

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

Regular Session

Tuesday

May 23, 2023

All Supervisors Present\*

Pledge of Allegiance to the Flag

\*Pursuant to Government Code §54953(b), this meeting included a teleconference location at Pillsbury Winthrop Shaw Pittman LLC, Conference Room 11 I, 1200 Seventeenth Street, NW, Washington, DC 20036. Chairman C. Condit and Supervisor Grewal attended the Regular Session and Closed Session via teleconference. The public was allowed the opportunity to address the Board at this teleconference location pursuant to Government Code Section §54954.3. All votes during the teleconferencing session were conducted by roll call vote. The teleconference location was accessible to the public and the agenda was posted at the teleconference location 72 hours before the meeting.

Invocation was given by Kristine Kauffman, Rescue Director, with CrossPoint Community Church.

B. Condit/Chiesa unan. Approved the election of Supervisors Terry Withrow as the Chairman Pro Tempore for the 05/23/2023, Stanislaus County Board of Supervisors meeting 2023-0230

Sheriff Dirkse provided an update on the Local Emergency Due to Winter Storms and Flooding Impacting Stanislaus County.

Sheriff Dirkse and Lt. Casey Hill provided an update on the Ray Simon Regional Criminal Justice Training Center.

Tina Rocha, Assistant Chief Executive Officer, recognized volunteers from the Employee Volunteer Mentor Program.

Mike Daniels shared his son Matthew qualified to represent CA as a 5<sup>th</sup> grader at the International Academic Competitions National Geography Championships in Washington D.C. in June.

Rex Osborn thanked the Board and shared a positive experience he just had working with the Assessor and Treasurer-Tax Collector's Offices. He suggested the County add the option to leave a compliment on the County's Government outreach, Customer Relationship Management (CRM) system.

Miguel Donoso spoke in regards to the Ray Simon Criminal Justice Training Center presentation and requested the number of Mexican American trainees.

B. Condit/Chiesa unan. Adopted the consent calendar after removing from the agenda item **5.B.2** Approval for Stanislaus County Workforce Development to Submit the Application for Subsequent Local Area Designation and Local Board Recertification – Workforce Development; and, **5.D.1** Approval to Rescind a Portion of Williamson Act Contract No. 1972-509, Located at 261 and 491 Denton Road, Between Yosemite and Lake Road, in the Hickman Area; and Approval of New Contracts, Pursuant to Lot Line Adjustment Application No. PLN2023-0005 - Warner & Almond Valley Investments, LLC – Planning

- 5.A.1** Approved the minutes of 05/16/2023
- 5.A.2** Appointed Jack Griffith to the Stanislaus County Behavioral Health Board 2023-0231
- 5.A.3** Proclaimed 05/21/2023 through 05/27/2023, as Stanislaus County Public Works Week in conjunction with National Public Works Week 2023-0232
- 5.A.4** Proclaimed the week of 06/05/2023, as Family Services Specialist Recognition Week 2023-0233
- 5.A.5** Adopted and waived the Second Reading of Ordinance C.S. 1342 to establish new fees and amend or eliminate existing fees for the Department of Environmental Resources  
ORD-58-A-2 2023-0234
- 5.A.6** Adopted and waived the Second Reading of Ordinance C.S. 1343 to amend existing fees for Planning Services  
ORD-58-B-1 2023-0235
- 5.A.7** Adopted and waived the Second Reading of Ordinance C.S. 1344 to amend existing fees for the Department of Public Works  
ORD-B-2 2023-0236
- 5.B.1** Authorized the BHRS Director, or designee, to execute a lease with The Shannon Company for office space located at 1601 I Street, Suite 200, Modesto; authorized the BHRS Director, or designee, to execute a license agreement with the Stanislaus County Law Library for parking spaces located at 1101 13th Street, Modesto; authorized the BHRS Director, or designee, to negotiate and sign amendments to the lease and license agreements listed above throughout the term of the agreements, inclusive of any optional extensions, should BHRS choose to extend them accordingly; and, accepted a report from BHRS on the final executed leases as a result of Board approval received on 01/24/2023 (Resolution No. 2023-0040) – BHRS 2023-0237
- 5.B.3** Authorized the Treasurer-Tax Collector to sign an agreement with the State of California Employment Development Department for the period of 07/01/2023, through 06/30/2026 – T/TC 2023-0239
- 5.B.4** Directed the Auditor-Controller to increase appropriations and estimated revenue by \$100,000 in the Sheriff’s OES Homeland Security Grants legal budget unit as detailed in the budget journal, attached to this agenda item – Sheriff - OES/Fire Warden 2023-0240
- 5.B.5** Approved the Area Agency on Aging’s FY 2023-2024 Area Plan Update; and, authorized the Chairman to sign the Transmittal Letter to the California Department of Aging – Aging and Veteran Services 2023-0241
- 5.B.6** Accepted the Report of Donations Received by the County of Stanislaus for the Third Quarter of FY 2023 – Auditor-Controller 2023-0242
- 5.B.7** Accepted the February 2023 Investment Report for the Stanislaus County Treasury Pool; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2023-0243
- 5.B.8** Accepted the March 2023 Investment Report for the Stanislaus County Treasury Pool; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2023-0244
- 5.B.9** Adopted the Mental Health Services Act (MHSA) Plan Update for FY 2022- 2023 Innovations Project to allow the expenditure of MHSA Funds for the Embedded Neighborhood Mental Health Team; authorized the BHRS Director, or designee, to sign and submit the MHSA Plan Update for FY 2022-2023 to the Department of Health Care Services and the Mental Health Services Oversight and Accountability Commission; authorized the Auditor-Controller, or designee, to sign the MHSA County Fiscal Accountability Certification certifying that the fiscal requirements have been met; and, authorized the GSA Director/Purchasing Agent to issue a RFP for Embedded Neighborhood Mental Health Team services – BHRS 2023-0245

