

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

Regular Session
Chairman Grewal Absent
Pledge of Allegiance to the Flag

Tuesday

June 4, 2024

Invocation was given by Mike Gunnarson with City Ministry Network.

Patricia Romero, from BHRS, and Edward Arviso, from Parks and Recreation, received their 25-year Employee Service Awards.

Steven Morrow shared concerns regarding an article he read in the Modesto Bee concerning funding that is being questioned and threatened for South Modesto.

Miguel Donoso noted the City of Modesto approved their Housing Element and asked when the County will approve their Housing Element and whether there is a possibility of being unable to receive funds from the State for these programs. He shared he heard that two shelters and the Salvation Army are closing, and voiced concerns regarding the County giving funds to these shelters.

Milt Trieweiler provided the Board Members a handout regarding global average surface temperature. He spoke regarding the facts and reality related to climate change. He shared we have the best farmland and to not build on this land. He asked everyone to support the number one industry which is agriculture.

Rebecca Harrington shared she supports the comments made by Milt Trieweiler. She shared a letter was sent to the Board earlier this year from the Latino Community Roundtable and she does not support this letter. She spoke regarding comments made by Senator Marie Alvarado-Gil regarding Supervisor C. Condit and the South Modesto funding. She voiced concerns regarding the old ammunition plant and the effects on our air quality. She shared she will be participating in organizing the Day of the Dead Celebration and hopes to have all the Board Members support this year.

John X. Mataka, President of the Grayson Neighborhood Council, requested the Board appoint a Residents Advisory Board to share input into the infrastructure projects in the South Modesto and Parklawn Community and have this advisory committee until the projects are completed in this neighborhood.

Jennifer Heguy, Director of U.C. Cooperative Extension, shared 30 new advisory positions have been approved for recruitment in this State and the County will benefit from three of those positions.

Emerson Drake shared concerns regarding AB1185 - Sheriff Oversight Board and voiced concerns regarding the length of time it took to get an answer as to if the County had this oversight board. He shared the County needs this oversight board, if not for the Sheriff, then for the CEO.

