

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

June 17, 2003

Special Session convened at 4:00 p.m.

Recessed to closed session at 4:01 p.m. for Personnel-Public Employment: Performance Evaluation
– County Chief Executive Officer. Government Code Section 54954.5(e).

Reconvened at 6:30 p.m. for regular session

Chairman Simon announced that at 4:00 p.m. the Board met in closed session and conducted a performance evaluation of Reagan Wilson, the County CEO. The Board reviewed information and documents. The Board has asked staff and the County Auditor-Controller for additional information and documents. The Board will hold a public hearing on July 8, 2003 to allow public discussion on this matter, and to consider policy changes regarding entering into contracts for services. After the public hearing, the Board will go into closed session and consider the matters discussed. The Board will announce to the public their findings and actions after the closed session.

A commendation was presented to Dr. Paul Embree upon his retirement, for his services to the Health Services Agency and the citizens of Stanislaus County.

Kelly Kellett asked the Board questions concerning the Animal Services Veterinarian's duties, money the County receives for dead animals, puppies and kittens not being put up for adoption, and backyard breeding of dogs and cats. She requested that the members of the Board make an unannounced visit to the Department of Animal Services.

Andrea Bonnett, Volunteer for Alley Cat Guardians, spoke regarding the rise of cat populations both feral and stray, the current practice of euthanasia of animals at Animal Services, and the need to spay and neuter stray animals.

Christina Hill described an incident that occurred in 1999 regarding a dog that had been hit by a car, and the care that the animal received from Animal Control.

Karen S. Mossa, Member of Alley Cat Guardians, noted the overpopulation of cats in the County and the need for a more aggressive spay and neuter program for feral cats, public awareness and education programs which include all the veterinarians, schools and service clubs in the County.

Dave Thomas spoke regarding the Board's actions pertaining to the CEO's activities as outlined in a recent Modesto Bee article, and the Board's responsibilities. He requested that the Board put principals before personalities. He read excerpts from the County's Code of Ethics. He stated that he was formally requesting, under the Freedom of Information Act, a copy of every expense voucher, receipt, cell phone bill, and claim for reimbursement that Mr. Lee Torrens has submitted to the County.

Robert Frobose commented on the Modesto Bee article from 6/11/03. He questioned how the Board responded to the conduct of Mike Newton of Code Enforcement and the information he provided to the Planning Commission on 6/6/02 and the Board of Supervisors on 7/9/02. He asked the Board to reverse their decisions from those meetings because of erroneous information, and refund all money. He stated that a felony was committed by the Code Inspector for providing false information at the hearing.

Marlene Wilson noted the number of stray animals that are put to death by Animal Services. She mentioned that the St. Francis of Assisi Rescue Center in Turlock operates an affordable spay and neuter program which could serve as a model.

Roxy Gaxiola, a retired veteran, thanked the Board for supporting the Veterans Health Services Clinic and noted the excellent service provided by the County staff.

Julius Manrique voiced his concerns regarding the recent Modesto Bee articles concerning the CEO's activities with the Fink Road Landfill consultant, R. Lee Torrens, and requested the Board to release Mr. Wilson from County employment.

Chuck Carlson, Business Agent, Stanislaus County Employees' Association (SCEA-AFSCME), spoke regarding the correct and fair process that the Board is taking in investigating the conduct of the CEO.

Marvis Hood Jr., Executive Director for the Central Valley Homeless Veterans, pointed out the difficulties Veterans have in obtaining mental health services in the County. Veterans are referred to the VA Hospital, instead of receiving these services from the Behavioral Health Center.

C/P unan. Adopted the consent calendar after removing from consent item *B12 Approval of Completion and Acceptance of the Stanislaus County Sheriff's Department Annex (CALMET-HIDTA) at the Public Safety Center at Hackett Road, Modesto, CA

*A1 Approved the minutes of 6/10/03

*A2a Adopted and waived the second reading of Ordinance C.S. 848 to increase existing community room, interlibrary loan and used book fees at Stanislaus County Library Branches –
Library ORD-54-O-2 2003-570

*A2b Adopted and waived the second reading of Ordinance C.S. 849 to amend existing fees of the Department of Parks and Recreation and to repeal Chapter 18.05 of the Stanislaus County Code – Parks and Recreation ORD-54-O-3 2003-571

