

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

Special and Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

April 18, 2017

**Convened at 5:30 p.m.** for Special Session.

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

**Recessed to closed session at 5:30 p.m.** Public Employee Appointment: Title: Public Health Officer. Government Code Section 54954.5(c). Conference with Labor Negotiator: Agency Negotiators: Stan Risen, Tamara Thomas, Jody Hayes, and Brandi Hopkins. Labor Organizations: California Nurses' Association; Stanislaus Sworn Deputy Association; County Attorneys' Association; Stanislaus Regional Emergency Dispatchers' Association; Stanislaus County Sheriff's Supervisor Association; Stanislaus County Sheriff's Management Association; and Stanislaus County Deputy Probation Officers' Association. Government Code Section 54957.6.

**Reconvened at 6:31 p.m.** for Regular Session

**Closed Session Announcement:** Chiesa/Olsen unan. The Board appointed Dr. Julie Vaishampayan to the position of Public Health Officer effective 05/03/2017; confirmed and approved a starting annual salary of \$205,000 that was negotiated by the CEO, plus Department Head Benefits as reflected in the 2017 Summary of Benefits posted on the County website; approved the starting annual salary above the mid-point of the salary band; and, approved setting the vacation accrual rate at 7.4 hours per bi-weekly pay period.

Invocation was given by Reverend Dr. George Shabbaz, Pastor of the United Assyrian Evangelical Church.

Chairman Chiesa presented a resolution proclaiming April 2017 as Assyrian Heritage Month in Stanislaus County to Sam David, President of the Assyrian American Civic Club.

John X. Mataka voiced concerns regarding Ann Coulter being the keynote speaker at the Republican Party of Stanislaus County Lincoln Day Dinner, and in support of the Board adopting a resolution against racial discrimination.

Debra Harper spoke regarding various incidents in which hostility was directed towards her.

Dale Butler requested that the Board adopt a proclamation titled "Not in Our Community" against bullying, harassment and hate crimes.

Virginia Madueno invited the Board to attend the Love & Unity Dinner on 04/28/2017 at the McHenry Events Center in Modesto. She also voiced concerns regarding racism in the community.

Maria Juarez-Moss also spoke in support of the Board adopting a “Not in Our Community” proclamation.

Rebecca Harrington spoke in support of the Board adopting a resolution against racial discrimination, and she read an excerpt from a Martin Niemoller poem.

Prior to consideration of the Consent Calendar, the Chairman announced in accordance with Government Code Section 54953(c)(3), that agenda item \*B-2 would approve the appointment of setting the starting annual salary above the mid-point of the salary range for David T. Jones, who was recently appointed by the Children and Families Commission as its Executive Director at a starting annual salary of \$122,000 plus Department Head Benefits as set forth in the 2017 Benefit Summary. 2017-169

Withdraw/Olsen unan. Adopted the consent calendar

- \*A1 Approved the minutes of 04/04/2017
- \*A2 Accepted the resignations of Lori Crivelli and Billy Powell from the Stanislaus County Workforce Development Board 2017-170
- \*A3 Approved the commendation for Mattice Harris, M.D., as the recipient of the 2017 John Darroch Memorial Award from the Stanislaus Medical Society 2017-171
- \*A4 Adopted the Conflict of Interest Code for the Stanislaus Regional Water Authority 2017-172
- \*A5a Adopted the Amended Conflict of Interest Code for the Knights Ferry Community Services District 2017-173
- \*A5b Adopted the Amended Conflict of Interest Code for the Ceres Unified School District 2017-174
- \*A5c Adopted the Amended Conflict of Interest Code for the Modesto City Schools 2017-175
- \*A5d Adopted the Amended Conflict of Interest Code for the Riverbank Unified School District 2017-176
- \*A5e Adopted the Amended Conflict of Interest Code for the Waterford Unified School District 2017-177
- \*A5f Adopted the Amended Conflict of Interest Code for the Salida Fire Protection District 2017-178
- \*A5g Adopted the Amended Conflict of Interest Code for the Stanislaus Consolidated Fire Protection District 2017-179
- \*B1 Authorized the relocation of programs within the Older Adult System of Care, specifically High Risk Health Senior Access, Senior Access Treatment Team, and Community Hope and Recovery, from 303 Downey Avenue, Modesto, to 500 North Ninth Street, Modesto – BHRS 2017-180
- \*B2 Approved the starting salary at \$122,000, plus department head benefits as set forth in the benefit summary sheet, attached to the agenda item, for David T. Jones, this salary is above the midpoint of the salary band for the position of Executive Director of the Children and Families Commission – CEO 2017-181
- \*B3 Approved the amendment to the agreement between the County of Stanislaus and California Forensic Medical Group, Inc. for inmate health care services to support participation in the Medi-Cal County Inmate Program (MCIP); and, authorized the Chairman to sign the amendment – CEO 2017-182
- \*B4 Set a public hearing on 05/02/2017 at 9:05 a.m. to introduce and waive the first reading of an ordinance to increase existing fees for Clerk-Recorder services to produce an official record; and authorized the Clerk of the Board to publish the notice of hearing as required by law – Clerk-Recorder ORD-55-Z-3 2017-183

