

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

November 29, 2022

Invocation was given by Pastor Anthony Bargas, with The Center Church, Modesto.

Tommy Panyanouvong from BHRS, and Lynda Perino from HSA received their 25-year Employee Service Award, Corazon Hernandez from CSA, and Mothou Do from HSA received their 30-year Employee Service Award, and Lisa Boddy from HSA received her 35-year Employee Service Award.

Teresa Tovar, provider for her father, shared concerns regarding her father's decline in health and the inability to secure an IHSS caretaker due to the low wages of \$15.50/hr. She asked the Board to for livable wages and to reconsider the contract negotiations.

Timothy Benefield shared he loved seeing the employee's being honored today for their years of service. He voiced concerns regarding the time delay in counting ballots. He shared he hopes that the next Election the ballots can be counted quicker.

Joni Gripp asked if someone could come before the Board with an update on Fentanyl crisis in the future.

Nora Ho, provider for son, spoke in support of a wage increase for IHSS workers. She voiced concerns regarding working 24/7 and being an essential worker. She asked the Board for a decent wage.

Astrid Zuniga, Statewide President for UDW and provider for her adult son, shared concerns regarding a care crisis in Stanislaus County. She voiced concerns regarding the wages of IHSS workers and asked the Board to bargain in good faith and reconsider their offer.

Pamela Garrison, provider for daughter, shared the challenges and responsibility of being a caregiver. She asked the Board to recognize their work and show their value with the wages they receive.

Kathleen Hernandez, provider for mother, shared concerns regarding the need to move in with her mother and move out of her apartment. She voiced concerns regarding her current wages as an IHSS worker versus the wages she was making prior to caring for her mother. She asked the Board to consider a wage increase.

Keryn Whitlow with Take a Stand Stanislaus welcomed the new Public Health Officer. She shared suggestions to help the community come together to provide a well-rounded support system to support a healthy community with checks and balances. She asked the Board to consider approving a resolution for one person to not be in charge of making decisions during a local health emergency. She acknowledged her appreciation for Supervisors Grewal and Channce Condit for making weekly Facebook updates.

Ken Schoeder spoke in support of a wage increase for IHSS workers.

Courtney Peters shared concerns regarding going back into a State of Emergency and asked the Board to put an item on the agenda to avoid this.

CEO Hayes noted that today's consent calendar has three items that require a 4/5 vote, and it is also being recommended that in accordance with Government Code Section 54953(c)(3), that Dr. Thea Papisozomenos be appointed to serve as the Public Health Officer, effective 12/18/2022, at a starting salary of approximately \$265,000 annually, plus Department Head benefits.

Grewal/Chiesa unan. Adopted the consent calendar after removing from the agenda item **5.A.4** Approval of Appointment of Robert Vargas to the West Side Community Healthcare District – BOS; 2022-0626 and removed from consent; and, agenda item **5.C.1** Approval of the Memorandum of Understanding between Stanislaus County and the Stanislaus Regional Water Authority Regarding County Road Encroachment Permit – PW

**5.A.1** Approved the minutes of 11/08/2022

**5.A.2** Appointed Daniel Robinson to the Patterson Irrigation District Board of Directors 2022-0624

**5.A.3** Appointed Tana Goff to the Salida Fire Protection District Board of Directors 2022-0625

**5.A.5** Accepted the resignation of Stetson Tucker from the West Stanislaus Resource Conservation District 2022-0627

**5.A.6** Accepted the resignation of Charmaine Monte from the Stanislaus County Behavioral Health Board 2022-0628

**5.B.1** Authorized the Sheriff to purchase one ambulance from Del Puerto Health Care District for 1 dollar; and, authorized the Purchasing Agent or designee to sign the Release of Liability Agreement with the Del Puerto Health Care District – Sheriff/OES/Fire Warden 2022-0629

**5.B.2** Approved a Master On-Call Public Works Agreement with Telstar Instruments for countywide electrical on-call services for a not-to-exceed amount of \$1,000,000 effective 11/29/2022, through 11/30/2027, with two one-year renewal options; and, authorized the Purchasing Agent or designee to sign the Master Agreement and any subsequent amendments to the agreement on behalf of the County – GSA 2022-0630

