

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

December 14, 2021

Invocation was given by Pastor Lance Lowell with Neighborhood Church.

Donna Linder, Clerk-Recorder and Registrar of Voters, announced that her office is holding Voter Workshops starting in January in various locations throughout the County.

Steven Morrow acknowledged the work done by the Stanislaus County Ad Hoc Citizen Redistricting Commission. He spoke regarding the importance of voting and the need to encourage members of the community to register to vote.

Jordan Hertwig, a nurse, shared that she has been placed on unpaid administrative leave by a local hospital for failure to comply with the COVID-19 vaccine mandate. She spoke regarding her experience in applying a medical waiver and a religious waiver which were both ultimately denied. She noted the importance of health care workers and voiced concerns about nursing shortages, the lack of autonomy of physicians, and the erosion of individuality of patient care. She spoke in support of offering vaccine alternatives.

Margaret Countryman noted that she spoke with Congressman Harder and his staff regarding her appeal of the City of Modesto's Board of Zoning Adjustment decision concerning a neighbors second story on a garage. She noted that she has contacted attorneys and plans to contact the State Bar Association regarding this case.

Chairman Chiesa acknowledged receipt of written public comments. He noted that all public comments submitted via email were distributed to the members of the Board of Supervisors.

Prior to consideration of the Consent Calendar, the County Counsel announced in accordance with Government Code Section 54953(c)(3) that approval of agenda item **E.1** will approve an amended employment agreement with Jody Hayes, to serve as the Chief Executive Officer with a base annual salary of \$312,707 plus Department Head benefits as set forth in the agenda item, \$2,500 for out of pocket business related expenses, and a county contribution of up to 5% of base salary to the deferred compensation plan.

Grewal/C. Condit unan. Adopted the consent calendar

4.A.1 Approved the minutes of 12/06/2021, Special Meeting.

4.A.2 Approved the minutes of 12/07/2021, Regular Meeting.

4.A.3 Reappointed Peter Katsufrakis and Tom Hallinan to the Assessment Appeals Board

2021-0600

4.A.4 Reappointed Peter Joseph Dean, Annie Henrich, Kathy Marie Rupe, and Jack Marshall
Waldorf to the Stanislaus County Behavioral Health Board