*A2c Adopted and waived the second reading of Ordinance C.S. 850 to establish the Department of Planning and Community Development 2003 Fee Schedule – Planning
ORD-54-O-4 2003-572

*A2d Adopted and waived the second reading of Ordinance C.S. 851 to increase the Juvenile Hall Daily Fee from \$7.18 per day to \$14.00 per day – Probation ORD-54-O-5 2003-573

*A3 Commended Pam Antinetti upon her retirement from Oakdale Joint Unified School District
2003-574

*A4 Granted access to official Stanislaus County records stored in the Santa Cruz Atomic Vault (Iron Mountain Vault) to employees of the Board of Supervisors: Christine Ferraro Tallman and Liz King, and to employees of the Clerk/Recorder: Lee Lundrigan, Steve Critzer, Sharon Sharp, Rhia Virathone, Kelly Cerny, Linda Teixeira and Linda Carter
2003-575

*A5 Accepted the resignation of Roy Haile from the Westley Community Services District Board
2003-576

*A6 Appointed Jon Edward Maring to the West Stanislaus County Fire Protection District Board
2003-577

- ***A7a** Reappointed Marvin Thomas, Anne Starck, Billie Taylor and Jeri Van Vooren to the Commission on Aging 2003-578
- ***A7b** Reappointed Chris Hempleman, Rowe Barney and Jerry Boehme to the Agricultural Advisory Board 2003-579
- ***A7c** Reappointed Rob Ellett, Richard Holmer and Billy Wallen to the Economic Development Action Committee 2003-580
- ***A7d** Reappointed Lee Shearer, Richard Muniain, and Carol Davis to the Knights Ferry Cemetery District Board 2003-581
- ***A7e** Reappointed Mickey Peabody, Jack Waldorf and Robert Crabtree Jr. to the Mental Health Board 2003-582
- ***A7f** Reappointed Walter Luihn to the Oakdale Rural Fire Protection District Board 2003-583
- ***A7g** Reappointed Douglas Souza, Al Enos and Jim Tavernas to the Denair Fire Protection District Board 2003-584
- ***A7h** Reappointed William Christopher and James Higgins to the Keyes Fire Protection District Board 2003-585
- ***A7i** Reappointed Brian Genzoli and Jack Wilkey to the Turlock Rural Fire Protection District Board 2003-586
- ***A7j** Reappointed Nick C. Blom and Tom Ott to the Woodland Avenue Fire Protection District Board 2003-587
- ***A7k** Reappointed David Lopez to the Stanislaus County Free Library Advisory Board 2003-588
- ***A7l** Reappointed Maria Velasquez and Dr. James Williams to the Stanislaus County Children's Council 2003-589
- ***A7m** Reappointed Sarah Bradley Huff and Joe Rocha to the Hills Ferry Cemetery District Board 2003-590
- ***A7n** Reappointed Diana Haile and Manuel Vierra to the West Stanislaus County Fire District Board 2003-591
- ***A7o** Reappointed Andrew Van Allen to the Hazardous Waste Management Advisory Committee 2003-592
- ***A7p** Reappointed Randy Pirtle to the Regional Advisory Committee of the Mountain-Valley Emergency Medical Services Agency 2003-593
- ***A7q** Reappointed Ronald Brouhard, Charles Harper, Thomas Waterson and Scott Cole to the Mountain View Volunteer Fire Protection District Board 2003-594
- ***A7r** Reappointed Gregory Bibbins to the Stanislaus Consolidated Fire Protection District Board 2003-595
- ***A8** Approved request from Mid-Valley Ski Club for use of Modesto Reservoir for: two National Ski League Tournaments on 8/10/03 and 9/13/03; Police Activities League Learn-to-Ski Clinic on 6/28/03; and, two Disabled Clinics on 7/19/03 and 8/23/03 2003-596
- ***A9** Approved request from the Modesto Jaycees for use of the Courthouse Lawn and electricity for the announcer's stand for the Annual 4th of July Parade 2003-597
- ***B1** Authorized an agreement with the United Advocates for Children of California to provide mental health education, advocacy and support services to individuals and families; authorized an agreement with the California Network of Mental Health Clients to provide mental health education, advocacy and support services to individuals and families; authorized the Director, or his Designee, to sign the agreements; and, directed the Auditor-Controller to adjust Budget Unit 1501 to reflect the increased Revenue and Expenditures consistent with the Budget Journal – BHRS 2003-598
- ***B2** Accepted the report on Substance Abuse and Crime Prevention Act (Proposition 36) funding, including the one time reduction of expenditures by the Probation Department and Superior Court to offset costs of Alcohol and Drug Treatment Services; authorized the fees ordered and collected by Superior Court pursuant to the Substance Abuse and Crime

