

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

Regular Session

Tuesday

June 17, 1997

All Supervisors Present

Pledge of Allegiance to the Flag

1997 Earl Pride Scholarship Awards were presented to recipients Karina V. Chan; Robin E. Keylon; Tara B. Sanders; and Charla L. Welsh.

Commendations were presented to 1997 Flood volunteers: Davis Park Church of Christ; Davis Park Church of Christ Youth Group; Tabitha Teixeira; Debbie Allen; Shannon Morrison; Janae Greff; Deborah Butler; Brittany Carr; Tiffany Day; Joanna Butler; and, John Allen

S/B unan. Adopted the consent calendar after removing item *B-11 Approval to Contract with Mountain Valley Emergency Medical Services Agency for 1997/98 to Administer Local Emergency Medical Services - Health Services Agency and item *B-8 Approval for the Sheriff to Renew the Contract with Delta Pathology for Forensic Pathology Services from the Consent Calendar

Approved the minutes of 6/10/97 97-443

Adopted Ordinance C.S. 648 Relating to the Creation of No Parking Zones on Various County Roads 97-444

Adopted Ordinance C.S. 650 amending Subsections A and B of the Stanislaus County Code, Section 2.44.020 regarding the Planning Commission Ordinance Appointment Section 97-445

Declared the results from the Special Elections held on 6/ 3/97 97-446

Approved consolidating the Turlock Joint Union High School District's General Obligation Bond Election with the General Elections on 11/ 4/97 97-447

Approved the provisions contained within the tentative labor agreement reached between the County and the Scenic Resident Physicians' Association (SRPA), representing the Resident Physicians' Bargaining Unit, and amended the Salary and Position Allocation Resolution to reflect the changes agreed to 97-448

Approved Training Partnership Act (JTPA) Funds to cover contractor costs incurred due to State and Federally mandated increases in the Minimum Wage for additional Title II-C (Youth) Funds for the Modesto City Schools "Youth Education, Training and Employment Program (Contract #0669) in the amount of \$17,672, the last day of training under this contract is 6/30/97; approved additional Title II-C (Youth) Funds for the Modesto City Schools "Youth Employability Services" (YES) Program Contract #0678 in the amount of \$2,112, the last day of training under this contract is 2/28/98; approved additional Title II-C (Youth) Funds under the Arbor Youth Job Match Program Contract #0670 in the amount of \$3,404, the last day of training under this contract is 6/30/97; and, approved additional Title II-A (Adult) Funds for the Arbor Adult Job Match Program Contract #0673 in the amount of \$838 the last day of training under this contract is 6/30/97 - Employment and Training 97-449

Authorized the Director of DER to receive \$32,000 from the California Department of Conservation Grant Funds on behalf of four unincorporated communities and the cities of Hughson and Waterford; authorized the Director of DER to execute any agreements necessary to implement the grant; approved the grant budget; and, authorized the Auditor-Controller's office to make the departmental transfers - Environmental Resources 97-450