2021-0601

- 4.A.5 Reappointed Bill Donahue, Carl “Tony” Ott, Kandis Schmidt, and Clarine Johnstad to the East Side Mosquito Abatement District Board of Trustees 2021-0602
- 4.A.6 Reappointed Rod Hawkins, Michael Pratt, and Timothy Ragsdale to the Fire Code Board of Appeals 2021-0603
- 4.A.7 Reappointed Patrick Cerutti and Edward Rocha to the Hills Ferry Cemetery District Board of Directors 2021-0604
- 4.A.8 Reappointed Ken Cheeseman and Diana Haile to the Housing Authority of the County of Stanislaus 2021-0605
- 4.A.9 Reappointed Valerie Mitchell to the In-Home Supportive Services Advisory Committee 2021-0606
- 4.A.10 Reappointed Miles Shuper, Sharon Page, and Carol Jean Davis to the Knights Ferry Cemetery District Board of Trustees 2021-0607
- 4.A.11 Reappointed Thomas Boze, Bruce E. Ramsey and Gregory Goodwin to the Law Library Board of Trustees 2021-0608
- 4.A.12 Reappointed Leslie Beggs to the Stanislaus County Equal Rights Commission 2021-0609
- 4.A.13 Reappointed Peter Dean, Michael Kummer, and Kimberly Stokes to the Stanislaus County Hazardous Waste Management Advisory Committee 2021-0610
- 4.A.14 Reappointed Rachelle Antinetti, Joe Alamo, Francisco Canela, Richard Gimperle, Erika E. Durrer, Jim Mortensen, Sean Roddy, Daniel Bays, Tim Sanders, Vince Dykzeul, and Cooper M. Rossiter to the Stanislaus County Water Advisory Committee 2021-0611
- 4.A.15 Reappointed Wayne Zipser and David White to the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District Public Financing Authority Board 2021-0612
- 4.A.16 Reappointed Wayne Zipser and Thomas Maring to the Stanislaus County Planning Commission 2021-0613
- 4.A.17 Reappointed Rick Scheuber, Patrick Alves and Steve Amador to the Storm Drain District No. 8 Board of Directors 2021-0614
- 4.A.18 Reappointed Luis Jimenez to the Tuolumne River Regional Park Citizens Advisory Committee 2021-0615
- 4.A.19 Accepted the resignation of Rafael Rodriguez from the Empire Municipal Advisory Council 2021-0616
- 4.B.1 Authorized the Auditor-Controller, on behalf of the HSA, to pay two invoices totaling \$187.48 for goods received in July 2019 and April 2020 – HSA 2021-0617
- 4.B.2 Accepted an update on Isolation/Quarantine Non-Congregate Sheltering and Support provided during the COVID-19 Public Health Emergency; and, authorized the Director of CSA, or her designee, to negotiate and execute amendments to existing agreements to secure sites and services to support Non-Congregate Sheltering services to reduce the transmission of COVID-19 through 06/30/2022 – CSA 2021-0618
- 4.B.3 Approved Amendment No. 2 to the Master Agreement for Professional Design Services with Tetra Tech, BAS, Inc., for Environmental Oversight Services at the Geer Road Landfill, which increases the Agreement by \$4,151,133, for a total not to exceed amount of \$9,601,133; authorized the Director of DER, to sign Amendment No. 2 to the Master Agreement with Tetra Tech, BAS, Inc.; authorized the Director of DER to sign individual project authorizations under the Master Agreement, providing that the cumulative total does not exceed the contract amount; and, authorized the Director of DER to sign amendments to the Master Agreement for an overall not-to-exceed amount of \$9,701,133, which includes a contingency of \$100,000 – DER 2021-0619
- 4.B.4 Approved Amendment No. 1 to the Master Agreement for Professional Design with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc., for Environmental Oversight Services at the Fink Road Landfill, which increases the agreement by \$1,297,800, for a total not to exceed amount of \$2,901,100; authorized the Director of DER to sign Amendment No. 1

to the Master Agreement with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc.; authorized the Director of DER to sign individual project authorizations under the Master Agreement, providing that the cumulative total does not exceed the contract amount; and, authorized the Director of DER to sign amendments to the Master Agreement for an overall not-to-exceed amount of \$3,001,100, which includes a contingency of \$100,000
– DER 2021-0620

