

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

June 23, 2020

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

Chairwoman Olsen announced that this meeting will be held in accordance with the Governor's Stay at Home Executive Order N-33-20 and will not include in person public attendance. She reviewed the options for the members of the public to observe the meeting and provide comments to the Board via email or telephone as listed on the first page of the agenda.

Invocation was given by Reverend Lonnie Skiles with Big Valley Community Church.

Keith Boggs, Assistant Executive Officer, was recognized upon his retirement and presented with a commendation.

CEO Hayes and Public Health Officer Dr. Vaishampayan provided an update related to the 2019 Novel Coronavirus (COVID-19) emergency and essential services in Stanislaus County.

Gary Faucett requested massage therapists be moved to Phase I and made an essential service.

Wendy Byrd, President of the Modesto-Stanislaus NAACP, provided clarification of what defunding the police means in the community, and that it refers to the reallocation of funds for alternatives for public safety, and not to take away the budget from the police department.

Tom Crain, Member of ACLU Northern California Stanislaus Chapter, noted that in recent weeks a group was comprised with the idea of law enforcement oversight.

Chiesa/Berryhill unan. Adopted the consent calendar

- 6.A.1** Approved the minutes of 06/09/2020
- 6.A.2** Appointed Christine Schweininger to the Stanislaus County Economic Development Action Committee 2020-0268
- 6.A.3** Reappointed Gordon Heinrich and Jim Mortensen to the Stanislaus County Agricultural Advisory Board 2020-0269
- 6.A.4** Reappointed Jorge Garcia, David Chapman, Linda Barr, Lori Schumacher and Violeta Cuevas to the Stanislaus County Child Abuse Prevention Council 2020-0270
- 6.A.5** Reappointed Lupe Aguilera and Eileene King to the Commission on Aging 2020-0271
- 6.A.6** Reappointed Matthew Scott and Mark Swartz to the Denair Fire Protection District Board of Directors 2020-0272
- 6.A.7** Reappointed Darrell Cordova and Michael S. Passalacqua to the East Stanislaus Resource Conservation District Board of Directors 2020-0273
- 6.A.8** Reappointed Ignacio Cantu Jr. to the First 5 Stanislaus Commission 2020-0274
- 6.A.9** Reappointed Elizabeth Talbott and Angela Sue Henderson to the Stanislaus County Free Library Advisory Board 2020-0275

- 6.A.10** Reappointed Brian Herd and Gary A. Larson to the Mountain View Fire Protection District Board of Directors 2020-0276
- 6.A.11** Reappointed Krishawn Kambel, David T. Jones and Stephanie Aguilar to the Stanislaus County Child Development Local Planning Council 2020-0277
- 6.A.12** Reappointed Michael Lynch and Jeff Grover to the Stanislaus County Employees Retirement Board (StanCERA) 2020-0278
- 6.A.13** Reappointed Brad Koehn and Frank Lucas to the Turlock Rural Fire Protection District Board of Directors 2020-0279
- 6.A.14** Reappointed Jarod Lara to the West Stanislaus Fire Protection District Board of Directors 2020-0280
- 6.A.15** Reappointed Bruce Wardee, Richard Edgecomb, William Hurst and Dionicio Cruz to the Veterans Advisory Commission 2020-0281
- 6.A.16** Reappointed Robert Ott and Hans Wagner to the Woodland Avenue Fire Protection District Board of Directors 2020-0282
- 6.A.17** Reappointed Jody Hayes, Tim Robertson, Pedro Mendez and Margarita Cabalbag to the Workforce Development Board 2020-0283
- 6.A.18** Accepted the resignation of Kimberly Flores from the Stanislaus County Child Abuse Prevention Council 2020-0284
- 6.A.19** Approved the consolidation of the Municipal Election for the City of Riverbank with the Presidential General Election to be held on 11/03/2020 2020-0285
- 6.A.20** Approved the consolidation of the Waterford Unified School District's Bond Measure with the Presidential General Election to be held on 11/03/2020 2020-0286
- 6.A.21** Approved the consolidation of the Municipal Election for the City of Patterson with the Presidential General Election to be held on 11/03/2020 2020-0287
- 6.A.22** Approved the consolidation of the Municipal Election for the City of Oakdale with the Presidential General Election to be held on 11/03/2020 2020-0288
- 6.B.1** Authorized the Agricultural Commissioner, or designee, to enter into and sign contracts, agreements and grants with the California Department of Food and Agriculture and United States Department of Agriculture for FY 2020-2021 and FY 2021-2022 – Agricultural Commissioner 2020-0289
- 6.B.2** Authorized the Director of Workforce Development or designee to enter into and sign agreements, contracts and amendments to expend Budget Year 2020-2021 Workforce Innovation and Opportunity Act funds, contracted StanWORKS funds and other workforce training related funds; and, authorized the Director of Workforce Development or designee to apply for and enter into workforce related grants and contracts – Workforce Development 2020-0290
- 6.B.3** Adopted the Resolution approving the Older Americans Act Programs of the Area Agency on Aging for FY 2020-2021; authorized the Director of the Department of Aging and Veterans Services, Area Agency on Aging (AAA), to sign contracts and any subsequent amendments with the California Department of Aging for FY 2020-2021 as follows: a. AP-2021-30 for the Area Plan (Older Americans Act Programs) and b. HI-2021-30 for the Health Insurance Counseling and Advocacy Program (HICAP) – Aging and Veteran Services 2020-0291
- 6.B.4** Authorized the Chairwoman of the Board of Supervisors to sign the Annual Medi-Cal Cost Avoidance Program and Annual Subvention Program Certificates of Compliance issued by the California Department of Veterans Affairs for FY 2020-2021 – Aging and Veteran Services 2020-0292

