

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 6, 2022

Invocation was given by Shalom Bochner, with Congregation Beth Shalom.

The Stanislaus County Office of Education 2022 Red Ribbon Week Best Decorated-Most Spirited School Contest Awards were presented to: Carroll Fowler Elementary School, Apricot Valley Elementary School and Walnut Grove Elementary School; Creekside Middle School, Cardozo Middle School and Turlock Junior High School; and, Hughson High School, Enochs High School and Denair High School.

Steven Morrow shared concerns regarding COVID-19 new variants and encouraged everyone to be smart when feeling ill. He also acknowledged those who ran a good campaign this election. He shared concerns regarding the balloting process and encouraged everyone to turn in their ballots early and be reasonable when waiting for election results.

Celestia Love voiced concerns regarding obtaining legal guardianship of her grandson. She provided handouts to the Board members.

Katie Patterson with South San Joaquin Irrigation District spoke regarding a request for extension to negotiate the License Agreement for the operation of Woodward Reservoir.

Greg Chatham shared concerns regarding Stanislaus County and asked for more to be done in regards to drugs including fentanyl.

B. Condit/C. Condit unan. Adopted the consent calendar after removing from the agenda item **5.B.9** Approval to Appoint One Candidate to an Attorney V Position at the District Attorney's Office at Step Five of the Salary Range – District Attorney – DA; 2022-0655 and, removed from consent agenda items **5.B.14** Approval to Adopt a Resolution and Accept a Specified Grant from the California State Department of Parks and Recreation in the Amount of \$3 Million for the Bonita Pool and Leroy F. Fitzsimmons Memorial Park Improvement Projects – Parks and Recreation; and, **5.B.17** Consideration and Approval of the First Quarter Financial Report for FY 2023 and Related Actions – CEO

5.A.1 Approved the minutes of 11/29/2022

5.A.2 Appointed Sherrie Thomas to the In-Home Supportive Services Advisory Committee
2022-0646

5.B.1 Declared vehicle 11-61, a 2011 Ford Police Interceptor Patrol vehicle, as surplus; authorized the Sheriff to donate vehicle 11-61, a 2011 Ford Police Interceptor Patrol vehicle to Modesto City Schools for the Grace M. Davis High School Public Safety Academy program; and, authorized the Purchasing Agent or designee to sign the release of liability for vehicle 11-61 – Sheriff
2022-0647

- 5.B.2** Authorized the Director of DER to apply for, enter into and sign routine Calendar Years 2023-2028 grant agreements and contracts with the California Department of Resources Recycling and Recovery (CalRecycle) and California Governor’s Office of Emergency Services (CalOES) for various State and Regional programs; authorized the Director of DER to approve and sign any amendments to the routine Calendar Years 2023-2028 grant agreements and contracts with CalRecycle and CalOES for various State and Regional programs; adopted a resolution authorizing the Director of DER to apply for, and accept if awarded, any grants from CalRecycle for Calendar Years 2023-2028 to promote the administration of the state program; and, adopted a resolution authorizing the Director of DER to apply for, and accept if awarded, the two-year Local Government Waste Tire Amnesty Grant from CalRecycle for Calendar Years 2023-2028 to promote the administration of the County’s Waste Tire Amnesty Program – DER 2022-0648
- 5.B.3** Authorized the Sheriff to sign and submit an application to the Boating Safety and Enforcement Financial Aid Program for an award up to \$300,000; authorized the Sheriff to accept funding, if awarded, from the California Department of Parks and Recreation, Division of Boating and Waterways; authorized the Sheriff to sign all quarterly reimbursement claims and other required documents for the State Department of Boating and Waterways; and, approved a formal resolution as required by the State to apply and receive this grant – Sheriff 2022-0649
- 5.B.4** Authorized the Chairman to sign Governing Body Resolution authorizing the Sheriff’s Office of Emergency Services Office to apply for Federal funds from the Emergency Management Performance Grant Program for FY 2023 (Grant FY 22) and Homeland Security Grant Program for FY 2024 (Grant FY 23); adopted the Governing Body Resolution designating the Sheriff-Coroner/Director of Emergency Services, Chief of Emergency Services, and Program Manager of Emergency Services as authorized agents for the purpose of applying for, claiming, modifying and overall administration of Emergency Management Performance Grants; and, adopted the Governing Body Resolution designating the Sheriff-Coroner/Director of Emergency Services, Chief of Emergency Services, and Sheriff’s Business Manager as authorized agents for the purpose of applying for, claiming, modifying and overall administration of Homeland Security Grants – Sheriff 2022-0650
- 5.B.5** Approved the Certification Statement for the Health Care Program for Children in Foster Care for FY 2022-2023; and, authorized the Chairman to sign the Certification Statement for the Health Care Program for Children in Foster Care for FY 2022-2023 – HSA 2022-0651
- 5.B.6** Authorized the Stanislaus County Chief Probation Officer, or designee, to accept the Providing Access and Transforming Health (PATH) Justice Involved (JI) funds, under the California Advancing and Innovating Medi-Cal (CalAIM) initiative, in the amount of \$200,000 from the Department of Health Care Services (DHCS) to plan for the implementation of the Medi-Cal application and suspension processes for justice involved individuals; authorized the Chief Probation Officer, or designee, to sign and execute all related agreements, contracts, amendments, or other documentation required for the PATH JI Grant Round 1 Funding; authorized the Auditor-Controller to increase estimated revenue and appropriations in the FY 2023 Probation Institutional Services and HSA Administration budget units to cover anticipated expenditures through 06/30/2023, as detailed in the budget journal attached to the agenda item; and, authorized the HSA Managing Director to execute the attached amendment to the current contract with Health Management Associates (HMA) for work associated with the implementation of the CalAIM initiative for Fiscal Year 2023 – HSA 2022-0652
- 5.B.7** Authorized the Sheriff to retire one (1) canine from the Sheriff’s Department service and enter a Canine Retirement Contract with the canine’s current handler – Sheriff 2022-0653