- Approved the State Department of Health Services Contract (#97-10586) for the Dental Disease Prevention Program for the Health Services Agency for 1997/98 and authorized the Managing Director of HSA to sign and execute the contract 97-451
- Authorized the Mental Health Director, or his Designee, to sign the negotiated net amount and Drug/Medi-Cal Agreement with the State Department of Alcohol and Drug Programs for FY 1997/98 and authorized the Mental Health Director or his designee to sign future amendments to the negotiated net amount and Drug/Medi-Cal agreement which may be proposed by the State Department of Alcohol and Drug Programs in FY 1997/98, not to exceed \$100,000 97-452
- Authorized the Mental Health Director, or his Designee, to sign amendments to the following agreements: a) agreement with the Center for Human Services for human services for the provision of Behavioral Health Services in the Juvenile Justice Subsystem, Child Welfare Subsystem and HSA in the Pediatric and Teen Parenting Clinic b) agreement with Center for Human Services for the provision of School-Based Mental Health Treatment Services at various school sites; and, c) agreement with Sierra Vista Children's Center for Mental Health Services to DSS Child Welfare clients; and, authorized the Auditor-Controller to make the necessary adjustments - Mental Health 97-453
- Authorized the Mental Health Director, or his Designee, to accept Federal Emergency Management Agency (FEMA) Funding for FY 1996/97 for the reimbursement of costs associated with Crisis Counseling during the Nine Month Regular Program for 1996/97 Winter Storms; authorized the Mental Health Director, or his Designee, to accept FEMA funding for FY 1996/97 Winter Storms; authorized the Mental Health Director, or his Designee, to accept FEMA funding for FY 1997/98 for the reimbursement of costs associated with Crisis Counseling during the Nine Month Regular Program for 1996/97 Winter Storms; and, authorized the Auditor-Controller to increase appropriated expenditures and estimated revenues 97-454
- Approved the agreement with the California Department of Social Services to provide funding for Child Abuse Prevention, Intervention and Treatment Agreement Programs for 7/1/97 through 6/30/00 and authorized the Director of DSS or his Deputy Director of DSS to sign the agreement and any amendments not to exceed the annual contracted amount of \$140,768 for three consecutive years, and authorized the Director of DSS or his Designees to sign quarterly claims for reimbursement invoices - Social Services 97-455
- Accepted the Stanislaus County Treasury Pool's April, 1997 Monthly Investment Report as prepared by the Stanislaus County Treasurer/Tax Collector's Office and reviewed for conformity with State Law and Local Investment Policy by the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman to sign for the Board that the report has been reviewed and accepted 97-456
- Approved an increase in the Agricultural Center Project Budget to reflect the City of Ceres' reimbursement to the County for their share of the sewer line extension to the Agricultural Center and authorized the Auditor-Controller to make the appropriate budget transfer 97-457
- Authorized staff to reject all bids in connection with the Stanislaus County Courthouse Roof Replacement and return the Bid Bond to the apparent low bidder, Summit Roofing 97-458
- Set a public hearing to consider the demolition cost recovery of a structure located at 635 Anthony Avenue in Modesto, CA on 7/8/97, at 9:35 a.m. 97-459
- Set a public hearing to consider the demolition cost recovery of a structure located at 1217 Boulder Avenue, Modesto, CA on 7/8/97 at 9:40 a.m. 97-460
- Approved the Salida Planned Development Park Account Expenditures to Kencor Development; approved Salida Storm Drain Account Expenditure to O'Dell Engineering; and, authorized the Auditor-Controller to issue warrants in the amounts of \$54,657.93 payable to Kencor Development and \$1,095 payable to O'Dell Engineering 97-461

B/S unan. Authorized the Sheriff to renew the Forensic Pathology Services contract with Delta Pathology and authorized the Sheriff and the CEO to sign the contract 97-462 (1-1315)

C/P unan. Approved contract with Mountain Valley Emergency Medical Services Agency for 1997-98 to administer local emergency medical services; authorized the Chairman to sign the contract with Mountain Valley Emergency Medical Services Agency; and, amended the motion to remove the proposal that \$50,000 of the \$171,955 be reserved to serve as partial funding for this important project 97-463 (1-2290)

S/B unan. Accepted the Workers' Compensation Grant Award of \$77,451; directed the Auditor-Controller's office to assign an Index number to the Workers' Compensation Fraud Grant and to set up Special Revenue and Appropriation Subobjects; transferred one Deputy District Attorney IV (Position #8033) effective 1/1/97 and one Criminal Investigator I (Position #1395) effective 2/1/97 from the District Attorney General Fund Index 201608 to a new Special Revenue Index to be established by the Auditor-Controller's office; and, transferred program expenditures from District Attorney General Fund Index 201608 to a new Special Revenue Index to be established by the Auditor-Controller's office 97-464 (1-2434)

S/B unan. Approved submission of grant applications to the Department of Insurance Auto and Workers' Compensation Fraud Grants for FY 1997/98, this is the second year of application for the District Attorney; adopted a resolution for the Auto and Workers' Compensation Fraud Grants, delegated James C. Brazelton, District Attorney, as the Official authorized to execute the application, grant award agreement, and any modifications thereof; and, directed the District Attorney to return to the Board upon grant approval for authorization to accept the grant funds 97-465 (1-2553)

M/B (3-2)(Simon and Paul) Denied the Appeal of Planning Commission Approval of Variance Application #97-01 for Donald and Linda Travis and added with the conditions that it not be used for a rental and/or it must be occupied by a family member if either of these conditions are not met the variance would cease; finds that the appropriate findings can be established and the Board finds that there are special circumstances existing on this particular application, which are that this parcel is the remaining parcel of what was 640 acres at one time and the intention of the Supervisors was to have 20 acre parcels; there are surrounding parcels under 20 acres in the area which enjoy the same privilege of two homes because of the special circumstances applicable to this property the strict application of the ordinance would deprive the subject property of privileges enjoyed by other properties and property owners in the vicinity under identical zone classification; the granting of the application is necessary for the preservation and enjoyment of the substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is situated and that the granting of this application will not under the circumstances and under the conditioning the Board has set forth on the variance will not materially effect adversely the health or safety of persons residing or working in the neighborhood of the property 97-467 (1-2590)

Recessed at 9:02 p.m.

Reconvened at 9:10 p.m.