- 6.B.5** Approved the renewal of two contracts with the California Department of Education (CDE) for administration of Child Care and Development Block Grants; and, authorized the CSA Director, or her Designee, to sign the FY 2020-2021 CDE contracts and any subsequent amendments to add services and payments for services – CSA 2020-0293
- 6.B.6** Authorized the Director of Parks and Recreation, or her designee, to enter into and sign a Permit for Parkland Use with the Radio Control Flyers Unlimited Club for the continued use, operation and maintenance of the radio controller aircraft landing strip and specified surrounding area of use at Woodward Reservoir – Parks and Recreation 2020-0294
- 6.B.7** Authorized the Auditor-Controller, on behalf of the CSA, to pay two invoices totaling \$1,084.26 for grievance review officer services provided by the California State University, Fresno Foundation in the prior year – CSA 2020-0295
- 6.B.8** Authorized the Auditor-Controller, on behalf of BHRS, to pay one invoice totaling \$4,653.90 for legal services provided by Davis Wright Tremaine, LLP – BHRS 2020-0296
- 6.B.9** Approved the MOU with Stanislaus Business Alliance doing business as Opportunity Stanislaus regarding the joint implementation of the countywide economic development plan and marketing strategies for FY 2020-2021; and, authorized the CEO to sign the MOU with Opportunity Stanislaus in the amount of \$94,320 – CEO 2020-0297
- 6.B.10** Set a Public Hearing on 07/14/2020, at the 9:00 a.m. meeting to introduce and waive the first reading of an ordinance to establish new fees and amend or eliminate existing fees for the Department of Environmental Resources; and, authorized the Clerk to publish notice as required by law – DER ORD-56-V-2 2020-0298
- 6.B.11** Set a public hearing on 07/14/2020, at the 9:00 a.m. meeting, to introduce and waive the first reading of an ordinance to amend existing fees for planning services; and, authorized the Clerk to publish notice as required by law – Planning ORD-56-V-3 2020-0299
- 6.B.12** Set a public hearing on 07/14/2020, at the 9:00 a.m. meeting, to introduce and waive the first reading of an ordinance to amend existing fees for building services; and, authorized the Clerk to publish notice as required by law – Planning ORD-56-V-4 2020-0300
- 6.B.13** Awarded an agreement to Howard Prep for the provision of Food Services, as a result of a RFP process issued by BHRS; authorized the BHRS Director, or designee, to sign the agreement for Food Services at Stanislaus Recovery Center in the amount of \$204,000, for the term of 07/01/2020, through 06/30/2021; and, authorized the BHRS Director, or designee, to sign amendments for additional services and payments for services up to \$200,000, budget permitting, throughout the term of the agreement – BHRS 2020-0301
- 6.B.14** Approved Contract Number 19-10892 with the California Department of Public Health for implementation of enhanced infectious disease surveillance and prevention activities through 06/30/2023; and, authorized the HSA Managing Director, or her designee, to sign and execute the agreement and any subsequent amendments – HSA 2020-0302
- 6.B.15** Approved entering into an agreement with Barton and Associates, Inc., for the provision of psychiatrist staffing in the amount of \$1,248,000 for the term of 07/01/2020, through 06/30/2021; authorized the BHRS Director, or designee, to sign the agreement in the amount of \$1,248,000 for the term of 07/01/2020, through 06/30/2021; and, authorized the BHRS Director, or designee, to sign amendments for additional services and payments for services up to \$200,000, budget permitting, throughout the term of the agreement – BHRS 2020-0303
- 6.B.16** Accepted the April 2020 Investment Report for the Stanislaus County Treasury Pool; and, authorized the Chairwoman of the Board to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2020-0304
- 6.B.17** Accepted the Stanislaus County Treasury Pool Investment Policy, to be effective 07/01/2020; and, delegated the Stanislaus County Treasurer the authority to invest funds as indicated in the Policy, as well as the authority to invest any other funds under the County control – T/TC 2020-0305