Withrow/C. Condit (4-0)(Grewal absent)Adopted the consent calendar

5.A.1 Approved the minutes of 05/07/2024, Special Meeting

5.A.2 Approved the minutes of 05/21/2024, Regular Meeting

- 5.A.3** Accepted the resignation of Eileene King from the Commission on Aging 2024-0259
- 5.A.4** Accepted the resignation of William Johnson from the Stanislaus County Veterans Advisory Commission 2024-0260
- 5.A.5** Accepted the resignation of Dale Boucher from the Stanislaus County Planning Commission 2024-0261
- 5.A.6** Proclaimed 06/15/2024, as Elder and Vulnerable Adult Abuse Awareness Day in Stanislaus County 2024-0262
- 5.A.7** Approved the request to consolidate the Keyes Union School District Bond Measure with the Presidential General Election to be held on 11/05/2024 2024-0263
- 5.A.8** Approved the request to consolidate the Waterford Unified School District Bond Measure with the Presidential General Election to be held on 11/05/2024 2024-0264
- 5.A.9** Approved the request to consolidate the Municipal Election for the City of Hughson with the Presidential General Election to be held on 11/05/2024 2024-0265
- 5.A.10** Approved the request to consolidate the Municipal Election for the City of Modesto and the Modesto City Schools Board of Education Election with the Presidential General Election to be held on 11/05/2024 2024-0266
- 5.A.11** Approved the request to consolidate the West Stanislaus Fire Protection District Special Tax Measure with the Presidential General Election to be held on 11/05/2024 2024-0267
- 5.A.12** Approved the request to consolidate the Municipal Election for the City of Ceres with the Presidential General Election to be held on 11/05/2024 2024-0268
- 5.B.1** Approved the 2024 Agreement between the 38th District Agricultural Association – Stanislaus County Fair Board and Stanislaus County for the Sheriff to provide security at the Fair; and, authorized the CEO to sign the agreement on behalf of the County – Sheriff 2024-0269
- 5.B.2** Authorized the CEO to negotiate and execute an agreement with RxBenefits, Inc. for the administration of prescription drug benefits to support the County’s self-funded employee health insurance program, under the terms listed in the agenda item; and, authorized the CEO, or designee, to sign amendments for additional services and payments for services up to \$200,000, budget permitting and consistent with the County Purchasing Policy, throughout the term of the agreement – CEO 2024-0270
- 5.B.3** Approved to retroactively enter into a MOU with the City of Modesto to continue providing Special Operations Emergency Response services countywide for the period of 02/01/2024, to 01/31/2027; and, authorized the Sheriff, or his designee, to sign the Special Operations Emergency Response MOU with the City of Modesto for the period of 02/01/2024, to 01/31/2027 – Sheriff C-6-R-9 2024-0271
- 5.B.4** Adopted a resolution to defer implementation of changes to Welfare & Institutions Code Section 5008 required by Senate Bill 43 (Chapter 637, Statutes of 2023) to 01/01/2025 – BHRS 2024-0272
- 5.B.5** Approved the replacement of the fire-life safety panel and devices at the OES/Stanislaus Regional 911 in Modesto; authorized the GSA Director/Purchasing Agent to execute a MOU with the City of Modesto, upon approval of the MOU by the Board and the City of Modesto, City Council; approved the \$300,000 project budget funded jointly by Stanislaus County and the City of Modesto; approved completing this project utilizing the Stanislaus County Job Order Contract Program; authorized the GSA Director/Purchasing Agent, or designee, to act as Project Manager; authorized the Project Manager to execute contracts for professional services needed for this project, so long as they are within the approved project budget and to execute needed supplemental change orders, consistent with the State of California Public Contract Code; and, authorized the Auditor-Controller to increase

appropriations and estimated revenue by \$150,000 in the GSA Deferred Maintenance budget, as detailed in the budget journal, attached to the agenda item – GSA

C-6-R-10 2024-0273

- 5.B.6** Approved an amendment to the agreement with Ever Well Health Systems, LLC, for the provision of adult residential program services in the amount of \$1,000,000 for the existing contract term of 07/01/2023, through 06/30/2024; authorized the BHRS Director, or designee, to sign and execute the amendment for the provision of adult residential program services in the amount of \$1,000,000 for the existing contract term of 07/01/2023, through 06/30/2024; and, authorized the BHRS Director, or designee, to sign amendments for additional services and payments for services up to \$200,000, budget permitting and consistent with the County Purchasing Policy, throughout the term of the agreement – BHRS 2024-0274

- 5.B.7** Approved the Grant Agreement with the California Department of Public Health for the Ryan White Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome Program in the amount of \$1,090,720 retroactively for the term of 04/01/2024, through 03/31/2029; and, authorized the HSA Managing Director or her designee to sign and execute the contract and subsequent amendments up to \$200,000 budget permitting and consistent with the County Purchasing Policy for the term of the agreement – HSA 2024-0275

- 5.B.8** Approved amendments to contracts or agreements in cumulative amounts of \$200,000 or greater since 07/01/2021; and, authorized the GSA Director/Purchasing Agent, or previously authorized Department Head to sign and execute the amendments – GSA 2024-0276

- 5.B.9** Accepted the DA's analysis of FY 2024 year-end budget adjustment required to end the year in a positive position for the DA's Office; and, authorized the Auditor-Controller to make the necessary adjustments as recommended in the budget journal, attached to the agenda item – DA 2024-0277

- 5.B.10** Accepted the Stanislaus County Treasury Pool Investment Policy, to be effective 07/01/2024; accepted the Stanislaus County Tobacco Investment Policy, to be effective 07/01/2024; and, delegated the Stanislaus County Treasurer the authority to invest funds as indicated in the Treasury Pool Investment Policy, as well as the authority to invest any other funds under the County's control – T/TC 2024-0278