- \*B5 Adopted the plans, specifications, and working details for the new Geer Road Landfill Groundwater Extraction and Treatment System Installation Project; directed the Department of Environmental Resources to send the “Notice Inviting Bids,” electronically and by mail to trade journals and newspapers advertisement as required by law; authorized the Director of Environmental Resources, or designee, to oversee the public works of improvements associated with the new Geer Road Landfill Groundwater Extraction and Treatment System Installation Project; and, directed the Clerk of the Board to publish the “Invitation to Bidders (Contractors)”, attached to the agenda item, for the new Geer Road Landfill Groundwater Extraction and Treatment System Installation Project as required by law and set the deadline for submission of the bids as Wednesday, 05/31/2017, at 2:00 p.m.  
– DER 2017-184
- \*B6 Approved the appointment of the top candidate to the position of Manager III as the Chief Epidemiologist with the Health Services Agency at an annual salary of \$95,000 which is above the mid-point of the salary band – HSA 2017-185
- \*B7 Accepted the final update on the state of the emergency remediation and repairs at Health Services Agency Central Unit, in accordance with Public Contract Code Sections 20134 and 22050, to repair water damage and restore essential County operations; and, authorized the Project Manager to complete the remaining insurance close-out activities required for this emergency repair project with the County’s insurer – CEO 2017-186
- \*B8 Approved an agreement with Doerksen Investigations for the provision of eviction notice services, as a result of a RFP process for such services; and, authorized the CSA Director, or her designee, to sign the agreement, and any amendments up to \$25,000 with Doerksen Investigations to provide eviction notice services – CSA 2017-187
- \*C1 Adopted a resolution certifying the mileage in Stanislaus County's maintained mileage road system to be 1,510.55 miles as of 12/31/2016 – PW 2017-188
- \*C2 Approved the Transportation Development Act-Local Transportation Fund Claim for FY 2016-2017 Other Purposes and Supplemental Claim for FY 2015-2016; and, authorized the Director of Public Works to execute and submit the claim to StanCOG – PW 2017-189
- \*C3 Adopted the plans and specifications for the Salida Sidewalk Repair Project Phase II; awarded a contract in the amount of \$161,815.70 to Taylor Backhoe Service, Inc. of Merced, CA, for the construction of the Salida Sidewalk Repair Project Phase II; authorized the Director of Public Works to execute a contract with Taylor Backhoe Service, Inc., for \$161,815.70 and to sign necessary documents; authorized the Director of Public Works to execute change orders, not to exceed 10%, in accordance with the Public Contract Code, Sections 20142 and 20137; authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities upon project completion; authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations; and, approved the use of the County Service Area 10 fund balance in the amount of \$202,497, and directed the Auditor to increase appropriations as per the budget journal voucher, attached to the agenda item  
– PW 2017-190
- \*C4 Introduced and waived the first reading of Ordinance C.S. 1192 adding Section 13.08.070 to Title 13 of the Stanislaus County Code authorizing the Director of Public Works to purchase real property of \$5,000 or less, to be effective for a period of five years after adoption – PW ORD-55-Z-4 2017-191

- \*C5 Approved Amendment No. 1 to the agreement with Harris & Associates for \$98,000 to provide additional construction inspection and management services for the Morgan Road Heavy Equipment Shop/Administrative Building Project; authorized up to 5%, \$740,095, of contingency funds for change orders on the Morgan Road Heavy Equipment Shop/Administrative Building Project with Diede Construction; and, authorized the Director of Public Works to execute the amendment with Harris & Associates in the amount of \$98,000 and to sign necessary documents – PW 2017-192
- \*C6 Approved the use of up to \$5,000 of Community Development Funds for Emergency Debris Removal at Grayson Road Bridge at the San Joaquin River – PW 2017-193
- \*D1 Opened the 30-day public review period to consider approval of the FY 2017-2018 Annual Action Plan (AAP); and, set a public hearing for 06/27/2017 at 9:10 a.m. to consider approval of the FY 2017-2018 AAP – Planning 2017-194

