

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 17, 2024

Convened at 4:30 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 Conferenced with Legal Counsel - Existing Litigation – Pursuant to Government Code Section 54956.9 (d)(1). One case: Advocates For The Environment v. County of Stanislaus, Stanislaus County Superior Court Case No. CV-24-005140. No reportable action was taken.

1.2 Conferenced with Legal Counsel – Significant Exposure to Litigation Pursuant to Government Code section 54956.9(d)(2) or (3): One Matter. No reportable action was taken.

Reconvened at 5:30 p.m. for Regular Session

Invocation was given by Reverend Marvin Jacobo with City Ministry Network.

Representative Gavin Cline from Congressman Duarte’s Office provided an update on the activities happening in the 13th Congressional District.

B. Condit/Withdraw unan. Adopted the consent calendar

5.A.1 Approved the minutes of 08/27/2024

5.A.2 Appointed Maggie Mejia to the Commission on Aging

5.A.3 Appointed Maryn Pitt to the San Joaquin Valley Air Pollution Control District Citizens Advisory Committee

5.A.4 Appointed Krestina Sawa to the In-Home Supportive Services Advisory Committee

5.A.5 Appointed Debra Neuman to the Stanislaus County Free Library Advisory Board

5.A.6 Appointed DeAnna Leamon to the Stanislaus County Parks and Recreation Commission

5.A.7 Appointed Sam Royal and Toni Cordell to the Stanislaus County Local Task Force on Solid Waste Management

5.A.8 Accepted the resignation of Jonathan Goulding from the Stanislaus Consolidated Fire Protection District

5.A.9 Accepted the resignation of David T. Wood from the West Stanislaus Resource Conservation District

5.A.10 Accepted the resignation of Gloria Vallin from the Stanislaus County Behavioral Health Board

5.A.11 Accepted the resignation of Christopher Nunes from the Empire Municipal Advisory Council

5.A.12 Accepted the resignation of Cari Raybourn from the Empire Municipal Advisory Council

- 5.A.13** Proclaimed 09/15/2024 - 10/15/2024, as Hispanic American Heritage Month in Stanislaus County
- 5.A.14** Proclaimed the week of 09/29/2024, through 10/05/2024, as Stanislaus County Diversity Awareness Week
- 5.B.1** Authorized the GSA Director, or designee, to accept an Energy Efficiency and Conservation Block Grant in the amount of \$232,020 from the United States Department of Energy for energy efficiency technical assistance; directed the Auditor-Controller to increase appropriations and revenue in the GSA Capital Facilities budget in the amount of \$232,020, as detailed in the budget journal, attached to the agenda item; and, authorized the GSA Director, or designee, to sign and execute all related documentation required for the Energy Efficiency and Conservation Block Grant award – GSA
- 5.B.2** Approved an agreement with Yosemite Community College District and the Stanislaus County Fire Agencies for the joint use of the Regional Fire Training Facility retroactive to 07/01/2024, through 06/30/2029, in the amount of \$150,000; and, authorized the Fire Warden to sign the agreement for the joint use of the Regional Fire Training Center at Modesto Junior College – Sheriff - OES/Fire Warden
- 5.B.3** Approved the purchase of one Caterpillar Model 950 Wheel Loader and one Caterpillar Model 336 Excavator from Holt of California for the Fink Road Landfill in the estimated amount of \$929,702; authorized the Purchasing Agent to issue a Purchase Order for one Caterpillar Model 950 Wheel Loader and one Caterpillar Model 336 Excavator from Holt of California using the Sourcewell Cooperative Purchasing Contract No. 011723- CAT; and, authorized an overall budget not-to-exceed \$929,702 for the purchase – DER
- 5.B.4** Approved a resolution proclaiming September 2024 National Preparedness Month in Stanislaus County – Sheriff - OES/Fire Warden
- 5.B.5** Authorized the HSA Managing Director, or designee, to accept the Center for Disease Control and Prevention Division of Vector-borne Diseases and ForsMarsh stipend of \$10,000 for the pilot communications campaign; authorized the HSA Managing Director, or designee, to sign and execute related MOUs or other documentation required for the implementation of the Pilot Communication Campaign on West Nile Virus; authorized the HSA Managing Director, or designee, to sign and execute amendments up to \$10,000, budget permitting and consistent with the County Purchasing Policy; and, directed the Auditor-Controller to increase appropriations and revenue by \$10,000 in the HSA Public Health budget unit as detailed in the budget journal, attached to the agenda item – HSA
- 5.B.6** Adopted the 1% Ad Valorem Tax rate authorized by Sections 93(b) and 135 of the Revenue and Taxation Code; adopted tax rates that are "...needed to make annual payments for the interest and principal on general obligation bonds or other indebtedness approved by the voters" to be levied pursuant to Revenue and Taxation Code 93(a) and 93(c); adopted the Countywide Unitary, Operating Non-unitary, and Pipeline Tax rate of 1.589901% as calculated and authorized by Section 100 of the Revenue and Taxation Code; adopted the Countywide Unitary-Railroad Tax rate of 1.116306% (California State Board of Equalization [BOE] benchmark/average tax rate) as authorized by 49 U.S. Code Section 11501(b)(3) and per court decision; and, adopted the 0.871400% tax rate for the territory formerly served by the Lower San Joaquin Levee District – Auditor-Controller
- 5.B.7** Approved implementation of the ITC Managed Model for BHRS Network Infrastructure Services; directed the Auditor-Controller to increase appropriations and revenue by \$1,337,121 in the ITC budget unit as detailed in the budget journal, attached to the agenda item; amended the Salary and Position Allocation Resolution to reflect the recommended changes outlined in the Staffing Impacts section of the agenda item, effective the first full pay period following Board approval and following meet and confer with labor representatives and employees and other MOU requirements – ITC