**5.B.3** Approved Grant Agreement Number OP23020 with the Office of Traffic Safety for the Child Passenger Safety Program retroactively from 10/01/2022, through 09/30/2023; approved Grant Agreement Number PS23034 with the Office of Traffic Safety for the Pedestrian and Bicycle Safety Program retroactively from 10/01/2022, through 09/30/2023; and, authorized the HSA Managing Director or her designee to sign the grant agreements, any amendments, and subsequent grant agreements through 09/30/2028 – HSA 2022-0631

**5.B.4** Authorized the Sheriff to accept a grant award in the amount of \$750,000 from the Office of Justice Programs (OJP) for the Fiscal Year 2022 Enhance Collaborative Model Task Force to Combat Human Trafficking Grant; authorized the Sheriff to sign the agreement, all reimbursement claims, and other required documents; authorized the Auditor-Controller to increase appropriations and estimated revenue by \$200,396 in the Sheriff's Operations Legal Budget Unit as detailed in the budget journal attached to the agenda item; and, amended the Salary and Position Allocation Resolution to reflect the recommended changes outlined in the Staffing Impacts section of this report, effective the first full pay period after Board of Supervisors' approval – Sheriff 2022-0632

- 5.B.5** Approved the General Services Agency’s spending plan for FY 2023 Building Community Services investment funding to restore County properties; approved the General Services Agency to proceed with the Restore County Properties Capital Project to restore County properties, as listed in the agenda item; approved the initial Restore County Properties Capital Project budget of \$12 million for year one of the spending plan; directed the Auditor-Controller to establish the Restore County Properties Capital Project budget in the amount of \$12 million, as detailed in the budget journal attached to the agenda item; approved work authorization for on-call architectural services in the amount of \$279,000 to Hellmuth, Obatta & Kassabaum, Inc. for architectural services for Probation Department’s Security Electronic and Camera Repairs/Replacement Project; authorized the GSA Director/Purchasing Agent, or designee, to negotiate and execute additional contracts for the GSA on-call architectural services; designated the GSA Director/Purchasing Agent, or designee, to act as the Project Manager; authorized the GSA Director/Purchasing Agent, acting as the Project Manager, to issue work authorizations and execute contracts up to and in excess of \$200,000, for this phase of the project to procure architectural, design, engineering, and contract management services; amended the Salary and Position Allocation Resolution to reflect the recommended staffing changes as described in the Staffing Impact section of the agenda item, to become effective at the start of the first full pay period following Board of Supervisors’ approval; and, authorized the GSA Director/Purchasing Agent, acting as the project manager, to procure professional services and issue work authorizations needed for these projects, so long as they are within the approved project budgets – GSA 2022-0633
- 5.B.6** Appointed Dr. Thea Papasozomenos to the position of the Public Health Officer effective 12/18/2022; and, authorized a starting annual salary of approximately \$265,000 to be effective 12/18/2022, plus department head benefits as set forth in the attached benefit summary, for Dr. Thea Papasozomenos – HSA 2022-0634
- 5.B.7** Approved the use of Public Facilities Fee Funds to perform an inflationary update study for Public Facilities Fees and Regional Transportation Impact Fees; and, directed the Auditor-Controller to increase appropriations and estimated revenues in the CEO Administration budget unit in the amount of \$12,140 from Public Facilities Fee Funds as detailed in the budget journal attached to the agenda item – CEO M-64-N-4 2022-0635
- 5.B.8** Approved a five-year lease with Donald F. Monaco and Gloria E. Monaco, Trustees of the D.F. & G.E. Monaco Trust, for 13,939 square feet of property located at 1424 H Street in Modesto for the General Services Agency to relocate the facility maintenance-custodial services staff teams; and, authorized the General Services Agency Director/Purchasing Agent or designee to negotiate, sign and execute the lease and any lease amendments – GSA 2022-0636
- 5.B.9** Introduced and waived the first reading of Ordinance C.S. 1338 amending Chapter 16.55 of the Stanislaus County Code, and adopting by reference the California Fire Code, 2022 Edition with certain changes, additions, and modifications thereto; set a public hearing on 12/20/2022, at the 6:30 p.m. meeting, to waive the second reading and adopt the ordinance; and, authorized the Clerk to make available for public review the proposed ordinance and publish a notice of public hearing as required by Government Code sections 50022.3, 50022.6, and 6066 – Sheriff/OES/Fire Warden ORD-57-Y-2 2022-0637
- 5.B.10** Approved a resolution adopting the 2022 Multi-Jurisdictional Hazard Mitigation Plan – Sheriff/OES/Fire Warden 2022-0638

