

THE BOARD OF SUPERVISORS
OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

March 02, 2021

Invocation was given by David Jones, Executive Director of First 5 Stanislaus.

Chairman Chiesa delivered the 2021 State of the County Address.

Recessed at 9:38 a.m.

Reconvened at 9:47 a.m.

Public Health Officer Dr. Vaishampayan, Deputy Fire Warden Erik Klevmyr and CEO Hayes provided an update related to the 2019 Novel Coronavirus (COVID-19) emergency and essential services in Stanislaus County.

Grewal/B. Condit unan. Adopted the consent calendar

6.A.1 Approved the minutes of 02/23/2021

6.A.2 Appointed Rose Hurst to the Commission on Aging 2021-0067

6.A.3 Appointed Curtis Haney and Fred Smith to the Stanislaus County Economic Development
Action Committee 2021-0068

6.B.1 Authorized the Public Defender to accept the Indigent Defense Grant Program funding from and administered by the Board of State and Community Corrections in consultation with the Office of the State Public Defender, in the amount of \$1,127,000 for the grant period of 02/15/2021 through 06/30/2023; authorized the Public Defender to sign documents related to the grant, including agreements, amendments, or extensions, through the grant program period; amended the Salary and Position Allocation Resolution to reflect the staffing changes as outlined in the Staffing Impacts section of the agenda item, effective the first pay period following the Board of Supervisor's approval; approved a formal resolution as required by the Board of State and Community Corrections to receive the grant; and, authorized the Auditor-Controller to increase estimated revenue and appropriations in accordance with the budget journal – Public Defender 2021-0069

6.B.2 Approved transferring remaining appropriations in the Homeless Emergency Assistance Program (HEAP) Shelter Project Funds to the Community Services Agency to fund operations and to the three partner cities of Oakdale, Patterson, and Turlock to fund shelter projects in these communities; authorized the Auditor-Controller to increase estimated revenue for interest earned until cash is fully disbursed in the General Services Agency (GSA) HEAP Shelter Capital Project Fund (fund 2095), to the Community Services Agency (CSA) Homeless and Housing budget, which is estimated not to exceed \$2,700; authorized the Auditor-Controller to increase estimated revenue for interest earned until cash is fully disbursed in the GSA HEAP Emergency Shelters-City Capital Project fund (fund 2096) and increase appropriations not to exceed \$27,251 to disburse to the cities of Oakdale, Patterson, and Turlock to fund shelter projects in their communities; authorized

the GSA Director/Purchasing Agent to distribute the remaining cash balance in the GSA HEAP Emergency Shelters-City Capital Project fund to the cities of Oakdale, Patterson and Turlock to fund shelter projects, previously approved by the Board of Supervisors; and, authorized the Director of the CSA, or designee, to negotiate and sign amendments to the emergency shelter project agreements with the cities of Oakdale, Patterson and Turlock to disburse interest earnings from the HEAP Emergency Shelters-City Capital Projects – GSA 2021-0070

- 6.B.3** Authorized the Director of DER, or designee, to apply for a FY 2021-2022 Farm and Ranch Solid Waste Cleanup and Abatement grant from the CA Department of Resources Recycling and Recovery; adopted a resolution to authorize the Director of DER, or designee, to apply for a Farm and Ranch Solid Waste Cleanup and Abatement Grant; authorized the Director of DER, or designee, to accept, if awarded, the grant funding from the CA Department of Resources Recycling and Recovery; and, authorized the Director of DER, or designee to sign the grant agreement and documents, as well as amendments, related to the FY 2021-2022 Farm and Ranch Solid Waste Cleanup and Abatement grant, if awarded – DER 2021-0071
- 6.B.4** Authorized the Director of Parks and Recreation, or designee, to apply for, and if awarded, enter into and sign the grant agreements for the CA Department of Parks and Recreation Off-Highway Motor Vehicle Recreation Division Grants Program for the 2021-2022 grant period; authorized the Director of Parks and Recreation, or designee, to apply for, and if awarded, enter into and sign the grant agreements for the CA Proposition 68 Statewide Park Development and Community Revitalization Program Grant Program; adopted a resolution to authorize the Director of Parks and Recreation, or designee, to apply for, sign, and accept the CA Department of Parks and Recreation Off- Highway Motor Vehicle Recreation Division Grants Program for Frank Raines and La Grange Regional Parks; and, adopted a resolution to authorize the Director of Parks and Recreation, or designee, to apply for, sign, and accept the CA Statewide Park Development and Community Revitalization Grant Program for Parklawn Park – Parks and Recreation 2021-0072
- 6.B.5** Approved the appointment of Karyn Watson, Liability and Insurance Analyst, as Stanislaus County's primary representative to Public Risk Innovation, Solutions, and Management (PRISM), formerly known as the CSAC-Excess Insurance Authority; and, retained Cari Griffin, Employee Benefits Manager, as Stanislaus County's alternate representative to Public Risk Innovation, Solutions, and Management (PRISM), formerly known as the CSAC-Excess Insurance Authority – CEO 2021-0073
- 6.B.6** Approved proceeding with the Bonita Pool Project in the town of Crows Landing; designated the Director of the General Services Agency/Purchasing Agent to act as Project Manager for the Bonita Pool Project; authorized the Project Manager to issue a request for Statements of Qualifications to prospective Design-Build firms; authorized the Project Manager to procure professional services and execute work authorizations and contracts needed for the project, so long as they are within the approved project budget; and, authorized the Auditor-Controller to increase appropriations by \$2,117,000 and estimated revenue by \$2,117,000 in the Bonita Pool and Park Capital Project Fund as detailed in the budget journal – Parks and Recreation 2020-0074
- 6.C.1** Approved the Plans and Specifications for the ADA Curb Ramps – Phase D Project; awarded a construction contract to FBD Vanguard Construction Inc., of Livermore, CA for the ADA Curb Ramps – Phase D Project; authorized the Director of Public Works to execute a contract with FBD Vanguard Construction Inc., in the amount of \$300,620 and to sign necessary documents, including any amendments to the agreement not to exceed 10%, in accordance with Public Contract Code Section 20137 and 20142; and, authorized the

Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0075

- 6.C.2** Approved the Plans and Specifications for the Urban Pavement Preservation – Phase D Project; awarded a construction contract to Pavement Coatings Co., of Sacramento, CA, for the Urban Pavement Preservation – Phase D Project; authorized the Director of Public Works to execute a contract with Pavement Coatings Co., in the amount of \$2,026,006 and to sign necessary documents, including any amendments to the agreement not to exceed 10%, in accordance with Public Contract Code Section 20137 and 20142; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0076
- 6.C.3** Approved initiating the annexation of the property located at Norma Way to County Service Area No. 26 – Keyes (Zone 2); declared that the property proposed for annexation, APN 045-071-006 shall be known as the “Norma Way Annexation” as described in Exhibits “A” and “B” (Legal Description and Map); finds that the area included in the Legal Description of Norma Way Annexation, Keyes is located in the unincorporated territory of Stanislaus County and that it is not within the boundary of any other County Service Area; finds that the landowner of APN 045-071-006 represents 100% of the total assessed valuation of said property and was required as a Condition of Approval of Vesting Tentative Subdivision Map) Application No. PLN2017-0013 to annex said property into County Service Area No 26 – Keyes (Zone 2), thereafter (CSA 26 – Keyes (Zone 2)), and therefore has provided his written consent to the annexation; declared that all services being provided by CSA No. 26 – Keyes (Zone 2) will be extended fully to the territory included in the proposed annexation; finds that said services shall commence after Local Agency Formation Commission (LAFCO) issuance of a Certificate of Completion for the annexation and upon start of the 2021-2022 FY; finds that the annexation will not produce a change in the existing assessment methodology for CSA No. 26 – Keyes subdivisions Bonita Ranch Estates (Zone 1), Keyes 19 North and Keyes 19 South (Zone 2) and the proposed parcel in Zone 2 shall be subject to that pre-existing methodology; finds that the assessment formula for CSA No.26 is sufficient to adequately assess the annexed parcel in Zone 2 for the cost of services received; approved the Engineer’s Report for CSA 26 - Keyes and the benefit analysis, assessment methodology, assessment formula, and proposed assessment within the report; authorized the Director of Public Works to complete an Application for Annexation to LAFCO; approved the resolution of application to the Stanislaus County LAFCO requesting they take proceedings pursuant to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 of Title 3 of the CA Government Code commencing with section 56000 and sections 56654 and 25217; and, ordered that, subject to LAFCO approval of the annexation, APN 045-071-006 and any subsequent subdivided parcel numbers shall be added to the FY 2022-2023 annual assessments – PW 2020-0077
- 6.D.1** Rescind all of Williamson Act Contract Nos. 2003-4524 and 2005-4586, located at 9512 E. Grayson Road, between S. Quincy Road and Waring Road, in the Denair area, APNs: 045-043-053, 045-043-055, and 045- 043-056; pursuant to Government Code Section 51257, determined that the following seven findings can be made based on the written evidence submitted by the applicant: (a) the new contract, or contracts, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract, or contracts, but for not less than ten years, except as authorized under Stanislaus County’s implementation of Assembly Bill (AB) 1265; (b) there is no net decrease in the amount of the acreage restricted, in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land

restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract, or contracts, remains under the new contract, or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222; (e) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract, or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan; approved a new contract(s), pursuant to Lot Line Adjustment Application No. PLN2020-0040, Doerksen; and, authorized the Director of Planning and Community Development to execute a new contract(s) – Planning