- 6.B.18** Approved amendment to the Stanislaus County Treasury Investment Policy for the proceeds from the securitization of the Tobacco Industry’s Master Settlement Agreement, to be effective 07/01/2020 – T/TC 2020-0306
- 6.B.19** Awarded two agreements with Stanislaus County Affordable Housing Corporation DBA STANCO for the provision of property management services, as a result of an RFP process issued by the GSA-Purchasing Division on behalf of the CSA; authorized the CSA Director, or her designee, to sign the property management services agreement with STANCO for the Empire Migrant Housing Complex in the amount of \$73,480 with a term of 11/15/2020 through 06/30/2021, and the remaining two one-year renewals, with the ability to amend the agreement up to \$50,000 for each term; and, authorized the CSA Director, or her designee, to sign the property management services agreement with STANCO for the Family Housing Facility in the amount of \$236,544 with a term of 07/01//2020 to 6/30/2021, and the remaining two one-year renewals, with the ability to amend the agreement up to \$100,000 for each term – CSA 2020-0307
- 6.B.20** 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 2020-0308
- 6.B.21** Approved a Sublease Amendment with MOVE Stanislaus Inc., a California nonprofit corporation, to extend the term for an additional three years, beginning on 07/01/2020, for 1,560 square feet at the Stanislaus Veterans Center; and, authorized the CEO, or his designee, to execute the Sublease Amendment – CEO 2020-0309
- 6.B.22** 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 C-6-P-1 2020-0310
- 6.B.23** Approved the conceptual design and updated financing strategy and project budget for the Clerk-Recorder Public Services Lobby and Counter Remodel Project; directed the Auditor-Controller to transfer \$298,435 in appropriations from the FY 2019-2020 CEO County Facilities budget to the Clerk-Recorder Remodel Project, as detailed in the budget journal, attached to the agenda item; directed the Auditor-Controller to appropriate \$1,292,737 in the Clerk-Recorder Remodel Project fund balance, as detailed in the budget journal, attached to the agenda item; authorized the CEO, or his designee, to sign work authorizations and contract for professional services needed in this phase of the project, so long as they are within the approved project budget; and, authorized the CEO, or his designee, to sign change orders for professional services, so long as they do not exceed \$25,000, consistent with the County’s Change Order Policy – CEO 2020-0311
- 6.B.24** Approved proceeding with the Community Services Facility Customer Parking Lot Improvement Project; approved the conceptual design for the Community Services Facility Customer Parking Lot Improvement Project, as prepared by Red Architects Inc., of Modesto, CA; approved initiating the planning for the Community Services Facility Security Enhancement Project; authorized the CEO or his designee, to act as Project Manager for both the Community Services Facility Customer Parking Lot Improvement Project and the Community Services Facility Security Enhancement Project; and, authorized the Project Manager to issue contracts and work authorizations needed for the initial phases of these projects, so long as there is approved funding for each project – CEO 2020-0312
- 6.B.25** Approved finalizing and executing an amendment to extend the agreement with Doctors Medical Center for Inpatient Psychiatric Services from 07/01/2020 through 08/31/2020; authorized the BHRS Director, or designee, to sign the amendment to extend the current agreement for Inpatient Psychiatric Services with Doctors Medical Center from