- 5.B.8** Authorized the Auditor-Controller to loan funds under Government Code 23010 for operational expenses to Stanislaus Consolidated Fire Protection District in an amount not to exceed \$10,576,861 – Auditor-Controller
- 5.B.9** Approved the agreement with the Healthy Aging Association for the CalFresh Healthy Living Program in the amount of \$251,018 for the term of 10/01/2024, through 09/30/2025; and, authorized the GSA Director/Purchasing Agent, or designee, to sign the agreement and subsequent amendments for FY 2025, budget permitting and consistent with the Stanislaus County Purchasing and Salvage Policy – Aging and Veterans Services
- 5.B.10** Authorized the submission of the application by the HSA to the U.S. Department of Health and Human Services, Health Resources Administration (HRSA) for a New Access Points grant for up to \$650,000 under funding opportunity HRSA-25-085; authorized the HSA Managing Director, or designee, to accept the grant award up to \$650,000, if awarded, and enter into corresponding grant agreement(s) to support the Federally Qualified Health Center clinics operated by the County through the HSA; and, authorized the HSA Managing Director, or designee, to execute amendments to the grant agreement(s) consistent with the County Purchasing Policy, within budget, for the term of agreement – HSA
- 5.B.11** Set a public hearing on 10/01/2024, at the 9:00 a.m. meeting, to consider revising the load carrying capacity of the Moorehead Road Bridge over Central California Irrigation District Main Canal, Crabtree Road Bridge over Dry Creek, and Orestimba Road Bridge over Central California Irrigation District Main Canal pursuant to Section 35751 of the California Vehicle Code; and, authorized the Clerk to publish the notice as required by law – PW
- 5.B.12** Accepted the July 2024 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
- 5.B.13** Approved amendments to contracts or agreements with cumulative amounts of \$200,000 or greater; and, authorized the GSA Director/Purchasing Agent, or previously authorized Department Head to sign and execute the amendments – GSA
- 5.C.1** Approved a \$55,800 increase of Wood Rodgers, Inc., maximum allocation amount for engineering and design for the Stanislaus County Urban Pockets and County Communities Infrastructure Improvement Project bringing the total maximum allocation to \$1,555,717; directed the Auditor-Controller to increase estimated revenue and appropriations by \$55,800 in the Public Works Urban Pockets Infrastructure Project budget unit and the American Rescue Plan Act (ARPA) budget unit per the budget journal, attached to the agenda item; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW
- 5.C.2** Approved a Professional Construction Management Services Agreement with NV5, Inc., for the River Road (aka Hills Ferry Road) over San Joaquin River Bridge Replacement Project; authorized the Director of Public Works to execute a Professional Construction Management Services Agreement with NV5, Inc., for the River Road (aka Hills Ferry Road) over San Joaquin River Bridge Replacement Project in the amount of \$2,997,112 and to sign necessary documents; authorized the Director of Public Works to execute change orders, 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
- 5.C.3** Adopted a Mitigated Negative Declaration for the Cooperstown Road over Rydberg Creek (Bridge No. 38C0257) Bridge Replacement Project pursuant to CEQA Guidelines Section 15074(B), by finding on the basis of the whole record, including the Initial Study and any comments received, 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; directed the Department of Public Works to file a Notice of Determination for the Cooperstown Road over Rydberg Creek Bridge (Bridge No. 38C0257) Replacement Project with the Stanislaus County Clerk Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW

- 5.C.4** Approved the final 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; authorized the Director of Public Works to issue any amendments necessary with Howk System, within current FY 2025 budget authority, to complete and close out the emergency temporary repairs to Crows Landing Community Services District's Well No. 4 Replacement Project in accordance with the California Public Contract Code and consistent with the County Purchasing Policy – PW
- 5.C.5** Approved Amendment No. 3 to the Professional Design Services Agreement with Dewberry Engineering, Inc., in the amount of \$1,350,000 for additional design, environmental, right-of-way, and public outreach support services for the North County Corridor Phase 1 Project, formerly known as the Claribel Road Extension Project, with a new not-to-exceed amount of \$16.5 million; authorized the Director of Public Works to execute Amendment No. 3 to the Professional Design Services Agreement with Dewberry Engineering, Inc., in the amount of \$1,350,000, and to sign necessary documents; approved an additional allocation of \$1,350,000 in Public Facilities Fees (PFF) Regional Transportation Impact Fee (RTIF) funds for the North County Corridor Phase 1 Project; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW
- 5.D.1** Rescinded all of Williamson Act Contract No. 2002-4455, located at 23979 Lake Road, between Roberts Ferry and Lake Roads, in the La Grange Area, APN's: 008-020-016 and 008-021-025; 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 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, pursuant to Lot Line Adjustment No. PLN2024-0024, covering APN: 008-020-016 and portions of APN's: 008-021-015 and 008-021-025; and, authorized the Director of Planning to execute a new contract – Planning

5.D.2 Rescinded a portion of Williamson Act Contract No. 1971-123, located at 7212 and E Monte Vista Avenue, between N Vincent and N Hickman Roads, in the Denair area, APN: 024-004-011; 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 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 No. PLN2023-0049, APN's: 024-004-011 and 024-004-010; and, authorized the Director of Planning to execute a new contract(s)

– Planning

5.D.3 Rescinded a portion of Williamson Act Contract Number 1971-123 and all of Williamson Act Contract Numbers 1971-357 and 1973-1291, located at 4919, 5131, and 5801 N Hall Road, between E Keyes and E Monte Vista Roads, in the Denair area, APN's: 019-041-016, 019-041-017, and 019-041-018; 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 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 No. PLN2023-0059 - Foster Farms Orchards - Hall Ranch, APN's: 019- 041-016, 019-041-017, and 019-041-018; and, authorized the Director of Planning to execute a new contract(s) – Planning

Chiesa/Withdraw unan. **6.1** Conducted a public hearing to consider the adoption of the Stanislaus HOME Consortium and Stanislaus Urban County FY 2023-2024 Consolidated Annual Performance and Evaluation Report (CAPER) for the Federal U.S. Department of Housing and Urban Development (HUD) Entitlement Programs; adopted the Stanislaus HOME Consortium and Stanislaus Urban County FY 2023-2024 CAPER and authorized staff to submit the CAPER to HUD; and, authorized the Planning Department to update the CAPER to reflect the closing of the public comment period and 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

Withdraw/B. Condit (4-1)(C. Condit opposed) **6.2** Accepted the 2025 Adopted Budget as presented by the CEO; conducted the scheduled public hearing to receive public comment and input on the recommended operational plan for FY 2025; directed and approved any changes the Board chooses to make to the 2025 Adopted Budget, then formally adopt the 2025 Adopted Budget; authorized the CEO and the Auditor-Controller to make the necessary technical adjustments to implement the 2025 Adopted Budget; directed the CEO and the Auditor-Controller to prepare the Adopted Budget document and supporting schedules in accordance with State law and submit to the State Controller prior to 12/01/2024; amended the Salary and Position Allocation Resolution to reflect the recommended changes identified in the 2025 Adopted Budget, as outlined in the Staffing Impacts section of the report, and detailed in Attachment 2 of the report, to become effective the start of the first full pay period beginning on or after 09/21/2024, unless otherwise indicated; approved the change in Parks and Recreation office hours to 8:00 a.m. to 4:30 p.m., Monday through Friday, effective 09/30/2024, as described in the 2025 Adopted Budget; adopted the updated Community Development Fund Policy as outlined in the report and detailed in Attachment 3 of the report; and, approved a total appropriations/budgetary limit for annual appropriations of tax revenue for FY 2025 in accordance with the provisions of Propositions 4 and 111 and establish a General Operating Limit of \$530,630,948 using the Population and Inflation Methodology per Attachment 4, of the agenda item – CEO

