

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

September 21, 2021

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.

1.1 Conference with Labor negotiator: Pursuant to Government Code Section 54957.6. Agency Negotiators: Jody Hayes, Tamara Thomas, Keira Vink, Burke Dunphy. Labor Organizations: Stanislaus County Employees Association, American Federation of State, County & Municipal Employees Local 10; Service Employees International Union, Local 521; County Attorney's Association; Deputy Sheriff's Association; Stanislaus Regional Emergency Dispatchers' Association; Stanislaus County Probation Corrections Officers' Association; Stanislaus County Sheriff's Management Association; Stanislaus County District Attorney Investigators' Association; and, Stanislaus Sworn Deputies Association; and Stanislaus Regional Emergency Dispatchers Association. No reportable action was taken.

Reconvened at 6:33 p.m. for Regular Session

A moment of silence was held for Stanislaus County Community Services Agency employee Christy Costa.

Invocation was given by Marvin Jacobo from City Ministry Network.

Yamilet Valladolid, Latino Business Association Foundation and Hispanic Leadership Council; Aaron Anguiano, President of the Latino Community Roundtable; and, Johnny Garcia, CEO of the Central Valley Hispanic Chamber of Commerce received a resolution proclaiming September 15 - October 15, 2021 as Hispanic American Heritage Month in Stanislaus County.

CEO Hayes, Public Health Officer Dr. Vaishampayan, Director of the Health Services Agency Mary Ann Lilly-Tengowski, and the CEO of Memorial Medical Center, Gino Patrizio provided an update of the 2019 Novel Coronavirus (COVID-19) Emergency and Essential Services in Stanislaus County.

Steve Morrow spoke regarding the federal budget and asked the Board to carefully consider the County budget on today's agenda.

Julie Key, Licensed Mental Health Clinician with BHRS, expressed concerns regarding the vaccine mandate, weekly testing, and requests for exemptions for Stanislaus County employees.

Elizabeth Vega shared her concerns regarding the vaccine and encouraged vaccinated or unvaccinated people to come together to serve one another in love, not hatred or confusion.

Keryn Whitlow spoke regarding the COVID-19 webpage not working and that it lacks education. She suggests we provide education on alternatives and work together.

Savmear spoke regarding the consequences of isolation on mental health during COVID-19 and noted the increase in suicide among youth. He voiced concerns regarding the potential of his father's employer requiring vaccinations.

Grewal/Withrow unan. Adopted the consent calendar

- 8.A.1** Approved the minutes of 09/10/2021, Special Meeting
- 8.A.2** Proclaimed October 2021 as Italian American Heritage Month in Stanislaus County
2021-0421
- 8.A.3** Adopted and waived the second reading of Ordinance C.S. 1310 amending Chapter 10.13 of the Stanislaus County Code to increase the number of gaming tables allowed in the County
ORD-57-K-2 2021-0422
- 8.A.4** Accepted the resignation of Kathryn Harwell from the First 5 Stanislaus Commission
2021-0423
- 8.A.5** Accepted the resignation of Shivaugn Alves from the San Joaquin Valley Air Pollution Control District Citizens Advisory Committee
2021-0424
- 8.A.6** Approved the Amended Conflict of Interest Code for the Salida Fire Protection District
2021-0425
- 8.A.7** Approved the Amended Conflict of Interest Code for the Woodland Avenue Fire Protection District
2021-0426
- 8.A.8** Accepted the resignation of Elizabeth Morales from the South Modesto Municipal Advisory Council
2021-0427
- 8.A.9** Appointed Charmaine Lazar to the Stanislaus County Hazardous Waste Management Advisory Committee
2021-0428
- 8.B.1** Authorized the Sheriff to enter into and sign an agreement to purchase one canine from the Stanislaus Sheriff's K9 Association for \$1.00 – Sheriff
2021-0429
- 8.B.2** Authorized the Stanislaus County Fire Warden, or designee, to accept the FY 2020 Homeland Security Grant Program award from the CA Governor's Office of Emergency Services to enhance local emergency management and homeland security efforts; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the Homeland Security Grants budget by \$648,412 as reflected in the budget journal attached to the agenda item – Sheriff-OES/Fire Warden
2021-0430
- 8.B.3** Adopted the resolution approving the Medicare Improvements for Patients and Providers Act (MIPPA) and Supplemental Nutrition Assistance Program-Education (SNAP-Ed) agreements for Federal FY 2021-2022; and, approved the agreements and authorized the Director of the Department of Aging and Veterans Services, Area Agency on Aging (AAA), to sign the contracts and any subsequent amendments with the CA Department of Aging for Federal FY 2021-2022 as follows: (a) MI-2122-30 for the Medicare Improvements for Patients and Providers Act (MIPPA) program funded in the amount of \$41,978; and, (b) SP-2122-30 for the Supplemental Nutrition Assistance Program Education (SNAP-Ed) program funded in the amount of \$90,253 – Aging and Veterans Services
2021-0431
- 8.B.4** Amended the Salary and Position Allocation Resolution per the MOU between the County of Stanislaus and the Stanislaus County Deputy Probation Officers Association, Salary on Promotion, Section 7 Subsection G, specific to the position of Supervising Probation Correction Officer; and, authorized the CEO to negotiate and execute agreement with the Stanislaus County Deputy Probation Officers to extend a six percent (6%) salary equity adjustment over three (3) years to the classification of Supervising Probation Correction Officer – CEO
2021-0432
- 8.B.5** Authorized the District Attorney's Office to offer employment to Mr. Joseph Chavez as Deputy District Attorney V at step five of the salary range, \$76.08 per hour – DA
2021-0433
- 8.B.6** Approved an update on the emergency repairs to the Public Safety Center West, Minimum Housing Unit 1, and Support Services Facility's fire-life safety, security electronics, and video surveillance systems along with the abatement of water damage found in the mechanical chases at the Public Safety Center West facility – GSA
2021-0434
- 8.B.7** Approved the provisions contained within the Tentative Agreement reached between the County and the Stanislaus County Sheriff's Management Association (SCSMA) representing the