- 4.B.5** Approved a resolution authorizing the sale of tax-defaulted properties starting on or after 03/07/2022, at 8:00 a.m. Pacific Time (PT) for the minimum bids as described on the “List of Properties for Delinquent Tax Sale,” pursuant to Sections 3694, 3698, and 3699 of the California Revenue and Taxation Code; authorized the Treasurer-Tax Collector to offer the parcels that did not obtain the minimum bid amount during the previous tax sale at a reduced minimum bid amount deemed appropriate by the Treasurer-Tax Collector pursuant to Sections 3698.5(c) and 3698.7(c) of the California Revenue and Taxation Code; authorized the Treasurer-Tax Collector to re-offer the parcels that do not obtain the minimum bids during the March 2022 tax sale within 90 days after the tax sale at a price which is deemed appropriate by the Treasurer-Tax Collector pursuant to Sections 3692(e), 3698.5(c), and 3698.7(c) of the California Revenue and Taxation Code; and, authorized the Treasurer-Tax Collector to exempt six parcels which are owned by the Federal and State Government from the Tax Sale as identified on the “List of Properties Exempted from the Delinquent Tax Sale,” pursuant to Section 202 of the California Revenue and Taxation Code, Article XIII, Section 3 of the Constitution, and Federal Law; exempt four other parcels under the California Revenue and Taxation Code Section 3692(a); and exempt two parcels under active bankruptcy protection each within an automatic stay in place – T/TC
2021-0621
- 4.B.6** Approved to proceed with the Juvenile Commitment Facility Emergency Generator Replacement and HVAC Upgrade Project; approved the Project Budget of \$1,207,544 funded by appropriations in the Probation Department’s FY 2021-2022 budget; directed the Auditor-Controller to increase revenue and appropriations in the General Services Agency Juvenile Facility Generator and HVAC Replacement Project budget in the amount of \$1,207,544, as detailed in the budget journal, attached to the agenda item; authorized the General Services Agency Director to act as Project Manager; authorized the Project Manager to procure professional services and execute contracts and work authorizations needed for this project, so long as they are within the project budget; and, authorized the Project Manager to complete project close-out activities, including but not limited to accepting the project from the contractor and filing of Notices of Completion with the Stanislaus County Clerk-Recorder’s Office, and related matters – GSA 2021-0622
- 4.B.7** Approved the Intergovernmental Agreement #21-10035, retroactively, for the term of 07/01/2021 through 06/30/2024 in the amount of \$91,263,300 with the California Department of Health Care Services to provide Drug Medi-Cal Organized Delivery System services for Substance Use Disorder treatment for Stanislaus County Medi-Cal beneficiaries; and, authorized the BHRS Director, or designee, to sign the Intergovernmental Agreement #21-10035 for the term of 07/01/2021 through 06/30/2024 in the amount of \$91,263,300, and any additional documentation, including any amendments, required for the execution of this agreement – BHRS 2021-0623
- 4.B.8** Appointed the following members to the 2022 term of the Stanislaus County Discipline/Equal Employment Opportunity (EEO) Grievance Appeals Board: (a) Baljit Atwal, Director of Child Support Services, as the Department Head Member; (b) Rodney Switzer, Deputy Sheriff’s Association, as the Employee Member; and, (c) David Walker, Local Attorney with Ramsbacher Prokey Leonard LLP, to serve as the Chairperson; and, appointed Alternates to the panel as follows: (a) Dan Wirtz, GSA, and Mark Ferriera, Probation, as

Department Head Alternates; and, (b) Matthew Cantrell, AFSCME, as the First Alternate Employee Member; Michael Parker, Stanislaus County Sheriff's Management Association, as the Second Alternate Employee Member; and, Gerard Hilgart, Stanislaus County DA Investigators Association, as the Third Alternate Employee Member – CEO 2021-0624

