

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

July 22, 2003

Claudia Krausnick from the CEO/CARE Unit presented an Employee Suggestion Award to SBT employee Joyce Parker. Claudia Krausnick and Dan Souza, Director of BHRS, presented Employee Suggestion Awards and checks to BHRS employees Gerald L. Frad and Scott Simpson.

Chairman Simon presented a NACO Award to Vanessa Czopek, Stanislaus County Librarian.

Employee Service Awards for those honored for thirty-five years of service was given to Janet Sandoval – CSA; Employee Service Awards for those honored for twenty-five years of service were given to Barbara Hamilton – Auditor-Controller, Bryan Kumimoto – DER, Mary Hauselmann – Probation, Dennis Rich – CEO/SBT, Deborah Baker – HSA, Barbara Lindsey – HSA, and Brenda Long – HSA.

Lee Lundrigan, Clerk-Recorder, gave an update to the Board regarding the current status of the possible initiative to recall Governor Gray Davis.

Gladys Williams, President of the NAACP, expressed the need for the County workforce to be reflective of the community diversity. She recommended that an agent come in and look at the employment practices of the County to ensure that it is an equal opportunity employer.

Dave Thomas spoke regarding the primary purpose of the Board as serving the people of the County, and stated that the Board has no authority to do anything that the people have not authorized. He read excerpts from the 2002/03 Final Civil Grand Jury Report concerning the Fink Road Landfill expansion.

Larrell Fortner questioned whether it was a conflict of interest for Supervisor Grover, as the owner of a construction company, to vote last April 2003 authorizing the Gallo Arts Center Project to go out for bids. The County Counsel responded that it was not a conflict of interest since Supervisor Grover's company is prohibited from bidding on any County projects, pursuant to the Political Reform Act adopted in 1974. Mr. Fortner thanked the Board for the clarification.

Larry Moss informed the Board that on 7/5/03 at 5pm he was a target/victim of illegal fireworks use, and that he sustained approximately \$4,000 in property loss due to a fire. He expressed his concern regarding the use of fireworks in the County.

C/P unan. Adopted the consent calendar. The consent vote for item ***B11** was rescinded as noted below

***A1** Approved the minutes of 7/8/03

***A2** Commended Victor Ruiz, Michael Martinez and Christian Vega for their Heroic Actions

2003-657

***A3** Accepted the resignation of John Hertle from the East Stanislaus Resource Conservation District

2003-658

- *B1 Authorized the Director of Environmental Resources to apply for a grant from California's Region IV Local Emergency Planning Committee for Hazardous Materials Emergency Preparedness in the amount of \$39,166 – DER 2003-659
- *B2 Adopted the results of the ballot procedure for Salida Lighting District in compliance with Prop 218: support 556; protest 323; abstain 11; and, void 25 and authorized the Auditor-Controller to levy the assessment based on the method of calculation approved by the landowners – Auditor-Controller DL-3-B-15 2003-660
- *B3 Authorized the CEO to submit a Block Grant application to the Bureau of Justice for 2003 Local Law Enforcement Funding to enhance criminal justice processes, and authorized the CEO to review the grant application with the Local Law Enforcement Advisory Group and complete the required public service announcements 2003-661
- *B4 Authorized the CEO to sign the agreement with the City of Inglewood to process parking citation services for Stanislaus County 2003-662
- *B5 Authorized the Chairman to enter into an agreement with Maximus, Inc. for the recruitment of a CEO and approved, through a 4/5 vote, the transfer of \$33,500 from Appropriations for Contingencies to the CEO budget, to cover the costs of the professional services contract 2003-663
- *B6 Set a public hearing for 7/29/03 at 9:45 a.m. to consider Stanislaus County Franchise Refuse Collection Rate Adjustments for Drop Box Collection Service – DER 2003-664
- *B7 Authorized HSA to accept a modification to the Metropolitan Medical Response System (MMRS) contract to change the payment schedule, statement of work and delivery schedule for additional funds in the amount of \$200,000 and authorized the HSA Director, or her designee, to sign any forms or contract amendments associated with this request – HSA 2003-665
- *B8 Authorized HSA to apply for, and accept if approved, grant funds in the amount of \$186,426 (\$62,142 per FY) from the California Department of Health Services for the Aging Program for FYs 2003/04, 2004/05 and 2005/06; and, authorized the HSA Director, or her designee, to sign and execute the contract and accept funding – HSA 2003-666
- *B9 Approved HSA to apply for funding from the California Department of Health Services, Office of Family Planning Information and Education Program, for Teen Pregnancy Prevention Educational Services in Stanislaus County and to accept the award if funded; and, authorized the HSA Director, or her designee, to accept the grant funds and sign the contract – HSA 2003-667
- *B10 Authorized the CEO to negotiate a discounted prepayment of the County's normal retirement contribution cost for FY 2003/04 and directed the Auditor-Controller to transfer the negotiated amount to the retirement fund by 7/30/03 – Retirement 2003-668
- *B12 Approved of Addendum No. 2 to the current agreement for Liability Claims Management Program between ESIS, Inc. and the County of Stanislaus for the period of 7/1/03 through 6/30/04, and authorized the Chairman to sign the addendum to this agreement – Risk Management 2003-670
- *B13a Authorized the Auditor-Controller to issue checks from the 5/8/02 Sale of Tax Defaulted Property belonging to: Reginald C. Hurt and Kitty R. Hurt; and Eduardo M. Sanchez and Verna G. Sanchez (Default No. 34724) \$21,852.09 submitted in compliance with the requirements of R&T Code §4675 in the amount of \$12,429.63 and authorized the Auditor-Controller to transfer the balance of excess proceeds, \$9,422.46 to the County's General Fund 2003-671
- *B13b Authorized the Auditor-Controller to issue checks from the 5/8/02 Sale of Tax Defaulted Property belonging to: Cindy Hoyle (Default No. 34076) in the amount of \$6,776.27 submitted in compliance with the requirements of R&T Code §4675 2003-672