- 5.B.11** Accepted the Report of Donations Received by the County of Stanislaus for the Third Quarter of FY 2024 – Auditor 2024-0279

- 5.B.12** Approved the Fifth Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services, the Fifth Amendment will change the term of the agreement and update the makeup of the Consolidated Emergency Dispatch Agency Commission; authorized the CEO to execute the Fifth Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services and sign on behalf of the County; and, approved assigning Supervisor Buck Condit and Supervisor Mani Grewal to the commission with Supervisor Vito Chiesa as the alternate – CEO

J-2-6, C-6-R-11 2024-0280

- 5.B.13** Approved the agreements with service providers for CSA effective 07/01/2024, for FY 2025, as reflected in Attachment A, contracts over \$200,000 and Attachment B, contracts between \$100,000 and \$200,000 of this agenda item; authorized the CSA Director, or designee, to sign the agreements and amendments identified in Attachment A and Attachment B of the agenda item; authorized the CSA Director, or designee, to negotiate and sign amendments to agreements discussed in the agenda item, as detailed in Attachment A, to add services and payment for services up to \$200,000 per agreement, budget permitting and consistent with the County Purchasing Policy, throughout the term

of the agreement; and, authorized the CSA Director, or designee, to negotiate and sign amendments to agreements discussed in the agenda item, as detailed in Attachment B, to add services and payment for services up to \$100,000 per agreement, budget permitting and consistent with the County Purchasing Policy, throughout the term of the agreement – CSA 2024-0281

5.B.14 Adopted a resolution and approved the MOU between the California Department of Aging (CDA) and the Area Agency on Aging (AAA) for the coordination of Older Americans Act (OAA) Services to residents of Planning Service Area 30 the period of 07/01/2024, through 06/30/2029; authorized the Director of the Department of Aging and Veterans Services, AAA, or designee, to sign the MOU for the Area Plan programs and services in the amount of \$3,146,399 for the period of 07/01/2024, through 06/30/2025; and, authorized the Director of the Department of Aging and Veterans Services, AAA, or designee, to sign amendments up to \$200,000 budget permitting and consistent with the County Purchasing Policy for FY 2025 – Aging and Veterans 2024-0282

5.B.15 Approved the agreements with service providers for the HSA effective 07/01/2024, for FY 2025, as reflected in Attachment A of the agenda item, contracts over \$200,000 and Attachment B, contracts between \$100,000 and \$200,000 of the agenda item; authorized the HSA Managing Director, or designee, to sign the agreements and amendments for FY 2025 identified in Attachment A and Attachment B of the agenda item; authorized the HSA Managing Director, or designee, to negotiate and sign amendments to the agreements discussed in the agenda item, as detailed in Attachment A, to add services and payment for services up to \$200,000 per agreement, budget permitting and consistent with the County Purchasing Policy, throughout FY 2025; and, authorized the HSA Managing Director, or designee, to negotiate and sign amendments to the agreements discussed in the agenda item, as detailed in Attachment B, to add services and payment for services up to \$100,000 per agreement, budget permitting and consistent with the County Purchasing Policy, throughout FY 2025 – HSA 2024-0283

5.B.16 Approved to provide up to \$13,000 of Community Development Funds to the Crows Landing Community Services District for water system repairs – CEO DCS-11-A-1 2024-0284

5.C.1 Approved the plans and specifications for the Asphalt Rubber, Pelletized Test Sections, and Fiber Reinforced Overlay Project; awarded a contract for Construction Services to United Pavement Maintenance, Inc. for the Asphalt Rubber, Pelletized Test Sections, and Fiber Reinforced Overlay Project for Keyes Road, between Pioneer Road and Walnut Road, and East Keyes Road from State Route 99 to Geer Road; authorized the Director of Public Works to execute a contract with United Pavement Maintenance, Inc. in the amount of \$1,951,164 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 2024-0285

