

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

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

Tuesday

March 17, 2020

*Supervisor Berryhill attended via teleconference pursuant to Governor Newsom's Executive Order N-25-20.

Convened at 5:32 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.

1.1 Closed Session: Conference with Legal Counsel - Anticipated Litigation: Pursuant to Government Code Sections 54956.9 (d)(2) and (e)(3). One case. No reportable action was taken in closed session.

Reconvened at 6:34 p.m. for Regular Session

Invocation was given by Milton O'Haire, Agricultural Commissioner/Sealer of Weights and Measures.

Prior to consideration of the Consent Calendar, the CEO announced in accordance with Government Code Section 54953(c)(3), that agenda item **6.B.9** would approve the appointment of Ruben Imperial to serve as the Stanislaus County Director of Behavioral Health and Recovery Services at a starting salary of \$159,993.60 annually, plus Department Head benefits as set forth in the agenda item.

Margaret Countryman voiced concerns regarding the appeal process of a neighbor's second story building permit.

Carrie Schaupp voiced concerns regarding Family Court and the impact of COVID-19 on the Court system.

Scott Largent, Court Activist and Homeless Activist, voiced concerns about the Court system.

Chiesa/Withrow unan. Adopted the consent calendar

6.A.1 Approved the minutes of 03/03/2020

6.A.2 Adopted and waived the second reading of Ordinance C.S. 1269 amending Chapter 6.85 of the Stanislaus County Code regarding Hemp Cultivation

ORD-56-T-2 2020-0100

6.A.3 Appointed Michael Cooke to the Stanislaus County Local Task Force on Solid Waste Management 2020-0101

6.A.4 Approved a commendation for Rhonda Brown-Mason upon her retirement from the Stanislaus County Department of Child Support Services 2020-0102

6.A.5 Accepted the resignation of Shannyn McDonald from the Stanislaus County Child Abuse Prevention Council 2020-0103

- 6.B.1** Approved Contract Number 19-10566 with the California Department of Public Health for implementing core Sexually Transmitted Disease (STD) Program Management through 06/30/2024; and, authorized the HSA Managing Director, or her designee, to sign and execute the agreement and any subsequent amendments – HSA 2020-0104
- 6.B.2** Proclaimed April 2020 as Child Abuse Prevention Month in Stanislaus County – CSA 2020-0105
- 6.B.3** Authorized the Auditor-Controller to increase estimated revenue and appropriations for the Elections Division budget by \$44,755 – Auditor-Controller 2020-0106
- 6.B.4** Adopted the Property Tax Administration Cost Recovery Plan for use in FY 2019-2020; approved the final report determining the Property Tax Administration costs for FY 2018-2019 are \$8,258,574 and established the proportion of recoverable costs attributable to incorporated cities and other jurisdictions in FY 2019-2020 are \$1,632,577; and, authorized the collection of said costs pursuant to the provisions of the Revenue and Taxation Code Sections 95.3 and 97.75, and Stanislaus County Ordinance Code Section 4.44.010 – Auditor-Controller 2020-0107
- 6.B.5** Approved an agreement between the State of California Department of Aging and the County of Stanislaus to administer the Dignity at Home Fall Prevention Program, provided through the Area Agency on Aging; authorized the Director of the Department of Aging and Veterans Services to execute the Dignity at Home Fall Prevention Agreement and any subsequent amendments; and, approved the required resolution for this agreement – Aging and Veterans Services 2020-0108
- 6.B.6** Accepted an update in accordance with Public Contract Code Sections 20134 and 22050 for emergency remediation/repairs at 10th Street Place, to repair water damage and restore essential government operations – CEO 2020-0109
- 6.B.7** Approved an update on the Homeless Facility Plan and partnership between the County, the City of Modesto and the Salvation Army in accordance with the provisions of the Public Contract Code – CEO 2020-0110
- 6.B.8** Approved an update on emergency repairs to the Public Safety Center West, Minimum Housing Unit One, and Support Services Facility's fire-life safety, secure electronics, and video surveillance systems along with the abatement of water damage found in the mechanical chases at the Public Safety Center West – CEO 2020-0111
- 6.B.9** Approved the starting salary for Ruben Imperial as the BHRS Director at \$159,993.60 annually, along with department head benefits, effective 03/14/2020 – CEO 2020-0112
- 6.B.10** Approved the provisions contained within the tentative agreement reached between the County and the Stanislaus Regional Emergency Dispatchers Association; amended the “Salary and Position Allocation Resolution” to reflect the changes included in the tentative agreement; authorized the Chairwoman and all parties to sign the agreement; and, **corrected** the typographical error located in the second paragraph on page two of the staff report to reflect the correct effective date of the 3% base salary increase as 03/17/2021 (not 07/01/2021) – CEO 2020-0113
- 6.B.11** Amended the Valley Home Municipal Advisory Council bylaws, Section III, to change the members from elected members to appointed members; and, approved the changes to Section IX of the bylaws to allow the board to appoint members if a vacancy occurs – CEO MAC-08-3 2020-0114
- 6.C.1** Approved Amendment No. 5 to the Professional Design Services Agreement for all-inclusive bridge engineering services with Quincy Engineering, Inc., in the amount of \$80,238 for a total not to exceed amount of \$508,526.36, for the Cooperstown Road over Gallup Creek Bridge Replacement Project; authorized the Director of Public Works to execute the amendment with Quincy Engineering, Inc., in the amount of \$80,238, and to sign necessary documents; authorized the Director of Public Works to extend the Professional