**5.C.2** Adopted the Mitigated Negative Declaration for the Cooperstown Road over Gallup Creek Bridge Replacement Project, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(B), by finding on the basis of the whole record, including the Initial Study and any comments received, there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis; directed the Department of Public Works to file a Notice of Determination for the Cooperstown Road over Gallup Creek Bridge Replacement Project with the Stanislaus County Clerk Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2022-0640

**5.C.3** Approved the MOU with the Crows Landing Community Services District for new well construction and existing well rehabilitation; and, authorized the Director of the General Services Agency, or designee, to execute a MOU with the Crows Landing Community Services District for new well construction and existing well rehabilitation – PW DCS-11-27 2022-0641

Chiesa/Grewal unan. **5.C.1** Approved the MOU between Stanislaus County and Stanislaus Regional Water Authority regarding county road encroachment permit; authorized the CEO to execute the MOU; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2022-0639

Chiesa/B. Condit unan. **6.1** Conducted a public hearing to consider Williamson Act Cancellation and Lot Line Adjustment application No. PLN2020-0059 – Foster, a request to cancel a 0.66± acre portion of Williamson Act Contract No. 1974-1663 and adjust the lines of two parcels, and approval of a new contract for the proposed 11.62± acre parcel, located at 6232 and 6248 Carver Road, between Ladd and Costner Roads, in the Modesto area; finds the project is categorically exempt from the California Environmental Quality Act and order the filing of the Notice of Exemption; finds that the cancellation is consistent with the purposes of the Williamson Act and in the public interest by finding that based on the discussion in this report and the whole of the record that: (a) the cancellation is for land on which a notice of nonrenewal has been served pursuant to California Government Code Section 51245, (b) the cancellation is not likely to result in the removal of adjacent lands from agricultural use, (c) the cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan, (d) the cancellation will not result in discontinuous patterns of urban development, (e) there is no proximate non-contracted land which is available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land, (f) other public concerns substantially outweigh the objectives of the Williamson Act; finds that the following seven findings can be made based on the written evidence submitted by the applicant pursuant to Government Code Section 51257: (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 the 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 adjustments, 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 adjustments will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract, or contracts, (f) the lot line adjustments are not likely to result in the removal of adjacent land from

agricultural use, (g) the lot line adjustments do 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; accepted the cancellation value of the 0.66± acre portion of APN: 004-066-043 as \$36,300 as determined by the County Assessor; certified to the Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, is an amount equal to 12.5% of the cancellation value, or a total of \$4,538; approved the Tentative Cancellation of a portion of Williamson Act Contract No. 1974-1663 subject to payment of the cancellation fee; unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by state law; directed the Clerk to record a Certificate of Tentative Cancellation within 30 days of this action; directed the Clerk, within 30 days of Board action, to publish the Notice of Decision, pursuant to Government Code, and to deliver a copy of the published Notice of Decision to the Director of the Department of Conservation; rescinded a portion of Williamson Act Contract No. 1974-1663 and approved a new contract pursuant to lot line adjustment application No. PLN2020-0059 – Foster; approved lot line adjustment application No. PLN2020-0059 – Foster subject to the completion of Williamson Act Cancellation application No. PLN2020—0059 – Foster; and, authorized the Director of Planning and Community Development to execute a new contract pursuant to Williamson Act Cancellation and Lot Line Adjustment application No. PLN2020-0059 – Foster – Planning 2022-0642

