

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

December 7, 2021

Invocation was given by Pastor Jeffrey Woods with First Christian Church.

Adriana Taylor and Ricky Bispo from Stanislaus County Office of Education presented Red Ribbon Week Photo and Poster contest winners.

CEO Hayes, Sheriff Dirkse, Public Health Officer Dr. Vaishampayan, and Director of the Health Services Agency Mary Ann Lily-Tengowski provided an update of the 2019 Novel Coronavirus (COVID-19) Emergency and Essential Services in Stanislaus County.

Chairman Chiesa acknowledged receipt of written public comments. He noted that all public comments submitted via email were distributed to the members of the Board of Supervisors.

Steven Morrow noted that 80 years ago Pearl Harbor was attacked and remembered those who served during World War II.

Emerson Drake spoke regarding the Library system and shared how the Library can make a difference in children's lives.

Dr. Amrik S. Basi, with Elite Urgent Care, spoke regarding monoclonal antibodies. He shared that Elite Urgent Care offers these antibodies. He asked why more providers aren't giving monoclonal antibodies.

Keryn Whitlow shared concerns regarding the lack of doctors aware of monoclonal antibody therapy.

B. Condit/Withrow unan. Adopted the consent calendar

6.A.1 Approved the minutes of 11/23/2021

6.A.2 Appointed Daniel Diep to the First 5 Stanislaus Commission

6.A.3 Appointed Alexandria Miranda to the East Stanislaus Resource Conservation District Board of Directors

6.B.1 Accepted the Annual Local Detention Facilities Health Inspection Report pursuant to Health and Safety Code Section 101045 – HSA

6.B.2 Approved a total of eight (8) hours of Holiday Time on Friday, 12/24/2021, or Holiday Credit in lieu thereof, as outlined in the Staffing Impact section of the agenda item, for all full-time employees when not already provided by an existing MOU; and, authorized the closure of County Offices on Friday, 12/24/2021 – CEO

6.B.3 Authorized the Sheriff to accept the 2021 Edward Byrne Memorial Justice Assistance Grant funding to enhance criminal justice processes; authorized the Chairman to sign the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Justice Assistance Grant (JAG) Program Award; and, authorized the Auditor-Controller to increase appropriations and estimated revenue by \$173,811 in the Sheriff

JAG Legal Budget Unit, the appropriations will include an operating transfer out of \$34,443 and an operating transfer into the Sheriff Administration budget unit of \$26,910 and Probation Field Services budget unit of \$7,533, as detailed in the budget journal, attached to the agenda item – Sheriff

- 6.B.4** Accepted the Report of Donations received by the County of Stanislaus for the first quarter of FY 2021-2022 – Auditor-Controller
- 6.B.5** Authorized the District Attorney to accept a grant award from the California Department of Insurance Fraud Division in the amount of \$200,000 for the District Attorney’s Office Automobile Insurance Fraud Program; adopted a formal resolution, as required by the California Department of Insurance, to receive the grant; authorized the District Attorney to sign any documents related to the grant, including agreement amendments and extensions, during the program period; and, directed the Auditor-Controller to decrease estimated revenue and appropriations in the District Attorney Auto Insurance Fraud Prosecution budget unit by \$20,851 as detailed in the budget journal, attached to the agenda item – DA
- 6.B.6** Approved emergency update in accordance with Public Contract Code Section 22050 for emergency roof repairs and asbestos abatement at the Public Health building located at 820 Scenic Drive in Modesto – GSA
- 6.B.7** Approved the final 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; and, authorized the Project Manager to take any action necessary to close out the project, including the filing of Notices of Completion with the Stanislaus County Clerk-Recorder’s Office and release of project retention funds – GSA
- 6.B.8** Approved an agreement for the provision of Medi-Cal Outreach and Enrollment Services with El Concilio California as a result of an RFP process for such services; and, authorized the CSA Director, or her designee, to sign the Medi-Cal Outreach and Enrollment Services agreement with El Concilio California in the amount of \$300,000 with a term of 01/01/2022 through 06/30/2023, with the ability to amend the agreement with an annual funding increase of up to \$200,000 per term, and renew for one additional twelve-month term – CSA
- 6.B.9** Approved the initiation of the Juvenile Justice Center Parking Lot and Security Improvement Project; approved the Project Budget of \$2,196,800 funded by sources approved for this purpose; directed the Auditor-Controller to increase appropriations by \$2,196,800 in the GSA Juvenile Commitment Facility Parking Lot capital project budget; directed the Auditor-Controller to increase operating transfers in by \$1,000,000 in the GSA Juvenile Commitment Facility Parking Lot capital project budget; authorized the GSA Director to act as Project Manager; and, authorized the Project Manager to procure professional services and sign work authorizations for the project, as long as funding is available within the approved project budget – GSA
- 6.B.10** Accepted the Stanislaus County Public Facilities Fees Annual Financial Report for FY ended 06/30/2021 – Auditor-Controller
- 6.B.11** Authorized the Purchasing Agent, or his designee, to enter into a Master Subscription Agreement with IntelliSite for the Automated License Plate Reader (ALPR) program; and, authorized the Purchasing Agent to sign any subsequent amendments to the agreement for the Cannabis ALPR Program on behalf of the County for an overall not-to-exceed amount of \$345,867, which includes a contingency of \$115,300 to allow up to five additional cannabis locations – Sheriff
- 6.B.12** Accepted the 2020-2021 Annual Performance Outcomes Report – CEO