Lieutenants, District Attorney Lieutenants, and the Custodial Lieutenants in the bargaining unit; amended the Salary and Position Allocation Resolution to reflect the changes included in the Tentative Agreement; and, authorized the Chairman and all parties to sign the agreement – CEO 2021-0435

8.B.8 Accepted the responses to the Stanislaus County Civil Grand Jury 2020-2021 Final Report, along with any changes the Board of Supervisors wished to make to the recommended responses and authorized the Chairman to forward the response to the Presiding Judge of the Superior Court by 09/26/2021; and, directed the CEO to ensure that any recommended actions by the Board of Supervisors be followed and completed by the subject County departments and report back to the Board of Supervisors, as appropriate – CEO

M-39-O-5 2021-0436

8.B.9 Finds and determined that as a result of COVID-19 and wildfires there is an increased need for the availability of ambulance services that has resulted in extended patient offload times at County emergency rooms, these conditions pose an immediate threat to the health, safety, and welfare of County residents, and require adoption of this ordinance as an urgency measure to take effect immediately; and, introduced, waived the reading, and adopted, as an urgency measure, Ordinance C.S.1311, an ordinance repealing Chapter 6.70 of the Stanislaus County Code relating to ambulances – HSA

ORD-57-L-1 2021-0437 & 2021-0438

8.C.1 Approved the plans and specifications for the Pleasant Valley Road Bridge Replacement over South San Joaquin Irrigation District Main Canal; awarded a construction contract to RNR Construction, Inc. for the Pleasant Valley Road Bridge Replacement over South San Joaquin Irrigation District Main Canal; authorized the Director of Public Works to execute a contract with RNR Construction, Inc. in the amount of \$2,207,163 and to sign necessary documents, including any amendments to the agreement not to exceed 10%, in accordance with the Public Contract Code, Sections 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 2021-0439

8.C.2 Approved the Cooperative Funding Agreement with the Stanislaus Council of Governments (StanCOG) and nine other local agencies for the Pavement Management Program (PMP); authorized the Director of Public Works to execute and enter into the Cooperative Funding Agreement for the Pavement Management Program (PMP) for a cost not-to-exceed \$162,244.01; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW

2021-0440

8.C.3 Approved the Grant of Easement to Stanislaus Regional Water Authority for a potable waterline and appurtenant structures across a portion of APN 018-065-005; approved the Grant of Temporary Construction Easement to Stanislaus Regional Water Authority for construction of a potable waterline and appurtenant structures across a portion of APN 018-065-005; authorized the Director of Public Works to execute the Grant of Easement and the Temporary Construction Easement to Stanislaus Regional Water Authority for construction of a potable waterline and appurtenant structures across a portion of APN 018-065-005; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2021-0441

8.C.4 Approved the Encroachment Agreement for the Non-Public Utility Pipeline for the Central Dairy Digester Gas Collection Pipeline Project, with Aemetis Biogas LLC, a Delaware limited liability company; authorized the Chairman to sign and enter into Encroachment Agreement; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW

2021-0442

8.D.1 Finds that Stanislaus County prepared an Addendum to the adopted Negative Declaration for the West Modesto Sewer Infrastructure Project (State Clearinghouse number 2018052010) in compliance with CEQA (Public Resources Code Section 21000 et seq.) together with the State CEQA Guidelines (California Code Regulations, Title 14, Section 15000 et seq.); re-adopted the Addendum to the adopted Negative Declaration for the West Modesto Sewer Infrastructure Project and finds that the Addendum reflects Stanislaus County’s independent judgement and analysis; and, ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder’s Office and the State Clearinghouse pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164 – Planning 2021-0443

Withdraw/B. Condit unan. **9.1** Conducted a public hearing to consider the adoption of the Stanislaus Urban County FY 2020-2021 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and Emergency Solutions Grants (ESG) Programs; adopted the Stanislaus Urban County FY 2020-2021 CAPER for the CDBG and ESG Programs and authorized staff to submit the CAPER to the U.S. Department of HUD; and, authorized the Planning and Community Development Department to incorporate any comments received during the public review period and the public hearing into the adopted CAPER document and to make alterations to the CAPER as directed by HUD, provided alterations are technical in nature – Planning 2021-0444

Recessed at 8:01 p.m.

