examined as part of any recount if the voter filing the declaration requesting the recount so requests"]. These ballots have not been manually reviewed previously. We wish to start reviewing these ballots at your earliest convenience, but understand that it may take time to retrieve the ballots. Please let us know the cost for these activities and when the review may begin. Thank you.
-Brian

Brian T. Hildreth
Partner
BELL, MCANDREWS
& HILTACHK, LLP

455 Capitol Mall, Suite 600
Sacramento, CA 95814
P (916) 442-7757
F (916) 442-7759
E bhildreth@bmhlaw.com
Follow us on Twitter

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