- Prevention Act, be deposited into the Substance Abuse Treatment Fund (Proposition 36) to be used to offset Superior court costs related to placing clients in substance abuse treatment up to the amount of \$15,420 for FY 2003/04; authorized the Director of BHRS, in collaboration with the Proposition 36 Implementation Committee, to develop interim low cost alternatives to treatment if sufficient funding is not allocated by the State; and, authorized the Director of BHRS to submit a revised Substance Abuse and Crime Prevention Act Plan to the State 2003-599
- *B3** Approved the status report of emergency action on Courts elevator modification, and accepted the Courts elevator modernization project as complete – PW 2003-600
- *B4** Approved a two-year agreement with California Forensic Medical Group (CFMG) for medical services to adults and juveniles in detention facilities in Stanislaus County, and authorized the CEO to sign the agreement effective for the period of 7/1/03 through 6/30/05 2003-601
- *B5** Approved an amended agreement with Yosemite Community College District for educational, vocational, and related services for StanWORKs participants; and, authorized the CSA Director, or his Designee, to sign the agreement not to exceed the total contract amount of \$327,850 for the period 7/1/02 through 6/30/03 – CSA 2003-602
- *B6** Accepted funding from the California Infertility Project through the California Family Health Council for the provision of sports physicals for student athletes at Hughson High School, Ceres High School, and all Modesto City High Schools in Calendar Year 2003, and approved the HSA Managing Director, or her Designee, to sign the contract and accept \$29,500 for the provision of these services – HAS 2003-603
- *B7** Authorized HSA to accept a grant in the amount of \$50,000 from the Stanislaus County Children and Families Commission for the Regional Immunization Data Exchange (RIDE) Immunization Registry Project for FY 03/04; authorized the HSA Managing Director, or her Designee, to sign and execute the contract; and, authorized the Chairman of the Board to sign and execute the contract – HAS 2003-604
- *B8** Approved an agreement between the County of Stanislaus and Claims Management, Inc. (CMI) for the Workers' Compensation Claims Management Program from 7/1/03 through 6/30/06, renewable for two additional years at a fee mutually agreeable to both parties; authorized the CEO, or his Designee, to negotiate claim fees for FY 06/07 and FY 07/08; and, authorized the Chairman to sign the agreement – Risk Management 2003-605
- *B9** Authorized the Sheriff to enter into an agreement with Indentix for the fingerprint identification system equipment in the amount of \$190,050, and directed the Auditor-Controller to increase Appropriations in the Cal ID Fund 1703 and to carry over any unused funds at the end of the fiscal year – Sheriff 2003-606
- *B10** Approved a resolution authorizing examination of Sales and Use Tax records 2003-607
- *B11** Accepted the completed tenant improvements at 2612 Crows Landing Road, Modesto, CA for the Department of Child Support Services; approved the final contract with the contractor, Barham Industrial Constructors, of Ceres, CA as follows: original contract amount of \$178,332, total change orders of \$16,209, for a final contract cost of \$194,541; and, authorized the Chairman to sign the completion documents 2003-608
- *C1** Approved the subdivision improvement agreement for Bonita Ranch Unit 1 Subdivision; finds that the final map is in substantial compliance with the previously approved tentative map; finds that Stanislaus County has adopted a specific plan covering the area proposed to be included within the final map; finds that the final map, together with the provisions for its design and improvement, is consistent with the specific plan for the area; rejected all roads, highways, avenues, alleys, courts, ways, lanes, places, etc.; authorized the Chairman to sign the final map and the subdivision improvement agreement; and, authorized the final map to be filed and recorded as presented – PW 2003-609