5.C.2 Authorized the Road Commissioner to utilize a sole source exemption for the purchase of road construction materials where there is no competitive advantage to bidding out such materials; approved the purchase of road construction materials from the ten quarries/plants closest to the jobsite location where construction is occurring during FY 2025; and, authorized the Purchasing Agent to approve any Purchase Order for road construction materials, including aggregates, both hot and cold mix asphalt concrete, tack oil, and both structural and low-strength concrete, cumulative expenditure from any given quarry/plant and all quarries/plants combined not-to-exceed the approved budgetary expenditures of \$1,900,000 in Roads and Bridges Legal Budget Unit, Maintenance Cost Center for materials, and \$7,275,000 in Roads and Bridges Project Cost Center for projects during FY 2025 – PW 2024-0286

- 5.C.3** Adopted a resolution adopting a list of projects for FY 2025 funded by Senate Bill 1: The Road Repair and Accountability Act of 2017 – PW 2024-0287
- 5.C.4** Approved an emergency update in accordance with California Public Contract Code Section 22050 for emergency repairs to Crows Landing Community Services District’s Well No. 4 Replacement Project; and, affirmed the emergency declaration remains necessary and authorized staff to proceed with needed repairs to Crows Landing Community Services District’s Well No. 4 Replacement – PW DCS-11-28 2024-0288
- 5.C.5** Approved Amendment No. 6 to the Professional Design Services Agreement for all-inclusive bridge engineering services with Consor North America, Inc., in the amount of \$313,340, for a new not-to-exceed amount of \$930,685, for the Milton Road over Rock Creek Tributary Bridge Replacement Project; authorized the Director of Public Works to execute Amendment No. 6 with Consor North America, Inc., in the amount of \$313,340, and to sign necessary documents; authorized the Director of Public Works to extend the expiration date of the Professional Design Services Agreement to 12/31/2027; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW 2024-0289
- 5.C.6** Authorized the Director of Public Works to sign and enter into a Utility Agreement with the Modesto Irrigation District for electrical facility relocations, using the standard clauses set forth by the California Department of Transportation, for the North County Corridor Project; authorized County Counsel to negotiate terms and conditions of the Agreement Consenting to Common Use with the Modesto Irrigation District for irrigation facilities for the North County Corridor Project; authorized the Director of Public Works to sign and enter into an Agreement Consenting to Common Use with the Modesto Irrigation District for irrigation facilities for the North County Corridor Project; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of this recommendation – PW DI-04-A-2 2024-0290
- 5.D.1** Set a public hearing on 06/25/2024, at the 9:00 a.m. meeting, to consider the approval of the Planning Commission’s recommendation of Development Agreement Application Number PLN2024-0047, JDI Farms Inc, a request to adopt a new Development Agreement for Use Permit No. PLN2018-0166, a previously permitted commercial cannabis operation located at 1631 Fig Avenue, between Sycamore and Elm Avenues, in the Patterson area, and find the request exempt from the California Environmental Quality Act pursuant to CEQA Guidelines 15061; and, authorized the Clerk to publish a notice of public hearing as required by law – Planning ORD-58-O-1 2024-0291

Chiesa/Withrow (4-0)(Grewal absent) **6.1** Accepted the recommended Proposed Budget for Budget Year 2025 from the CEO; conducted the scheduled public hearing to receive public comment and input on the Proposed Budget for Budget Year 2025; directed and approved any changes the Board chooses to make and then adopted the 2025 Proposed Budget; authorized the CEO and Auditor-Controller to make any necessary technical adjustments required to implement the approved Proposed Budget; amended the Salary and Position Allocation Resolution to reflect the recommended changes for the 2025 Proposed Budget, as outlined in the Staffing Impacts section and detailed in Attachment 2 of the agenda item, to become effective at the start of the first full pay period on or after 07/13/2024, unless otherwise noted; approved contracts and/or agreements listed in Attachment 3, of the agenda item, in cumulative amounts of \$200,000 or greater since 07/01/2022, and authorized the GSA Director/Purchasing Agent or previously authorized Department Head to sign; and, directed the CEO to prepare the recommended 2025 Adopted Budget for the Budget Period ending on 06/30/2025, and set the public hearing for consideration of the Adopted Budget on 09/17/2024 – CEO 2024-0292

Recessed at 10:46 a.m.