Design Services Agreement expiration date to 06/30/2023; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0115

- 6.C.2** Approved the Plans and Specifications for the Hickman Road over Tuolumne River Bridge Replacement Project, Federal Aid Project No. BRLS-5938(199); awarded a construction contract to MCM Construction, Inc. of North Highlands, CA for the Hickman Road over Tuolumne River Bridge Replacement Project, Federal Aid Project No. BRLS-5938(199); authorized the Director of Public Works to execute a contract with MCM Construction, Inc. in the amount of \$17,689,088.50 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 20137 and 20142; authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities upon project completion; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0116
- 6.C.3** Approved an agreement with the County of San Mateo for the transfer of \$1,000,000 Rule 20A credits in exchange for \$500,000 discretionary dollars; authorized the Chairwoman to execute the agreement for the transfer; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0117
- 6.D.1** Rescinded a portion of both Williamson Act Contract Nos. 1971-0106 and 2013-0014, located at 1249 Swanson Road, between the Tuolumne River and the T.I.D. Ceres Main Canal, in the Waterford area, APNs: 019-005-005, 019-005-006, and 019-003-002; finds 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 Application No. PLN2018-0170, Short Ranch Partnership; and, authorized the Director of Planning and Community Development to execute a new contract, pursuant to Lot Line Adjustment Application No. PLN2018-0170, Short Ranch Partnership – Planning 2020-0118

Withdraw/Chiesa unan. **8.1** Adopted a resolution ratifying the Declaration of Local Health Emergency made by the Stanislaus County Public Health Officer dated 03/11/2020 related to the 2019 Novel Coronavirus; and, adopted a resolution ratifying the Proclamation of Local Emergency made by the

Stanislaus County CEO/Director of Emergency Services dated 03/11/2020 related to the 2019 Novel Coronavirus – HSA 2020-0119

Withrow/DeMartini unan. **8.2** Authorized the District Attorney to accept a grant award from the California Governor’s Office of Emergency Services Victim/Witness Assistance Program for Federal FY 2019-2020 in the amount of \$1,037,225; authorized the District Attorney to sign the grant award agreement, including any extensions or amendments; amended the Salary and Position Allocation resolution to reflect the staffing changes described under the Staffing Impacts section effective the first pay period following the Board of Supervisors’ approval; and, authorized the Auditor-Controller to increase estimated revenue and appropriations in accordance with the Budget Journal attached to the agenda item – District Attorney 2020-0120