- 5.B.10** Authorized the Purchasing Agent, or designee, to enter into a master agreement with Oracle America, Inc. for general terms for the period of 05/23/2023, through 05/22/2028; authorized the Purchasing Agent, or designee, to enter into a subscription agreement with Oracle America, Inc. for a public safety system; authorized the Purchasing Agent, or designee, to enter into a professional services agreement with Oracle America, Inc. for a public safety system for \$1.00; accepted the donation of services and hardware listed in the subscription agreement to be provided to the County at no cost by Oracle America, Inc.; and, authorized the Purchasing Agent, or designee, to execute any amendments or extensions consistent with the current fiscal terms – Sheriff 2023-0246
- 5.B.11** Approved an Electrical Vehicle Charging Station License Agreement between Stanislaus County and the Turlock Irrigation District at the Community Services Facility in Modesto, CA; authorized the GSA Director/Purchasing Agent, or designee, to execute the agreement, amendments, and a required application through the California Energy Commission – GSA 2023-0247
- 5.B.12** Set the public hearing on 06/20/2023, at the 6:30 p.m. meeting, to consider setting Franchise Maximum Base Rates for Solid Waste Collection Services; and, authorized the Clerk to publish notice as required by law – DER 2023-0248
- 5.B.13** Approved a three-year agreement with California Department of Technology (CDT) for Microsoft Online Subscription Services; authorized the GSA Director/Purchasing Agent, or designee, to enter into an agreement with California Department of Technology (CDT) for Microsoft Online Subscription Services and to sign any necessary documents; authorized the GSA Director/Purchasing Agent, or designee, to execute any amendments and extensions; and, directed the Auditor-Controller to increase appropriations by \$211,050 in the Sheriff’s Administration budget unit as detailed in the budget journal, attached to the agenda item – Sheriff 2023-0249
- 5.B.14** Approved the three-year Enterprise Agreement with Dell Inc. in the amount of \$234,000 for subscription to Microsoft 365 Frontline (F3) and Microsoft products and services not provided under the California Department of Technology (CDT) Master Agreement; authorized the Purchasing Agent, or designee, to enter into a three-year Enterprise Agreement with Dell Inc. for the purchase of Microsoft’s Office subscription services and to sign any necessary documents; and, authorized the Purchasing Agent, or designee, to increase the contract amount by up to ten percent (10%) for necessary unforeseen services and to execute any amendments and extensions necessary to implement the purpose of the contract – ITC 2023-0250
- 5.B.15** Approved an emergency update in accordance with Public Contract Code Section 22050 for emergency repair and replacement of 400 linear feet of perimeter litter barrier fencing at the Fink Road Landfill; and, affirmed the emergency declaration remains necessary and authorized staff to proceed with needed repairs to the perimeter litter barrier fence – DER 2023-0251
- 5.B.16** Accepted the CEO’s Third Quarter Financial Report for FY 2023; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the 2023 Third Quarter Financial Report; authorized the use of \$6,217,675 in Appropriations for Contingencies as recommended in the 2023 Third Quarter Financial Report; authorized the Auditor-Controller to make necessary fiscal year-end accounting entries to accurately report expenses and revenue in the appropriate fiscal year and adjust appropriations as necessary as approved by the CEO; authorized the CEO to approve the use of up to \$2.7 million in additional transfers from Appropriations for Contingencies, by the Board, to avoid the potential for an overall appropriations shortfall scenario which could impact unencumbered purchases at fiscal year-end in the Sheriff’s Department; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part

of the 2023 Third Quarter Financial Report, as outlined in the Staffing Impacts section of the agenda item, and detailed in Attachment 2, to be effective the first full pay period on or after 06/03/2023, unless otherwise noted; approved contracts and/or agreements listed on Attachment 3 in cumulative amounts of \$200,000 or greater since 07/01/2020, and authorized the GSA Director/Purchasing Agent or previously authorized Department Head to sign; and, set the public hearing for the consideration and adoption of the 2024 Proposed Budget for the 6:30 p.m. meeting on 06/20/2023; directed the Clerk to advertise the public hearing; and authorized the Clerk to make appropriate changes to the public notice if fee increases are proposed as part of the budget process – CEO 2023-0252