B/S unan. Denied the Community Integrated Employment Development Services (C.I.E.D.S.) appeal on the basis on untimely submission under established DET Grievance Procedure; denied the appeal and sustain in full both the DET and DMH Revised Final Determinations; authorized collection and/or other legal action against CIEDS concerning debt owned to Stanislaus County DET and DMH; and, adopted appropriate findings concerning issues and final determinations; the Board, after conducting a hearing and considering CIEDS'

request regarding the final determination of the CIEDS' contracts with the Department of Employment and Training and the Mental Health Department, hereby adopts the four staff recommendations and adopts a fifth recommendation added by the Board that copies of all documents and staff reports shall be sent to the Stanislaus County District Attorney's Office and to the Department of Labor for review and appropriate action and denies the appeal, confirms the final determinations in the CIEDS' contracts as set forth by the Department of Employment and Training in the amount of \$1,353, and the Mental Health Department in the amount of \$20,335, and based upon staff written reports, staff verbal presentations, and staff's written review of the appeal documents along with Exhibits 1 - 77 and Attachments A - C filed with the Clerk of the Board and reviewed by the Board, makes and adopts the following findings in support the Board's decision; the Board finds that the appeal filed on behalf of CIEDS' attorney is not timely in that it was not filed within the one-year time frame specified by Local Bulletin #87-0, and such action does comply with state and federal laws and regulations regarding timeliness and was not filed within the applicable statutes of limitations and time periods for bringing actions against government entities; the Board further finds that the hearing was convened on 6/17/97, and the Board read and considered all documents filed on behalf of CIEDS, along with the staff written reports, Exhibits 1 - 77 and Attachments A - C, and testimony received in the hearing in making its decision; the Board further finds that the final determination by the Department of Employment and Training in the amount of \$1,353 and the final determination by the Department of Mental Health in the amount of \$20,335 are supported by the staff written reports, Exhibits 1 - 77 and Attachments A - C and testimony presented, and documents reviewed and considered by the Board in arriving at its decisions and that the Board authorizes collection against CIEDS and its principals in the amount of \$1,353; the Board further finds that the 10/18/96, appeal from CIEDS is not timely under relevant state and federal laws, and not within the one-year time frame from the 10/3/95, Department of Employment and Training final determination notice and CIEDS' appeal is not a valid grievance under JTPA/DET applicable policies and regulations; the Board finds that the DET Contract 586 was terminated for convenience and/or cause as a direct result of non-compliance with corrective actions on DET contracts 590 and 615; the Board finds that DET Contracts 590 and 615 were terminated as a direct result of non-compliance with corrective actions and due to discovery of improper activities by CIEDS as reported to DOL/Office of Inspector General. Improper activities included, but were not limited to, (a) gross mismanagement--failure to deposit federal and state payroll taxes or tax returns; (b) improper invoicing of a federal grant for expenses which were not actually incurred [Workers' Compensation and later payroll taxes]; (c) entering into what appears to be a conflict of interest by subcontracting with close associates for personal financial gain; and (d) taking actions which resulted in DET disallowing costs invoiced by CIEDS for inappropriate excess profits charged to DET for a conflict of interest subcontract for client transportation; the Board further finds that DET appropriately disallowed costs charged for inappropriate excess profit charged to DET for job coaching fees after initiating cost reimbursement contracts with DET; the Board further finds that final determination of costs owed by DET to CIEDS did allow credit against disallowed costs in the amount of full payment of CIEDS final invoiced cost on all DET contracts; the Board further finds that the Department of Mental Health contract was terminated after an independent departmental fiscal review indicated mismanagement by CIEDS including, but not limited to, the non-deposit of federal and state payroll taxes; the Board further finds that payments made by the Department of Mental Health to CIEDS did constitute a payment in excess of legitimate and actual costs incurred during the operation of the Mental Health contract; the Board further finds that a debt in the amount of \$20,355 has been established by the Department of Mental Health and said debt is authorized for collection by Stanislaus County, and the County is authorized to file a cross-complaint against CIEDS in Municipal Court Action No. 120831; the Board further finds that Stanislaus County did not direct the State Department of Rehabilitation to cancel negotiations on any future state contracts with CIEDS; the Board further finds that CIEDS improperly invoiced Workers' Compensation expense to JTPA/DET in the amount of over \$3,978 during the period from 1/18/94, through 9/29/94; the Board further finds that the CIEDS failed to have employees covered by proper Workers' Compensation during the contract period with CIEDS; the Board further finds that payroll taxes were not deposited on a timely basis by CIEDS. The Board further finds that CIEDS did not deposit all federal and state payroll taxes for the second, third and fourth quarters of 1994 and was late