- 4.B.9** Approved the amended Moving and Relocation Expenses Policy – CEO 2021-0625
- 4.B.10** Authorized the Director of DER to apply for, enter into and sign routine FY 2022-2023 grant agreements and contracts for various State and Regional programs; authorized the Director of DER to approve and sign any amendments to the routine FY 2022-2023 grant agreements and contracts for various State and Regional programs; adopted a resolution to authorize the Director of DER to apply for a Waste Tire Enforcement Grant from the California Department of Resources Recycling and Recovery for FY 2022-2023 to promote the administration of a regional waste tire enforcement program; and, adopted a resolution to authorize the Director of Environmental Resources to apply for the two-year Local Government Waste Tire Clean up Grant from the California Department of Resources Recycling and Recovery for FY's 2022-2023 and 2023-2024 to promote the administration of the County's Waste Tire Amnesty Program – DER 2021-0626
- 4.B.11** Approved a Lease Amendment with 4701 Stoddard, LLC, Circle Bar Investments, LLC, and Draper Investments L.P. to extend lease space for the HSA/Public Health at 4701 Stoddard Avenue in Modesto for two years; and, authorized the GSA Director/County Purchasing Agent to finalize and execute the Amendment – HSA 2021-0627
- 4.B.12** Approved the closure of select Stanislaus County Libraries on Saturday, 01/01/2022; and, approved Stanislaus County Libraries to remain open as regularly scheduled on Friday, 12/31/2021 – Library 2021-0628
- 4.B.13** Approved the Records Management Policy and Records Retention Schedule for GSA; and, authorized the destruction or disposition of records, papers, or documents per the Policy and Retention Schedule – GSA 2021-0629
- 4.B.14** Authorized the CEO to negotiate and execute a Second Amendment to the Addendum No. 1 of the West Patterson Business Park Development Cooperation Agreement with the City of Patterson consistent with terms and conditions described in the staff report; and, directed the Auditor-Controller to establish an interest-bearing fiduciary fund to hold the development revenue per the agreement – CEO C-4-C-4 2021-0630
- 4.B.15** Amended the Salary and Position Allocation Resolution to reflect a transfer of the County Clerk-Recorder classification from Elected Official Salary Band F to Elected Official Salary Band G, effective the first day of the new term for the Stanislaus County Clerk-Recorder, 01/03/2023 – CEO 2021-0631
- 4.B.16** Approved the Amended MOU with Opportunity Stanislaus for FY 2021-2022 to increase annual funding to \$150,000; and, authorized the CEO to sign the amendment to the MOU with Opportunity Stanislaus – CEO 2021-0632
- 4.C.1** Approved the standard clauses, set forth by Caltrans, when entering into Utility Agreements for projects administered through the Caltrans Division of Local Assistance; authorized the Director of Public Works to sign and enter into Utility Agreements using the standard clauses set forth by Caltrans, as needed, for Public Works projects through 12/31/2022; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2021-0633
- 4.C.2** Approved Professional Design Services Master Agreements with Wallace-Kuhl & Associates, BSK Associates, and Kleinfelder Incorporated, to provide on-call materials testing for three years beginning 12/14/2021 and ending 12/14/2024, each agreement at an amount not to exceed \$500,000; authorized the Director of Public Works to sign the agreements and any extensions up to two years if deemed necessary and mutually beneficial, including any

amendments to the agreement, not to exceed 10%; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2021-0634

4.C.3 Approved the Agreement for Acquisition of Property Located at 4819 Roselle Avenue, Modesto, CA, for the North County Corridor (NCC) Project, Grantor: Pauline N. Luiz Trust, APN 083-002-047 (full take); authorized the Chairman to execute the Purchase and Sale Agreement for Acquisition of Fee Interest in Real Property and to take any appropriate action necessary to carry out the purpose and intent of these recommendations; authorized the Public Works Director to pay any and all relocation costs associated with this property acquisition in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2021-0635

4.D.1 Finds that the conditions and contingencies of the Tentative Certificate of Cancellations of all of Williamson Act Contract No. 1972-838, encompassing 19.74 acres of land, and all of Williamson Act Contract No. 1974-1790, encompassing 18.84 acres of land, located at 1000 and 1130 E. Keyes Road, east of Crows Landing Road, west of State Highway 99, in the Ceres area, have been satisfied; and, directed the Clerk of the Board to execute and record the Certificate of Cancellation within 30 days of passage – Planning 2021-0636

4.D.2 Approved the award of FY 2021-2022 Stanislaus Urban County Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) funding to FY 2020-2021 Funding Recipients as outlined in Attachments 1 and 2, attached to the agenda item; approved the award of Stanislaus Urban County Coronavirus Aid, Relief, and Economic Security (CARES) Act ESG round two (CV2) funding, in the amount of \$2.5 million, to the United Samaritans Foundations for the renovation of the We Care Emergency Shelter Dining Hall Renovation Project located in the City of Turlock; and, authorized the Director of Planning and Community Development to execute any related program agreements, including construction management service agreements, contracts, certifications or other documentation required for the awarding of FY 2021-2022 Stanislaus Urban County CDBG and ESG funding and ESG CV2 funding, this authorization includes the use of any program income in accordance with applicable program guidelines – Planning 2021-0637