***C2** Set public hearings on 7/22/03, at 9:30 a.m., regarding FY 03/04 assessments for various county service areas, and landscape and lighting districts; and, ordered the Clerk of the Board to publish a notice of such hearings pursuant to GC §6066 – PW 2003-610

P/C (4-0) (Grover abstained) ***B12** Accepted the completed Stanislaus County Sheriff's Department Annex (CALMET-HIDTA) at the Public Safety Center at Hackett Road, Modesto, CA; approved the final contract with the contractors, Mobile Modular and Menghetti Construction, Inc. of Modesto, CA as follows: original contract Mobile Modular in the amount of \$221,447, original contract Menghetti Construction, Inc. in the amount of \$179,000, total change orders of \$21,531, for a final contract cost of \$421,978; authorized the Chairman of the Board as the awarding authority to sign the completion documents; accepted the project; and, authorized the necessary recording of the Final Notice of Completion, and all other necessary close out activities 2003-612

M/P unan. **B13** Established and recognized Bargaining Unit (P) for the In-Home Supportive Services (IHSS) personnel in accordance with Employee Relations Ordinance 3.68.190; recognized United Domestic Workers of America (UDW) as the authorized representative of the bargaining unit; and, authorized the CEO to commence bargaining with the newly recognized bargaining unit 2003-613

M/C unan. **B14** Authorized the Director of BHRS, or his Designee, to sign an agreement with Turning Point Community Programs for the operation of an integrated services agency and an employment program for adults with a serious mental illness – BHRS 2003-614

Recessed at 8:24 p.m.

Reconvened at 8:39 p.m.

Recessed at 10:36 p.m. and continued the Budget Hearings to Wednesday, June 18, 2003 at 9:00 a.m.

Reconvened at 9:00 a.m. on Wednesday, June 18, 2003

Recessed at 11:07 a.m.

Reconvened at 11:12 a.m.

C/M unan. **6:35p.m.** Accepted the recommended Final Budget for FY 03/04 from the CEO; conducted the scheduled public hearing at 6:35 p.m. on 6/17/03, and on 6/18/03 at 9:00 a.m., to receive public comment and input on the proposed spending plan; authorized the CEO and the Auditor-Controller to make the necessary technical adjustments to implement the approved Final Budget, including the financial adjustments associated with the department fee increases approved by the Board on 6/10/03; denied an adjustment to Supervisors' compensation in accordance with the Stanislaus County Code Subsection D of Section 2.04.030; authorized the CEO and the Auditor-Controller to adjust the State Controller schedules to reflect year-end close numbers; directed the CEO and the Auditor-Controller to prepare the Final Budget document in accordance with State law and submit it to the State Controller; amended the Salary and Position Allocation Resolution to reflect the recommended changes in the Final Budget, which provides for classification changes (as outlined in the staffing impacts of the report) on the effective date specified in that section; approved the reduction-in-force of twenty-nine filled positions effective 8/31/03; approved the transfer of \$389,000 from Appropriations for Contingencies to the County Match Budget for the Stanislaus Recovery Center to enable the center to operate at its current and maximum capacity of 72 beds; approved the recommended special districts budgets for FY 2003-04; and, amended the

recommendations to include the reduction of the CEO Special Project Budget Unit Revenue to \$500,000 and transferred the balance to Appropriations for Contingencies Budget Unit 2003-615

Corr 1 Acknowledged receipt of a copy of the Turlock Irrigation District's Annual Report.

Corr 2 Acknowledged receipt of a copy of the Modesto Irrigation District's Annual Report.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Michael R. Crookston; Moises Jiminez Gonzalez; Dannie Berchtold (fourth claim); and Dannie Berchtold (fifth claim).

Supervisor Mayfield reported on a meeting of San Joaquin, Stanislaus, Merced, and Madera Counties regarding a proposed study of these counties becoming a separate air district in order to meet air quality standards sooner.

***Legislative A.** Authorized opposition of SB 999 seeking to increase the number of members on the San Joaquin Valley Unified Air Pollution Control District Board of Directors from eleven to fifteen 2003-611

The Chairman announced that some of the Board members would be attending a luncheon today (6/18/03) at Mapes Ranch, for a tour of the Tuolumne River Regional Park and Tuolumne River Regional Trust with Attorney General Bill Lockyer.

Adjourned at 11:48 a.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: ELIZABETH A. KING, 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.)