B. Condit/Chiesa unan. **7.1** Approved an increase to the construction budget for the Crows Landing Road over San Joaquin River Bridge Replacement Project by \$5,210,294 from \$25,711,703 to \$30,921,997; approved the Second Amendment to the Professional Design Services Agreement with HDR Construction Control Corporation, Inc., in the amount of \$1,019,036, for the Crows Landing Road over San Joaquin River Bridge Replacement Project, for a new not-to-exceed total of \$4,839,901 and extending the term of the agreement to 12/31/2024; authorized the Director of Public Works to execute the Second Amendment to the Professional Design Services Agreement with HDR Construction Control Corporation, Inc., in the amount of \$1,019,036, for a new not-to-exceed total of \$4,839,901, extending the term of the agreement to 12/31/2024, and to sign necessary documents; retroactively approved Contract Change Order Nos. 19.2, 45.1, 50.1, 51.4, 52, 54, 55.1, 56, 57, 58, 59, 62, 63, 64, C.2, C.3, C.4, C.6, 6.1, C.10, C.12, C.13 to the Construction Agreement with Security Paving Company, Inc., for debris removal, emergency operations, and permanent restoration due to storm damage and other related unforeseen project overruns in the amount of \$4,191,258 for the Crows Landing Road over San Joaquin River Bridge Replacement Project; authorized the Director of Public Works to retroactively execute change orders with Security Paving Company, Inc., in the amount of \$4,191,258 and to sign necessary documents; and, authorized the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations – PW

Corr 1 Referred to the Auditor-Controller's Office, a copy of the East Side Mosquito Abatement District's FY 2024-2025 Budget.

Corr 2 Referred to the Clerk-Recorder and Registrar of Voters, a letter from the Crows Landing Community Services District regarding the resignation of Vernon Wheeland and the appointment of Coleen Sanguinetti to their Board of Directors.

Corr 3 Referred to the Department of Workforce Development, an updated Worker Adjustment and Retraining Notification (WARN) letter from Stanislaus Surgical Hospital regarding temporary closure of the hospital and the layoff of employees at their facility located at 1421 Oakdale Rd., Modesto.

Corr 4 Acknowledged receipt of claims and referred to the Office of County Counsel the following claims: Erica Montoya; CSAA Insurance Exchange/Patrick Donovan Conrad; Isaac Chojezak Harp; J.M., a minor; Reanna Barnes; Justin T. Zeller; Steven Alan LoBue; Charley Shook; Central Valley Adult Care, LLC/John Oraham; Sargon Malek (2 claims); Nicolas Bettencourt; Nancy Gallegos-Chavez; Alma Cervantes Ortiz; Rick Winters; and, MDS Business Services, LLC.

Supervisor Chiesa announced that he will be hosting Turlock Local Government Night this Thursday, 09/19/2024, from 5:30 p.m. – 7:00 p.m. at the Turlock Public Library in the Community Room, 550 N. Minaret Ave., Turlock. He shared the guest speakers will be Rebecka Monez with the Turlock City Council, Anthony Silva with Turlock Unified School District Board, and Michael Frantz with Turlock Irrigation District.

Supervisor C. Condit reported he received a complaint on 08/27/2024 regarding vegetation overgrowth in Monterey Park Tract, and the Supervisor along with the help of a few others cleaned this area up.

Supervisor Withrow noted that he attended the 3rd Annual “Not My Child” 5K Run/Walk at MJC West Campus on 08/31/2024, which raised awareness of drug poisoning and overdose deaths. He shared the turnout was amazing and how great it is that the County is getting the word out regarding the fentanyl crisis.

Chairman Grewal noted that he, along with Supervisor B. Condit, CEO Hayes and CEO staff traveled to Washington D.C. last week for the County’s annual Federal Legislative Advocacy Trip.

CEO Hayes reported that last week he, along with Chairman Grewal, Vice-Chairman B. Condit and CEO staff attended the County’s annual Federal Legislative Advocacy Trip in Washington D.C. with the County’s new Federal Legislative Advocacy Firm Carpi & Clay, Inc. He noted they met with staff from the Senate Environment and Public Works Committee, Director of Federal Affairs for Governor Newsom, Department of Transportation, staff from the House Highway and Infrastructure Subcommittee, Representative Josh Harder’s Office, National Association of Counties, Representative Adam Schiff, Senator Alex Padilla, Department of Justice, White House Office of Intergovernmental Affairs, Representative John Duarte, Brookings Institute, Representative Tom McClintock, and Senator Butler.

Adjourned at 8:15 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.)