- 5.B.8** Authorized the CSA Director, or designee, to accept the grant award for the Access to Technology Program in the amount of \$653,130, retroactively for the term of 10/01/2022, through 12/31/2024; authorized the CSA Director, or designee, to sign and execute related agreements required for implementation of the Access to Technology Grant Program activities and any subsequent amendments, modification and/or extensions to the grant agreement; and, directed the Auditor-Controller to increase estimated revenue and appropriations in the CSA Program Services and Support budget unit per the budget journal, attached to the agenda item – CSA 2022-0654
- 5.B.10** Authorized the DA to accept a grant award from the California Department of Insurance Fraud Division in the amount of \$198,857 for the Automobile Insurance Fraud Program; adopted a formal resolution, as required by the California Department of Insurance, to authorize the DA to execute the Grant Award Agreement; authorized the DA 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 DA Auto Insurance Fraud Prosecution budget unit by \$16,411 as detailed budget journal, attached to the agenda item – DA 2022-0656
- 5.B.11** Accepted the September 2022 Monthly Investment Report for the Stanislaus County Treasury Pool; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2022-0657
- 5.B.12** Accepted the October 2022 Monthly Investment Report for the Stanislaus County Treasury Pool; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2022-0658
- 5.B.13** Approved and executed the provisions contained in the Tentative Health Insurance Agreement for the period of 1/01/2023 through 12/31/2025 between SEIU, Local 521; and, authorized the CEO, or designee, to sign the agreement, and execute all agreements related to implementation and maintenance of employee health insurance programs effective 01/01/2023 through 12/31/2025 – CEO 2022-0659
- 5.B.15** Appointed the following members to the 2023 term of the Stanislaus County Discipline/Equal Employment Opportunity (EEO) Grievance Appeals Board: (a) Mark Ferriera, Chief Probation Officer, as the Department Head Member; (b) Keuren Parra Moreno, County Attorneys Association, as the Employee Member; and (c) David Walker, Local Attorney with Ramsbacher Prokey Leonard LLP, to serve as the Chairperson; and, appointed alternates to the panel as follows: (a) Robert Kostlivy, Environmental Resources, and Sarah Dentan, County Librarian, as Department Head Alternates; and (b) Amber Wright, Stanislaus County Sheriff’s Management Association, as the First Alternate Employee Member, Renee Crawford, Service Employees International Union, Local 521, as the Second Alternate Employee Member, and Matthew Cantrell, AFSCME Local 10, as the Third Alternate Employee Member – CEO 2022-0661
- 5.B.16** Approved the Third Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services, the Third Amendment will change the membership of the commission; and, authorized the CEO’ to execute the Third Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County for Emergency Dispatch Services and sign on behalf of the County – CEO J-2-5, C-6-Q-6 2022-0662
- 5.C.1** Approved the agreement for acquisition of property located at 451 South 7th Street, Modesto, CA, for the 7th Street Bridge Replacement Project, Grantor: Cesar Alvarado and Bianca Alvarado, APN: 038-003-014 (partial acquisition); authorized the Chairman to execute the purchase agreement for acquisition of fee interest in real property; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2022-0664

5.D.1 Approved the proposed 2023 Williamson Act Contracts, attachment 1 of the agenda item; authorized the Chairman to sign the listed contracts; and, directed the Clerk to forward the listed contracts to the Clerk-Recorder's Office prior to 01/01/2023, for recording –
Planning 2022-0665

C. Condit/Chiesa unan. **5.B.14** Authorized the Director of Parks and Recreation to accept Specified Grant Funding from AB 179 Budget Act of 2022 and the California State Department of Parks and Recreation in the amount of \$3 million for the Bonita Park Pool and Leroy Fitzsimmons Memorial Park Improvement Projects; adopted a resolution to accept Specified Grant Funding from AB 179 Budget Act of 2022 and the California State Department of Parks and Recreation Office of Grants; authorized the Director of Parks and Recreation to administer and sign any documents related to the grant provided by AB 179 Budget Act of 2022 and the California State Department of Parks and Recreation; and, authorized the Auditor-Controller to increase estimated revenue and appropriations by \$500,000 in the Parks and Recreation budget, as detailed in the budget journal, attached to the agenda item – Parks and Recreation
2022-0660