**5.C.1** Approved an emergency update in accordance with Public Contract Code Section 22050 for emergency temporary repairs to Del Puerto Canyon Road 13 Miles west of Interstate 5; and, affirmed the emergency declaration remains necessary and authorized staff to proceed with needed repairs to Del Puerto Canyon Road 13 Miles west of Interstate 5 – PW 2023-0253

**5.D.2** Set a public hearing on 06/06/2023 at the 9:00 a.m. meeting, to consider the Planning Commission’s recommendation of approval for Rezone and Vesting Tentative Map Application No. PLN2021-0101 – Hoffman Ranch, a request to rezone a 15.9± acre parcel from Planned Development (P-D) (288) to a new P-D and to subdivide the project site into 76 parcels, ranging in size from 5,855 to 12,631 square feet and a 6,391± square-foot park site expansion, located at 4325 Arnold Road and 4302 Riopel Avenue, on the north side of East Zeering Road, between Riopel and Arnold Roads, in the Community of Denair, and adopt a Mitigated Negative Declaration; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning 2023-0255

Chiesa/B. Condit unan. **5.B.2** Approved the request to submit the application for subsequent Local Area Designation and Local Board Recertification; and, authorized the Chairman to sign the application – Workforce Development 2023-0238

B. Condit/Grewal (4-0)(Chiesa recused) unan. **5.D.1** Rescinded a portion of Williamson Act Contract No. 1972-509, located at 261 and 491 Denton Road, between Yosemite and Lake Road, in the Hickman area APN: 008-010-034; 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 the County’s implementation of 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 No. PLN2023-0005 - Warner & Almond Valley Investments, LLC; and, authorized the Director of Planning and Community Development to execute a new contract(s) – Planning 2023-0254

Chiesa/B. Condit unan. **6.1** Conducted a public hearing to consider the Planning Commission's recommendation of approval of Rezone Application No. PLN2018-0057 – Kamir Incorporated, a request to rezone a 5.15± acre parcel from General Agriculture (A-2-10) to Planned Development (P-D) to allow for development of a fueling stop, convenience store, and two quick-service restaurants to serve the traveling public, located at East Keyes Road, between North Golden State Boulevard and State Route 99, in the Community of Keyes; adopted the Mitigated Negative Declaration and Mitigation Monitoring Plan, pursuant to California Environmental Quality Act (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 Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds that: (a) the project is consistent with the overall goals and policies of the County General Plan; (b) the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; (c) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; approved Rezone application No. PLN2018-0057 – Kamir Incorporated, subject to the Development Standards/Mitigation Measures and Development Schedule; and, introduced and waived the reading, and adopted an Ordinance C.S. 1346 for the approved Rezone application No. PLN2018-0057 – Kamir Incorporated – Planning ORD-58-C-2 2023-0256 & 2023-0257

**Corr 1** Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Bradley Allen Winter; Allbrie Byrne Porter (amended claim); Giovanna Vasquez; Trushil Khatri; Randy Wallace; Markell Perkins, Markelle V. Perkins, Zara Perkin, Naziah Perkin, and Zahkiah Perkins; and, Norma E. Hernandez.

Supervisor Chiesa thanked Chairman C. Condit, Vice-Chairman Grewal and CEO Hayes for taking the time to go to Washington D.C. this week. He announced that Sweena Pannu, Deputy County Counsel, has been appointed to serve as a Judge in the Stanislaus County Superior Court. He also shared a photograph of three kittens available for adoption and reminded everyone to please spay and neuter your pets, as the animal shelter is full.

Chairman C. Condit shared that they are excited for this week in Washington D.C. and hope to have some great meetings and secure funding for our County.

Assistant Executive Officer Dietrich reported in the past week the CA Department of Housing and Community Development announced the Super Notice of Funding Availability (Super NOFA) release for multifamily-housing, infrastructure, farmworker housing and veterans housing and homelessness prevention with a total of \$567 million available statewide. She shared application documents will be posted and available 06/01/2023 and the deadline for interested jurisdictions is 07/12/2023. She noted staff are watching at the federal level discussions on the debt ceiling cashflow impacts on Treasury as the deadline approaches and shared staff will continue to monitor if necessary. She shared the Governor's May Revised Budget is available and the revenue forecast looks "hazy" due to the extended deadline for 2022 tax collections process and staff will continue to monitor the State Budget for impacts to the County.

Representative Gavin Cline from Congressman Duarte's Office provided an update on the activities happening in the 13<sup>th</sup> Congressional District.

Representative Justin Farkas from Assemblymember Juan Alanis' Office provided an update on the activities happening in the 22<sup>nd</sup> Assembly District.

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 10:47 a.m.

**12.** Conferenced with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Four cases: County of Stanislaus v. Nathan Cox, et al Stanislaus Superior Court Case No. CV-22-004847; County of Stanislaus v. C.W. Bower, Inc. et al, Stanislaus Superior Court Case No. CV-23- 000282; County of Stanislaus v. Kory L. Gilbert, et al, Stanislaus Superior Court Case No. CV-22-002566; County of Stanislaus v. Kory Gilbert, et al, Stanislaus Superior Court Case No. CV-22-002526. No reportable action taken.

Adjourned at 11:27 a.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.)