- 6.C.1** Approved the Agreement for Acquisition of Property located at 3536 Claribel Road, Modesto, CA, for the North County Corridor (NCC) Project, Grantor: Alma D. Berumen, APN 084-001-002 (full take); authorized the Chairman to execute the Purchase and Sale Agreement for Acquisition of Fee Interest in Real Property and to take any appropriate action necessary to carry out the purpose and intent of these recommendations; authorized the Public Works Director to pay any and all relocation costs associated with this property acquisition in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act; authorized the Public Works Director to establish a trust account with Overland Pacific Cutler, the right-of-way consultant for this project, for use in making timely relocation benefit payments to landowners affected by acquisitions on the NCC Project, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW
- 6.C.2** Approved the Agreement for Acquisition of Property located at 4789 Roselle Avenue, Modesto, CA, for the North County Corridor (NCC) Project, Grantors: John Luis and Deborah L. Luis, APN 083-002-048 (full take); authorized the Chairman to execute the Purchase and Sale Agreement for Acquisition of Fee Interest in Real Property and to take any appropriate action necessary to carry out the purpose and intent of these recommendations; authorized the Public Works Director to pay any and all relocation costs associated with this property acquisition in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW
- 6.D.1** Approved the proposed 2022 Williamson Act Contracts, Attachment 1 of the agenda item; authorized the Chairman to sign the listed contracts; and, directed the Clerk of the Board to forward the listed contracts to the Clerk-Recorder's Office prior to 01/01/2022, for recording – Planning

Withdraw/C. Condit unan. **7.1** Conducted a public hearing to consider the approval and adoption of the Modesto Groundwater Sustainability Plan; approved and adopted the resolution regarding the Modesto Groundwater Sustainability Plan; and, authorized the Modesto Groundwater Sustainability Agency's, its consultants, and the Plan Manager to take such other actions as may be reasonably necessary to submit the Modesto Groundwater Sustainability Plan to the CA Department of Water Resources by 01/31/2022, and implement the purpose of this resolution – DER

Withdraw/B. Condit unan. **7.2** Conducted a public hearing to consider the Planning Commission's recommendation of approval of Rezone Application Number PLN2015-0030 – Blue Diamond, a request to amend the zoning designation of two parcels totaling 42.99± acres from Limited Industrial (L-M), General Agriculture (A-2-10), and Planned Development (P-D) (43) to a new P-D to allow for future expansion of an existing almond processing and storage facility, and to consolidate existing operations into one zoning district, located at 4800 Sisk Road, 4498 Kiernan Avenue, and 4743 Nutcracker Lane, on the southeast corner of Kiernan Avenue and Sisk Road, 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, that 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's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds, based on the discussion in this report, and the whole of the record 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 Industrial and Planned Industrial

General Plan designations; (c) the alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; and, (d) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements; approved Rezone Application Number PLN2015-0030 – Blue Diamond, subject to the Development Standards; and, introduced, waived the reading, and adopted Ordinance C.S. 1312 for approved Rezone Application Number PLN2015-0030 – Blue Diamond – Planning

B. Condit/C. Condit unan. **7.3** Approved Substantial Amendment No. 1 to the Stanislaus Urban County's FY 2021-2022 Annual Action Plan (AAP) to cancel and delete the City of Waterford's Main Street Infrastructure Project and reallocate the Community Development Block Grant (CDBG) funds to the new City of Waterford H and I Street Infrastructure Project; authorized the Director of the Planning and Community Development Department to take all actions necessary to implement Substantial Amendment No. 1 of the Stanislaus Urban County's FY 2021-2022 Annual Action Plan; and, authorized the Planning and Community Development Department to incorporate any comments received during the public hearing into the final document and make alterations as directed by the U.S. Department of Housing and Urban (HUD), provided that the alterations are technical in nature and do not alter the approved programs or funding allocations – Planning

Corr 1 Referred to DER, a Notice of Intent to Adopt a Groundwater Sustainability Plan from the Tuolumne County Groundwater Sustainability Agency for the Modesto Subbasin.

Corr 2 Acknowledged receipt of claims and referred to the CEO's Office the following claims: Shawun Ruth Anderson; Alberto Marron; Clifton Williams Jr.; Nicholas Jamieson; and, Robert Brogdon.

Chairman Chiesa reported that he, along with Supervisors B. Condit, Grewal, and Withrow attended the California State Association of Counties (CSAC) annual conference in Monterey last week.

Chairman Chiesa announced that there will be a Board of Supervisors' Workshop on Thursday, 12/09/2021 at 9:00 a.m. at the United Samaritan Foundation Community Center, 2413 3rd Street, Hughson, CA 95326.

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 11:31 a.m.

14.1 Public Employee Appointment: Title: Chief Executive Officer. Government Code Section 54957(b).

Closed Session Announcement: C. Condit/B. Condit unan. Public Employee Appointment: Title: Chief Executive Officer. Government Code Section 54957(b)., the Board reappointed Jody L. Hayes to the position of Chief Executive Officer and directed County Counsel to negotiate changes to the employment agreement and to bring the agreement back to the board for approval at the 12/14/2021 Regular Meeting.

14.2 Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). Two Cases: Alvan Estrada v. County of Stanislaus, et al., Stanislaus Superior Court Case No. CV-19-003153; and MDL 2804 Opiate Litigation, US. District Court. N.D. Ohio Case No. 1:17-MD-2804.

Closed Session Announcement: Grewal/C. Condit unan. Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One Case: MDL 2804 Opiate Litigation, US. District Court. N.D. Ohio Case No. 1:17-MD-2804., the Board authorized the Chief Executive Officer to sign the Opioid Litigation Settlement Participation Agreements and to do all things necessary for the County to participate in the proposed settlements.

14.3 Conference with Legal Counsel - Significant Exposure to Litigation Pursuant to Government Code section 54956.9(d)(2) or (3): One Matter. No reportable action taken.

Adjourned at 1:39 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.)