Reconvened at 10:53 a.m.

Withrow/Chiesa (4-0)(Grewal absent) **6.2** Approved Use Permit Application No. PLN2021-0104 – Kooistra Dairy, subject to the Conditions of Approval and Mitigation Measures as approved by the Planning Commission on 05/02/2024 (Exhibit C of Attachment 2 – 05/02/2024 Planning Commission Staff Report, attached to the agenda item); the Board denied the appeal, which upheld the Planning Commission’s decision to approve the project, which included the following actions: (1) adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the amended 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 Mitigated Negative Declaration reflects Stanislaus County’s independent judgment and analysis; (2) 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; and, (3) finds that: (a) the establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of “Agriculture” and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; (b) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements – Planning 2024-0293

Corr 1 Referred to the Department of Workforce Development, a Worker Adjustment and Retraining Notification (WARN) letter from Tropicale Foods, LLC, regarding the layoff of employees at their facility located at 2068 Lapham Drive, Modesto.

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 Department of Workforce Development, a Worker Adjustment and Retraining Notification (WARN) letter from Off Duty Services, Inc., regarding the layoff of security guard employees located at Kaiser Permanente locations throughout California including 4601 Dale Rd., in Modesto.

Corr 4 Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Darnell Scott; Valena Felix; Shaun Michael Hurtado (duplicate); Brandon Evans; and, John Silva.

Supervisor C. Condit thanked the Board Members for joining him at the Patterson Apricot Fiesta Parade this past weekend. He shared the Parklawn Community slide is being repaired and thanked the Parks Director, Tera Chumley, and staff for getting this fixed by the end of the month. He shared concerns regarding allegations by Senator Marie Alvarado-Gil regarding a \$5 million state grant to make infrastructure improvements in the South Modesto neighborhood. He noted that he believes he acted ethically.

Supervisor B. Condit noted there is a lot of fire activity and reminded everyone to create defensible space around their properties and to get rid of combustibles. He also spoke regarding the recent drownings at the reservoirs and shared Fire Stations have free life jacket rentals.

CEO Hayes reported the negotiations surrounding the State Budget is changing by the day, and there will be impacts to the County. He noted the Board sent a letter in opposition of AB 2079 which imposes a State mandated program, which restricts the local control of groundwater previously guaranteed by the Sustainable Groundwater Management Act. He shared that Stanislaus County, along with seven other San Joaquin Valley Counties, signed a letter expressing our support for State budget priorities, which include maintaining funding for critical public health services; human services, behavioral health, and homelessness; water storage and drought preparedness; wildfire response; and, road and broadband support. He also introduced Carissa Lucas as the new Stanislaus County Public Relations and Communications Director.

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 11:50 a.m.

12.1 Conferenced with Legal Counsel – Existing litigation: Pursuant to Government Code Section 54956.9 (d)(1). One case: Flores Velez v. County of Stanislaus, et al. Stanislaus County Superior Court, Case No. CV-21-006234. No reportable action taken.

12.2 Conferenced with Labor Negotiator: Pursuant to Government Code Section 54957.6. Agency Negotiators: Jody Hayes, Jeff Sloan, Burke Dunphy, Ryan Leupp, and Joanna Navarro. Labor Organizations: California Nurses Association; and, Stanislaus County Deputy Probation Officers Association. No reportable action taken.

Adjourned at 1:14 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.)