Chiesa/DeMartini unan. **8.3** Approved the Schematic Design for the HSA Administration/Public Health Facility Project, as presented by the Bridging Architect, and authorized proceeding to the Bridging Design phase of the project; approved the recommended changes to original funding plan that was adopted by the Board on 03/05/2019, for the project which includes a reduced project cost; a smaller footprint for the project; a reduced use of Securitized Tobacco Tax funds and an increase of repayment for the administrative portion of the proposed project; designated the CEO, or his designee to act as Project Manager for the HSA Administration/Public Health Facility Project; directed the project team to explore the feasibility of the possible inclusion of the Mountain Valley Emergency Medical Services Agency into the project, returning to the Board with future recommendations; approved a Professional Services Agreement in the amount of \$598,840 with Kitchell CEM Management Inc., with offices in Fresno, CA to provide Construction Management Services for the HSA/Public Health Facility Project; and authorized the execution of the Professional Services Agreement and to negotiate and execute amendments to these agreements for additional services, if needed, so long as appropriations are available within the project budget; approved a Professional Services Purchase Order Agreement in the amount of \$183,747, with Gensler Inc. to provide Real Estate Assessment and Strategic Planning Services for County Center II, located at 830 Scenic Drive, Modesto, to be funded by existing appropriations in the FY 2019-2020 CEO-Plant Acquisition budget; and, authorized the Project Manager to sign contracts and work authorizations for professional services needed for this phase of the project, so long as they are within the project budget – CEO 2020-0121

Chiesa/Withrow unan. **8.4** Approved the conceptual design for the Harvest Hall Improvement Project; approved the revised funding strategy for the project as outlined in the agenda item; designated the CEO, or his designee, to act as Project Manager for the project; and, authorized the Project Manager to sign contracts and issue work authorizations for professional services needed for this phase of the project, so long as they are within the project budget – CEO 2020-0122

Withrow/Olsen unan. **8.5** Accepted the report on the planned restructure of the organization and operations of the Chief Executive Office, to be aligned with the Recommended Proposed Budget 2020-2021/2021-2022 – CEO 2020-0123

Corr 1 Referred to the Department of Workforce Development, a Worker Adjustment and Retraining Notification letter from Nestle USA, Inc, regarding the temporary layoff of employees from their 736 Garner Road, Modesto location starting in June 2020.

Corr 2 Referred to the Department of Public Works, a notice from the California High-Speed Rail Authority regarding the availability of a limited revision of the draft supplemental environmental impact report and draft supplemental impact statement for the Merced to Fresno Section of the High-Speed Rail Project.

Corr 3 Acknowledged receipt of a letter from Reclamation District 2091 regarding the resignation of Wendel Trinkler, Jr. and the appointment of Scott Cole to their Board of Directors.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Juan Alvarez; William Lombardini, The Barnes Firm, on behalf of Corey Pokoray; Kimberly Johnson; Everett Ornelas; Fidelis C. Gines; Merle M. Quadra; Michael Cisneroz; California Auto Insurance ASO Cecil Torres; and, Margaret Quintana.

Supervisor DeMartini noted that he was on the Election Observer Panel for the election Tuesday, 03/03/2020. He stated that the election went smoothly.

Chairwoman Olsen announced that she, along with the Sheriff, CEO, Assistant Director of Emergency Services and the Managing Director of HSA, will stream a Facebook Live session on Wednesday, 03/18/2020, at 5:00 p.m. regarding the local public health emergency due to COVID-19 (Coronavirus). She mentioned that if seniors need help with groceries or other services to contact their local church or call 211 for assistance.

CEO Hayes reported that he asked County Departments to evaluate essential vs. non-essential services to determine where we can deploy maximum social distancing between employees and the public to keep everyone safe. This evaluation will also identify which employees can be diverted into essential services if needed. He reported that the website www.loveourneighbors.org will be heavily relied upon to support our community throughout this effort.

Adjourned at 8:48 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.)