Withrow/Monteith unan. **6:35 p.m.** Conducted a public hearing to consider the Planning Commission's recommendation for approval of Williamson Act Contract Cancellation and Parcel Map Application No. PLN2016-0108, Beachler - Rumble, a request to cancel a 3.56 acre portion of Williamson Act Contract No. 1971-0064, to allow the creation of a 3.56 acre parcel and a 36.74 acre remainder, from a 40.3 gross acre parcel, located at 3780 Ladd Road, on the southeast corner of Ladd and Stoddard Roads, in the Salida Area; 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, 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; 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 cancellation is consistent with the purposes of the Williamson Act; (b) the cancellation is for land on which a notice of non-renewal has been served pursuant to California Government Code Section 51245; (c) the cancellation is not likely to result in the removal of adjacent lands from agricultural use; (d) the cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan; (e) the cancellation will not result in discontinuous patterns of urban development; (f) 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; (g) the cancellation is in the public interest; (h) other public concerns substantially outweigh the objectives of the Williamson Act; accepted the cancellation value of the subject property as \$210,000 as determined by the County Assessor; certified to the County Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, is an amount equal to 12 ½ percent of the cancellation value, or a total of twenty-six thousand two-hundred and fifty dollars (\$26,250); approved the tentative cancellation of a portion of Williamson Act Contract No. 1971-0064 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 of the Board to record a Certificate of Tentative Cancellation within 30 days of this action; directed the Clerk of the Board, within 30 days of the Board action, to publish the Notice of the Decision and to deliver a copy of the published Notice of the Decision to the Director of the Department of Conservation (DOC); finds that: (a) the proposed map is consistent with applicable general and community plans as specified in CA Government Code Section 65451; (b) the design or improvement of the proposed subdivision is consistent with applicable general and specific plans; (c) the site is physically suitable for the type of development; (d) the site is physically suitable for the proposed density of development; (e) the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (f) the design of the subdivision or type of improvements are not likely to cause serious public health problems; (g) the design of the subdivision 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, in this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public; (h) the proposed parcel map is consistent with the restrictions and conditions of the existing Williamson Act contract(s); (i) the proposed parcels are of a size suitable to sustain agricultural uses; (j) the proposed parcel map will not result in residential development not incidental to the commercial agricultural use of the land; (k) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and, approved Williamson Act Cancellation and Parcel Map Application No. PLN2016-0108, Beachler - Rumble, subject to the Conditions of Approval, attached to the agenda item – Planning 2017-195

Monteith/DeMartini unan. **Authorization for an Item Too Late for the Agenda** – Pursuant to Government Code Section 54954.2(b)(2): the Board finds there is a need to take immediate action to declare an emergency in accordance with Public Contract Code Sections 20134 and 22050 for emergency repairs and replacement litter barrier fencing at the Fink Road Landfill; finds the need for action came to the attention of the County on Thursday, 04/13/2017 and there was insufficient time to place an item on the agenda before it was posted on 04/14/2017; and, approved adding an action item to the agenda to consider approval of emergency actions to repair fencing at the Fink Road Landfill – County Counsel 2017-196

DeMartini/Withrow unan. **Item Too Late for the Agenda** – Declared an emergency in accordance with Public Contract Code Section 22050 to contract for emergency repairs at the Fink Road Landfill; authorized the Director of DER, or designee, to negotiate and execute an agreement with Judge Netting, Inc., of Costa Mesa, CA, to replace 333 linear feet of perimeter litter barrier fencing at the Fink Road Landfill in compliance with Public Contract Code Section 20134(a); pursuant to Public Contract Code Section 22050(b), authorized the Director of DER to take any additional action directly related to or required by this emergency; pursuant to Public Contract Code Section 22050(a)(2), finds that this emergency will not permit delay resulting from a competitive solicitation for bids, and this action is necessary to respond to the emergency; and, directed the staff of DER to report to the Board on the status of the emergency project at its next regularly scheduled meeting and every 14 days thereafter until the repairs are completed, as required by Public Contract Code Section 22050(c)(1) – DER 2017-197

**Corr 1** Referred to the Health Services Agency and Environmental Resources, a copy of the 2016 Annual Air Toxics Report from the San Joaquin Valley Air Pollution Control District.

**Corr 2** Referred to the Office of Emergency Services and the Agricultural Commissioner and Sealer of Weights and Measures, letters from the Governor’s Office of Emergency Services regarding the U.S. Small Business Administration Private Nonprofit Organizations Physical Disaster Declaration and the U.S. Department of Agriculture Farm Service Agency Emergency Loan Program for primary and contiguous counties, including Stanislaus County, due to the severe storms and flooding that occurred in January and February 2017.

**Corr 3** Referred to the Fish and Wildlife Committee, two notices from the California Fish and Game Commission regarding proposed regulatory action related to upland game birds.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Fiona Dadisho; Simon Dadisho, a minor by and through guardian ad litem, Fiona Dadisho; Debra Harper; Dawson Herrimaen; Yasmira Alvarez; and, Hanibal Yadegar and Antanous Yadegar.

Adjourned at 7:32 p.m.

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

BY: PAM VILLARREAL, 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.)