depositing December 1993, and March 1994, and did incur penalties; the Board further finds that CIEDS had use of JTPA funds to support cash flow and failed to pay JTPA related expenses as demonstrated by cash flow analysis, Exhibit 40; the Board further finds that the non-deposit of taxes was a direct result of misuse of JTPA reimbursed funds which were reimbursed for CIEDS to pay for taxes and other JTPA expenses; the Board further finds that all DET contracts after 11/4/94, were subject to cancellation in the event of unresolved financial or compliance problems which would result in immediate termination of all County JTPA contracts; the Board further finds that unresolved financial compliance problems including, but not limited to, the lapse in Workers' Compensation coverage, the submission of fraudulent invoices of nine months of Workers' Compensation charges, the non-deposit and late reporting of payroll taxes to the IRS and EDD non-compliance with corrective actions; the Board further finds that all of the operational DET contracts were terminated as mandated following noncompliance with the 11/4/94 corrective action agreement; the Board further finds that DET allowed an extended amount of time for CIEDS to provide any information to DET concerning any additional expenses of EP Transportation and/or CIEDS, and that EP Transportation did not provide any additional financial information to DET after 12/15/94, and CIEDS provided insufficient information and did not allow complete access to CIEDS financial records after 11/30/94; the Board further finds that DET prepared a final determination on the issue of excess profit earned from both transportation and subcontract and an in-house vendor doing job coaching services and further that CIEDS initially agreed to repay EP Transportation excess profit but later reneged on that promise; the Board further finds that CIEDS allowed County and/or state-owned property to be sold at auction rather than being returned to the County or state, which may have reduced that amount of final determination; the Board further finds that as a result of the Board's denial, appellant's next stage for appeal under JTPA would be the state JTPA assuming time limitations can be overcome; the Board further finds that sufficient evidence has been presented which shows that Todd Browning and Eric Golding did associate with Evelyn Prakash by her admissions to staff and they requested that she establish EP Transportation; the Board finds that on 11/1/94, Eric Golding of CIEDS admitted in front of several County staff that he prepared and signed the subcontract agreements using the name of Evelyn Prakash; the Board further finds that sufficient evidence has been presented utilizing financial documentation provided by CIEDS and EP Transportation which shows that Todd Browning and Eric Golding had personally used EP Transportation leased vehicles, vans and/or trucks without reimbursement either to subcontractor, EP Transportation, or to the primary contractor, CIEDS, or to JTPA, which paid all the expenses regarding the vans; the Board further finds that through excessive fixed payments, JTPA was excessively charged by EP Transportation for lease charges, insurance, staff expenses, gas expense, and other general maintenance expense related to the vans; the Board further finds that sufficient evidence to show that EP Transportation was a "subrecipient" of CIEDS and not a "vendor" of CIEDS; the Board further finds the basis for the above findings are that sufficient evidence shows that EP Transportation was not identified by DET subcontracts as a corporation and that Evelyn Prakash stated to DET staff that she was "good friend" of Todd Browning and Eric Golding and that she started the sole proprietorship business at their request. In addition, the Board further finds that the services by EP Transportation were designed specifically by CIEDS to meet the training and employment needs of JTPA and EP Transportation was not providing services for any other businesses outside the JTPA program. It was not operating in a competitive environment; the Board further finds that CIEDS engaged in below performance standards in contract numbers 556, 582, 586, 590, and 615 97-466 (3-2300

Recessed at 10:02 p.m.

Reconvened 10:05 p.m.

Referred to the CEO a letter from the State of California Department of Social Services regarding the increased cost effectiveness of Stanislaus County's Greater Avenues for Independence (GAIN) Program County Performance Demonstration Project (CPDP) during Fiscal Year 1995-96 has qualified us for a FY 1995-96 award of \$110,342.

P/C unan. Approved the adoption of a similar resolution to the Minute Order received from the Los Angeles County Board of Supervisors regarding the unfair allocation of property taxes under AB 8` 97-468

Acknowledged receipt of claims and referred to the CEO-Risk Management the following claims: Daniel Hiriscau; Linda Young; Louis P. Smith; and, Frank Rocha.

Supervisor Blom asked for clarification of an Assembly bill regarding hospitals. The CEO said that the County has written a letter against this bill and does not think it will affect Stanislaus County.

S/C unan. Authorized support of AB 175 which exempts Lower Income Housing Projects of not more than one hundred from the California Environmental Quality Act 97-469 (5-326)

P/C Approved adopting a resolution of support for the retention of the 209 Area Code in the Northern Section of the San Joaquin Valley 97-470 (5-508)

Adjourned at 10:25 p.m.

ATTESTED: REAGAN M. WILSON, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: CHRISTINE FERRARO TALLMAN, Clerk to 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.)