07/01/2020 through 08/31/2020; and, corrected a typographical error in the agreement to reflect the correct term of the agreement as July 1, 2020 through August 31, 2020 – BHRS
2020-0313

- 6.B.26** Approved an update on emergency repairs to the Public Safety Center West, Minimum Housing Unit 1, 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 2020-0314
- 6.B.27** Approved an update on Emergency Non-Congregate Sheltering and Support provided during the COVID-19 Public Health Emergency; and, authorized the Auditor-Controller to carry forward FY 2019-2020 unused encumbrances, unexpended and unencumbered balances to FY 2020-2021 Legal Budget – CEO 2020-0315
- 6.B.28** Authorized the CEO, or his designee, to finalize and execute an agreement with the State of California for the temporary use of a portion of the Juvenile Commitment Center for Contested Court proceedings during the COVID-19 Pandemic Emergency; authorized the CEO, or his designee, to finalize and execute a Memorandum of Understanding with the Juvenile Division of the Stanislaus County Superior Court for the temporary use of a portion of the Juvenile Commitment Center for Contested Court proceedings during the COVID-19 Pandemic Emergency – CEO 2020-0316
- 6.C.1** Approved the Plans and Specifications for the Crows Landing Road (Whitmore Avenue to Hatch Road), Federal Aid Project No. HSIPL-5938(238); awarded a contract for construction services to Teichert Construction of Roseville, CA for the Crows Landing Road (Whitmore Avenue to Hatch Road), Federal Aid Project No. HSIPL-5938(238) project; authorized the Director of Public Works to execute a contract with Teichert Construction in the amount of \$3,924,286.00 and to sign necessary documents, including any amendments to the agreement not to exceed 10%, in accordance with Public Contract Code Section 20137 and 20142; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0317
- 6.C.2** Approved the Plans and Specifications for the 2020 Chip Seal Oil Project; awarded a contract for construction services to VSS International, Inc., of West Sacramento, CA for the 2020 Chip Seal Oil Project; authorized the Director of Public Works to execute a contract with VSS International, Inc., in the amount of \$693,651.00 and to sign the necessary documents, including any amendments to the agreement not to exceed 10% in accordance with Public Contract Code Section 20137 and 20142; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2020-0318
- 6.C.3** Set a public hearing on 07/28/2020 at the 9:00 a.m. meeting to consider Budget Year 2020-2021 assessments for the various County Service Areas, Landscape Assessment District and Landscape and Lighting Districts shown on Exhibit "A", attached to the agenda item; and, directed the Clerk to publish notices of such hearings pursuant to Section 6066 of the Government Code – PW 2020-0319
- 6.D.1** Rescinded Williamson Act Contract No. 1978-3519 and a Portion of Williamson Act Contract No. 1976-2279, located at 3131 Illinois Avenue, between Paradise Road and the Tuolumne River, in the Modesto area, APNs: 017-036-010, 017-036-014, and 017-036-018; finds that, 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 Stanislaus 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. PLN2020-0011, Couchman Bros; and, authorized the Director of Planning and Community Development to execute a new contract(s) – Planning 2020-0320

6.E.1 Authorized the Clerk of the Board to notify the California School Cash Reserve Program Authority to issue Tax and Revenue Anticipation Notes on their own behalf – County Counsel 2020-0321

DeMartini/Withrow unan. **7.1** Conducted a public hearing to consider adjustments to the Stanislaus County Franchise Maximum Base Rates for solid waste collection services; and, approved the proposed adjustments to Stanislaus County Franchise Maximum Rates for solid waste collection services in Areas 1, 2, 3, and 4 – DER 2020-0322