B. Condit/Grewal unan. **7.1** Received a report from the Ag Commissioner relating to the implementation of an Ag Livestock Pass Program; and, approved the Stanislaus County Ag Livestock Pass Program – Ag Commissioner 2022-0643

**Recessed at 10:44 a.m.**

**Reconvened at 10:46 a.m.**

B. Condit/Chiesa (4-0)(Withrow abstained) **7.2** Finds that the public interest and necessity require the North County Corridor Phase 1 Project; finds that the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the interest in the property, APN: 083-002-024, sought to be acquired and described in the Resolution of Necessity attached to the agenda item is necessary for the project; finds that the offer required by section 7267.2 of the Government Code has been made to the owner, C.W. Brower, Inc.; adopted a Resolution of Necessity in the form attached to the agenda item as attachment 1; and, authorized County Counsel to initiate eminent domain proceedings to acquire the property interest described in therein – PW 2022-0644

B. Condit/C. Condit unan. **7.3** Finds that the public interest and necessity require the North County Corridor Phase 1 Project; finds that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the interests in the property, (Assessor’s Parcel Number 083-002-032), sought to be acquired and described in the attached Resolution of Necessity is necessary for the Project; finds that the offer required by section 7267.2 of the Government Code has been made to the owners, Francisco J. Fernandez, Leticia E. Fernandez, and Estefania Fernandez; adopted a Resolution of Necessity in the form attached to the agenda item as attachment 1; and, authorized County Counsel to initiate eminent domain proceedings to acquire the property interests described herein – PW 2022-0645

**Corr 1** Referred to County Counsel and the Auditor-Controller, a Claim for Refund of Property Taxes filed on behalf of Sprint Telephony PCS, L.P., regarding assessments for fiscal year 2018-2019.

**Corr 2** Referred to County Counsel and the Auditor-Controller, a Claim for Refund of Property Taxes filed on behalf of CenturyLink Communications LLC., regarding assessments for fiscal year 2018-2019.

**Corr 3** Referred to the Sheriff - OES and the Ag Commissioner and Sealer of Weights and Measures, letters from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration and the U.S. Department of Agriculture disaster declarations for primary and contiguous counties, including Stanislaus County, due to agricultural losses caused by the freeze that occurred 04/11/2022, through 04/12/2022.

**Corr 4** Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Brant Scott; Rochele Renee Taylor; Juliana Pendelton-Zamora; Jeannie Arana on behalf of B.A., a minor; Allstate ASO Dawood Sulaiman; Joquita Bland; Maria Armstrong; Salvador Barragan (2 claims); Leo Barragan (duplicate); Lorenzo Barragan (duplicate); Lourdes Barragan (duplicate); Lizandro Barragan (duplicate); Sue Chaffee; Nicholas Baugh (3 claims); and, Scott Boyd.

Supervisor B. Condit thanked the City of Modesto for the patchwork on Roselle Avenue.

Supervisor Chiesa thanked the Public Works Department for the patchwork on John Fox Road. He also reported that he, along with Supervisors B. Condit, Grewal, C. Condit, CEO Hayes, PW Director David Leamon, Clerk Elizabeth King, and Public Relations and Communications Director Sonya Severo attended the California State Association of Counties (CSAC) annual conference in Anaheim last week.

Chairman Withrow noted that on Friday, 11/18/2022 he attended a meeting at the Governor's Office regarding the withholding of Homeless Housing, Assistance, and Prevention Program (HHAP) funding.

CEO Hayes announced that there will be a Stanislaus County Board of Supervisors' Workshop on Monday, 12/05/2022 at 9:00 a.m. at the Graffiti USA Classic Car Museum located at 610 N. 9<sup>th</sup> Street, Modesto, CA 95350.

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 11:06 a.m.

**12.1** Conference with Legal Counsel - Significant Exposure to Litigation Pursuant to Government Code section 54956.9(d)(2): One matter. No reportable action taken.

**12.2** Conferenced with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One case: Alvan Estrada v. County of Stanislaus, et al., Superior Court of California County of Stanislaus, Case No. CV-19-003153. No reportable action taken.

Adjourned at 12:20 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.)