2020-0078

6.D.2 Set a public hearing on 03/16/2021, at the 6:30 p.m. meeting, to consider the Planning Commission’s recommendation of approval for Ordinance Amendment Application Number PLN2020-0105 – Hemp Cultivation; and, authorized the Clerk of the Board to publish a notice of public hearing as required by law – Planning

2020-0079

Withdraw/Grewal unan. **8.1** Accepted the CEO’s Midyear Financial Report for FY 2020-2021; authorized the CEO and the Auditor-Controller to make the necessary adjustments, as recommended in the Midyear Financial Report; authorized the use of \$499,593 in Appropriations for Contingencies, as recommended in the Midyear Financial Report; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the Midyear Financial Report, as outlined in the Staffing Impacts section of the agenda item and detailed in Attachment 2, of the agenda item, to be effective the start of the first full pay period beginning on or after 03/13/2021, unless otherwise noted; authorized the commitment of fund balance in the General Fund for Capital Acquisition equal to the annual tobacco debt repayment, principal and interest, from the Library Special Revenue budget; authorized the Auditor-Controller to release the commitment of approximately \$2.1 million in BHRS fund balance, originally identified for capital expenses associated with mental health services; and, approved contracts and/or agreements listed on Attachment 3, attached to the agenda item, in cumulative amounts of \$200,000 or greater since 07/01/2018, and authorized the General Services Agency Director/Purchasing Agent or Department Head to sign – CEO

2020-0080

B. Condit/C. Condit unan. **8.2** Approved the reorganization and staffing plan for GSA; and, amended the Salary and Position Allocation Resolution to reflect the recommended changes outlined in the Staffing Impacts section of the staff report, effective the first full pay period after Board approval – GSA

2020-0081

Withdraw/C. Condit unan. **Authorization for an Item Too Late For Agenda A** – Pursuant to Government Code section 54952.2(b)(2) finds that: there is a need to take immediate action to approve adding an item to the agenda to consider an appointment to the Newman Drainage District Board of Directors to fill the vacancy left by the resignation of Frank Freitas; the need for action came to the attention of the County late on Friday, 02/26/2021, after the Board agenda was already posted; and, approved adding an item too late for agenda and place the item on this agenda titled “Approval of Appointment of Joseph Lopes to the Newman Drainage District Board of Directors” – BOS

2020-0082

C. Condit/Grewal unan. **Item Too Late For Agenda B** – Appointed Joseph Lopes to the Newman Drainage District Board of Directors – BOS

2020-0083

Corr 1 Referred to the Clerk-Recorder and Registrar of Voters, a resolution from the Hart-Ransom Union School District requesting the change of their governing board member elections from odd-numbered to even-numbered years.

Corr 2 Acknowledged receipt of claims and referred to the CEO's Office the following claims: Rebecca Cuessi; Howard Carmen; Kimberly Stokes; and Jaime D. Rodriguez.

Supervisor Chiesa apologized that he was unable to recognize all the County departments during his State of the County Speech, but he acknowledged the great things that each of the departments are doing each day.

CEO Hayes reported that the House of Representatives passed the American Rescue Plan, a \$1.9 trillion federal stimulus plan. He also noted that the State released a \$6.6 billion Safe Return Schools plan that will offer funding to local school districts.

Prior to adjourning into Closed Session an opportunity was given to the public to address matters listed under Closed Session.

Adjourned to closed session at 12:11 p.m.

14.4 Public Employee Appointment - Pursuant to Government Code Section 54957 (b)(1) the Board will consider the appointment of candidates to the position of Agricultural Commissioner. No reportable action was taken.

14.2 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One Case: Sandra Macanas v. Stanislaus County, Stanislaus County Superior Court Case No. 2027790. No reportable action was taken.

Supervisor C. Condit left at 12:38 p.m.

14.1 Conference with the Chief Executive Officer - Threat to Public Services: Pursuant to Government Code section 54957(a), the Board will confer with the Chief Executive Officer and County Counsel regarding matters posing a threat to essential public services and the public's right of access to public services or facilities. No reportable action was taken.

Removed from the agenda the Closed Session Matter **14.3** Conference with Legal Counsel - Significant exposure to litigation pursuant Government Code Section 54956.9(d)(2): One Case.

Adjourned at 1:08 p.m.

ATTESTED: ELIZABETH A. KING, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: KELLY RODRIGUEZ, Assistant Clerk of the Board of Supervisors
(The above is a summary of the minutes of the Board of Supervisors. Complete minutes are available from the Clerk of the Board's Office.)