4.E.1 Approved an amended employment agreement between Stanislaus County and the CEO Jody L. Hayes; and, authorized the Auditor-Controller to implement the amended terms of the employment agreement – County Counsel 2021-0638

Withrow/Grewal unan. **5.1** Conducted a public hearing to consider adjustments to the Stanislaus County Franchise Maximum Rates for solid waste collection services in order to implement new services to comply with SB 1383; and, approved the proposed adjustments to the Stanislaus County Franchise Maximum Rates for solid waste collection services in Franchise Areas 1, 2, 3, and 4 – DER 2021-0639

Grewal/Withrow unan. **5.2** Conducted a public hearing to consider the Planning Commission's recommendation of approval for General Plan Amendment, Rezone, and Vesting Tentative Parcel Map Application Number PLN2020-0102 - M&B Family Development, a request to amend the General Plan and zoning designation of a 0.35 acre portion of a 2.82 acre parcel from Agriculture and General Agriculture (A-2-40) to Planned Development (P-D), and to create a 0.35 acre parcel and a 2.47 acre remainder parcel, to legalize an unpermitted parking lot, located at 5045 McHenry Avenue (SR 108), on the northwest corner of the McHenry Avenue and Kiernan Avenue (SR 219) intersection, in the Modesto Area; and, adopted the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is

no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis; and, ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds, based on the discussion in the report, and the whole of the record that: (a) The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses; (b) The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service; (c) The amendment is consistent with the General Plan goals and policies, the proposed vesting tentative parcel map is consistent with applicable general and specific plans as specified in Section 65451 of California Code, Government Code; (d) The design or improvement of the proposed vesting tentative parcel map is consistent with applicable general and specific plans; (e) The site is physically suitable for the type of development; (f) The site is physically suitable for the proposed density of development; (g) The designs of the vesting tentative parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat; (h) The design of the vesting tentative parcel map or type of improvements is not likely to cause serious public health problems; (i) The design of the vesting tentative parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; and, (j) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; finds that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; approved General Plan Amendment, Rezone, and Vesting Tentative Parcel Map Application No. PLN2020-0102 – M&B Family Development, subject to the Development Standards; and, introduced, waived the reading, and adopt an Ordinance C.S. 1313 – Planning ORD-57-M-1 2021-0640

C. Condit/B. Condit unan. **6.1** Approved an MOU between the Health Services Agency and the Stanislaus County Office of Education for the COVID-19 Safe Schools for All Program in the amount of \$250,000, retroactively, for the period 05/01/2021 through 06/30/2022; and, authorized the Health Services Agency Managing Director, or her designee, to sign the MOU and any subsequent amendments – HSA 2021-0641

Corr 1 Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development (HUD) regarding the performance evaluation of Stanislaus County's Community Development Block Grant and the Emergency Solutions Grant programs for Program Year 2020.

Corr 2 Acknowledged receipt of claims and referred to the CEO's Office the following claims: Brian Williams; and, Clifton Williams Jr.

Chairman Chiesa reported that Assistant Executive Officer Raul Mendez will be starting as the Chief Executive Officer for Merced County in January.

CEO Hayes congratulated Raul Mendez upon being selected as the new CEO for Merced County. He reported that the 8 Central Valley counties are working on a letter to the Governor requesting support for various needs including economic development and water resources. The CEO noted that the Board of Supervisors adopted a new Supervisorial District Map at the 12/13/2021 special board meeting, which adjusts the boundaries of the Stanislaus County Supervisor Districts. CEO Hayes also reported that the California Department of Public Health issued a new masking order that will go into effect 12/15/2021 through 1/15/2022.

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 11:07 a.m.

11. Conference with Labor Negotiator: Pursuant to Government Code Section 54957.6. Agency Negotiators: Jody Hayes, Tamara Thomas, Burke Dunphy. Labor Organization: Service Employees International Union, Local 521. No reportable action taken.

Adjourned at 12:35 p.m.

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

BY: PATRICIA GONZALEZ, Deputy 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.)