C. Condit/Chiesa unan. **5.B.17** Accepted the CEO's First Quarter Financial Report for FY 2023; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the 2023 First Quarter Financial Report, as outlined in the Staffing Impacts section and detailed in Attachment 2, of the agenda item, to be effective the start of the first full pay period beginning on or after 12/17/2022, unless otherwise noted; approved contracts and/or agreements listed on Attachment 3, of the agenda item, in cumulative amounts of \$200,000 or greater since 07/01/2020, and authorized the GSA Director/Purchasing Agent or previously authorized Department Head to sign; and, accepted the Information Technology Strategic Plan Update – CEO
2022-0663

Chiesa/B. Condit unan. **6.1** Conducted a public hearing to consider the introduction and waiving of the first reading of Ordinance C.S. 1336 to approve military equipment use policies for the Stanislaus County Sheriff's Office, District Attorney, and Probation Department pursuant to AB 481 – Sheriff
ORD-57-X-2 2022-0666

Chiesa/B. Condit unan. **6.2** Conducted a public hearing to consider the Planning Commission's recommendation of approval for Rezone and Tentative Map Application Number PLN2022-0026 – Elmwood Estates a request to rezone a 4.82 acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square-feet and a 13,098 square-foot stormwater basin, located at 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair; 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, as amended on 11/17/2022, 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 Stanislaus County General Plan; (b) the proposed planned development zoning is consistent with the Low-Density Residential General Plan and Community Plan designation; (c) the design or improvement of the proposed subdivision is consistent with applicable general and specific plans; (d) the site is physically suitable for the type of development; (e) the site is physically suitable for the proposed density of development; (f) 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; (g) the design of the subdivision or type of improvements are not likely to cause serious public health problems; (h) 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; (i) the alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; (j) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements; approved Rezone and Tentative Map application No. PLN2022-0026 – Elmwood Estates subject to the Development Standards attached to the 09/15/2022 Planning Commission staff report and with the amendment to Development Standard No. 15 and the addition of Development Standard Nos. 60, 61, 62, 63, and 64 as reflected in the 12/06/2022 Board Report; and, introduced, waived the reading, and adopted Ordinance C.S. 1334 for the approved Rezone and Tentative Map application No. PLN 2022-0026 – Elmwood Estates – Planning
ORD-57-W-2 2022-0667 & 2022-0668

Grewal/C. Condit unan. **7.1** Accepted the County Clerk-Recorder and Registrar of Voters’ Certified Statement of the Vote of the Statewide General Election held Tuesday, 11/08/2022; and, declared the results of the election pursuant to the County Clerk-Recorder and Registrar of Voters’ Statement of the Vote – Elections
2022-0669

Corr 1 Referred to County Counsel and the Auditor-Controller, a Claim for Refund of Property Taxes filed on behalf of Pacific Bell & AT&T Mobility LLC., regarding assessments for FY 2018-2019.

Corr 2 Referred to the Department of Planning and Community Development, a letter from the Empire Union School District regarding the increase of their school facilities fees for residential and commercial/industrial development.

Corr 3 Referred to the Fish and Wildlife Committee, a notice from the California Fish and Game Commission regarding proposed changes in regulations relating to electronic display of licenses.

Corr 4 Acknowledged receipt of claims and referred to the County Counsel’s Office the following claims: Nicholas Baugh (2 claims), and Elizabeth Small.

Supervisor Grewal reported that he along with the other four Board Members attended the City of Modesto Swearing-in Ceremony on Tuesday, 11/29/2022. He also noted that he, along with Supervisor Withrow, participated in the Celebration of Lights Parade in downtown Modesto last Saturday evening.

Supervisor Chiesa noted that the Hughson Christmas Festival and Parade was last Saturday. He shared that Hughson High School football team will play for the State Championship this Saturday, 12/10/2022.

CEO Hayes shared appreciation for the Board Members and the members of the public who attended yesterday’s Board of Supervisors’ Workshop.

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 11:01 a.m.

Reconvened at 11:05 a.m. to sit as the Stanislaus County IHSS Public Authority for closed session

12.1 Conferenced with Labor Negotiator: Pursuant to Government Code Section 54957.6 Agency Negotiators: Jody Hayes, Burke Dunphy, Jennifer Jacquez, Tamara Thomas, Ryan Leupp, Labor Organization: In Home Supportive Services (UDWA). No reportable action taken.

Adjourned at 11:30 a.m. as the Stanislaus County IHSS Public Authority

Reconvened at 11:31 p.m. as the Stanislaus County Board of Supervisors for closed session

13.1 Conferenced with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 (d)(1). One case: Emma Marie Takhar v. County of Stanislaus, et al., Superior Court of California County of Stanislaus, Case No. CV-20-003494. No reportable action taken.

Adjourned at 12:01 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.)