Berryhill/Chiesa unan. **7.2** Accepted the Recommended Rollover Proposed Budget for Budget Year 2020-2021 from the CEO; conducted the scheduled public hearing to receive public comment and input on the proposed operational budget; adopted the 2020-2021 Rollover Proposed Budget; authorized the CEO and the Auditor-Controller to make the necessary technical adjustments required to implement the Adopted Rollover Proposed Budget; authorized the Auditor-Controller to make technical corrections to the accounting for the internal borrowing of \$6.3 million from the County’s 2006 Tobacco Endowment Fund for the Turlock Library Expansion and Renovation Project, previously approved by the Board of Supervisors on 11/19/2019; approved contracts and/or agreements, listed on Attachment 3 of the agenda item, in cumulative amounts of \$200,000 or more since 07/01/2018, and authorized the GSA Director/Purchasing Agent or Department Head to sign; and, directed the CEO to prepare the 2020-2021 Recommended Final Budget for the two-year Budget Period 2020-2021/2021-2022 and set the Public Hearing for consideration of the Final Budget on 09/22/2020 – CEO 2020-0323

Chiesa/Withrow unan. **8.1** Approval to finalize and execute agreements with Stanislaus County’s nine incorporated cities to provide financial assistance due to the public health emergency response to COVID-19 and to allocate \$15 million of CARES Act Coronavirus Relief Funds (CRF) based on each city’s population; authorized the CEO, or his designee, to sign the subrecipient agreements between Stanislaus County and each of the County’s incorporated cities; directed the Auditor-Controller to increase estimated revenue and appropriations in the FY 2019-2020 Legal Budget by \$15 million as reflected in the budget journal, attached to the agenda item, to account for this CARES CRF funds distribution; and, authorized the Auditor-Controller to make necessary year-end accounting entries to accurately report expenses and revenue in the appropriate Fiscal Year, and adjust appropriations as necessary in Budget Year 2020-2021, to allow rollover expenditure authority consistent with the funding terms contained in the CRF subrecipient agreements with each city – CEO

C-2-D-3, C-9-B-13, C-6-O-12, C-03-A-9, C-7-C-3, C-4-B-13, C-1-C-2, C-5-F-9, C-8-B-13 2020-0324

Corr 1 Referred to the Auditor-Controller, the Community Services Agency and the Chief Executive Office, the 2019-2020 Stanislaus County Civil Grand Jury Report No. 20-04GJ regarding the Annual Financial Audit Report for FY Ending 06/30/2019 and Report No. 20-12C regarding In-Home Support Services.

Corr 2 Referred to the Department of Workforce Development, Worker Adjustment and Retraining Notification letters regarding the furlough or temporary layoff of employees from the Golden Valley Health Centers.

Corr 3 Referred to the Auditor-Controller, a letter from Oakdale Fire Protection District requesting dry-period funding for FY 2020-2021 per Government Code Section 23010.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Alonzo J. Gradford, on behalf of Mark Anthony Ramirez; Lori Ward; Edward Corona; Patrick Zado; Danielyn Benitez-Monzon; Elia Nino; and, Carlos Fuentes.

Supervisor DeMartini spoke regarding the correspondence on today's agenda and voiced concerns regarding the layoffs in Stanislaus County.

CEO Hayes welcomed Raul Mendez, Assistant Executive Officer who is replacing Assistant Executive Officer, Keith Boggs. He also noted that they are tracking at least 20 different trailer bills.

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 11:49 a.m.

13.1 Conference with Director of Emergency Services - Threat to Public Services: Pursuant to Government Code section 54957(a), the Board will confer with the Director of Emergency Services and County Counsel regarding matters posing a threat to essential public services and the public's right of access to public services or facilities. No reportable action was taken in closed session.

13.2 Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Three cases: Foster Farms, LLC et al., v. County of Stanislaus and Stanislaus consolidated Fire Protection District et al., Superior Court, County of Stanislaus Case No. CV-20-002107; Frank Carson v. County of Stanislaus, et al., US District Court, Eastern District Case No. 2:20-at-00513; and, Walter W. Wells and Scott McFarlane v. County of Stanislaus, et al., US District Court, Eastern District Case No. 1:20-cv-00770-AWI-JDP. No reportable action was taken in closed session.

Adjourned at 1:20 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.)