Reconvened at 8:05 p.m.

9.2 Conducted the public hearing to consider the adoption of the Recommended Final Budget for Fiscal Year 2021-2022 of Budget Period 2020-2021/2021-2022 and related actions; and, amended the item to take **two votes as follows:** 2021-0445

First Vote: B. Condit/C. Condit (4-1)(Chiesa opposed) **Amended** Staff Recommendation No. 2 to read as follows: “Consider the allocation of \$1,120,620 of Proposition 172 Public Safety Sales Tax revenues to support fire districts, to be paid directly to individual fire districts negatively impacted by the State’s Educational Revenue Augmentation Fund (ERAF) shift and \$120,244 to be paid to the Sheriff – Office of Emergency Services/Fire Warden to administer for the benefit of volunteer fire districts”; and, approved Staff Recommendation No. 2 as amended.

Second Vote: C. Condit/B. Condit unan. Approved Staff Recommendations No. 1 and Nos. 3 – 10 as follows: (1) Accepted the 2021-2022 Recommended Final Budget from the CEO and recognized the new Stanislaus County mission statement, *We build community*, and vision statement, *Becoming a community of choice, where people live, work and thrive, a place worthy of calling home*; (3) conducted the public hearing to receive public comment and input on the recommended operational plan for FY 2021-2022, which provides the annual operational plan for the organization and spending authority of approximately \$1.5 billion; (4) adopted the 2021-2022 Recommended Final Budget; (5) approved the restoration of the Contingency Reserve by increasing the General Fund assignment by \$1,505,000, consistent with the Contingency Reserve Policy to retain at least 8% of the average annual Discretionary Revenue receipts from the preceding three fiscal years to mitigate exposures to the General Fund; (6) authorized the CEO and Auditor-Controller to make the necessary technical adjustments to implement the 2021-2022 Adopted Final Budget; (7) directed the CEO and the Auditor-Controller to prepare the Adopted Final Budget document and supporting schedules in accordance with State law and submit to the State Controller prior to 12/01/2021; (8) amended the Salary and Position Allocation Resolution to reflect the recommended changes for the 2021-2022 Recommended Final Budget, as outlined in the Staffing Impacts section of the report and detailed in Attachment 2, of the agenda item, to become effective the start of the first full pay period on or after 09/25/2021, unless otherwise indicated; (9) approved contracts and/or agreements listed

on Attachment 3, of the agenda item, in cumulative amounts of \$200,000 or greater since 07/01/2019, and authorized the GSA Director/ Purchasing Agent or previously authorized Department of Head to sign; and, (10) approved a total appropriations/budgetary limit for annual appropriations of tax revenue for FY 2021-2022 in accordance with the provisions of Proposition 4 and 111, and established a General Operating Limit of \$457,621,958 using the Population and Inflation Methodology, per Attachment 6 of the agenda item – CEO

Withdraw/B. Condit unan. **10.1** Accepted an update on well construction permits in Stanislaus County; **amended** the item to form a well construction permit ad hoc committee; and the Chairman appointed Supervisor Withrow and himself to the ad hoc committee – CEO 2021-0446

Corr 1 Referred to the CEO and DER, a copy of the 2021 Crows Landing Naval Base Easement, Annual Monitoring Report from the West Stanislaus Resource Conservation District.

Corr 2 Referred to County Counsel and the Auditor-Controller, Claims for Refund of Property Taxes filed on behalf of BNSF Railway Company regarding assessments for tax years 2017-2018 and 2018-2019.

Corr 3 Referred to the Clerk-Recorder and Registrar of Voters, a letter from the Keyes Community Services District regarding the appointment of Ronald Reforma to their Board of Directors.

Corr 4 Acknowledged receipt of claims and referred to the CEO's Office the following claims: William J. Gradford Jr.; Nicolas Streckfus; V.K., a minor; Angel Canchola (amended claim); Corey Nokleholm; Walter Harris Jr.; and, Project Resource Group.

Supervisor C. Condit reported that he served on the Election Observer Panel for the California Gubernatorial Recall Election last week. He acknowledged that Donna Linder, Registrar of Voters, and her staff did a phenomenal job.

CEO Hayes noted that the 2021 Legislative Session has ended in Sacramento and there are numerous bills on the Governor's desk. Staff is tracking the bills that will have an impact on the County. He shared that the Redistricting Workshops have begun, and a virtual workshop has been added for 09/30/2021 from 6-8 p.m. The CEO noted that information is available at www.stancounty.com/redistricting and or by calling the CEO's Office at (209)525-6333. He also announced in accordance with Government Code Section 54953(c)(3), that he appointed Community Services Agency Director Amanda Sharp at a starting salary of \$195,000, plus Department Head benefits, and the Director of Environmental Resources Robert Kostlivity at a starting salary of \$160,000, plus Department Head benefits.

Adjourned at 10:07 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.)