- ***B13c** Authorized the Auditor-Controller to issue checks from the 5/8/02 Sale of Tax Defaulted Property belonging to: Joseph A. Costa (Default No. 34043) in the amount of \$14,608.91 submitted in compliance with the requirements of R&T Code §4675 2003-673
- ***B13d** Authorized the Auditor-Controller to issue checks from the 5/8/02 Sale of Tax Defaulted Property belonging to: Lambert Brother Investments (Default No. 32344) in the amount of \$6,595.50 submitted in compliance with the requirements R&T Code §4675 2003-674
- ***B13e** Authorized the Auditor-Controller to issue checks from the 5/8/02 Sale of Tax Defaulted Property belonging to: Lambert Brother Investments (Default No. 32342) in the amount of \$6,595.50 submitted in compliance with the requirements R&T Code §4675 2003-675
- ***B13f** Authorized the Auditor-Controller to issue checks from the 5/8/02 Sale of Tax Defaulted Property belonging to: Enviro-Safe (Default No. 35789) in the amount of \$15,499.36 submitted in compliance with the requirements of R&T Code §4675 2003-676
- ***B13g** Authorized the Auditor-Controller to issue checks from the 5/8/02 Sale of Tax Defaulted Property belonging to: Richard S. Matney, Jr. (Default No. 35468) \$90,499.57 in the amount of \$90,499.57 submitted in compliance with the requirements of R&T Code §4675 2003-677
- ***B14** Accepted the Stanislaus County Treasury Pool's May 2003 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 that the report has been reviewed and accepted – Treasurer/Tax Collector 2003-678
- ***C1** Finds that all subdivision improvements required for Summit Corporate Center (PM2001-12) by the subdivision improvement agreement, executed by Berberian Properties, LLC and the Stanislaus County Board of Supervisors on 4/29/03, have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 5/9/03, and filed with the Stanislaus County Clerk Recorder's Office; accepted all streets, avenues, roads, and the drainage system within Summit Corporate Center for maintenance by Stanislaus County; authorized the release of the Certificate of Deposit, account #2550019398, issued by Wells Fargo Bank in the amount of \$603,468 for payment of labor and materials, upon receipt of a Mechanic's Lien Guarantee pursuant to §66499.7(B) of the Subdivision Map Act; and, the Mechanic's Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate notice of completion, be in the amount of \$603,468, be prepared by a title company, be to the benefit of Stanislaus County, and state that there are no liens of record – PW 2003-679
- ***C2** Directed the Auditor-Controller to increase Appropriations by \$25,000, in the project account, to cover costs associated with the road right-of-way acquisition for the Carpenter Road Reconstruction 1.5 miles north of the Crows Landing Road Project – PW 2003-680
- ***C3** Approved transferring a portion of Stanislaus County unappropriated monies for underground electric lines (Rule 20A) to the City of Riverbank in the amount of \$558,500, and to the City of Newman in the amount of \$778,000 – PW 2003-681
- ***C4** Awarded a 60-month lease contract for landfill equipment four-wheel drive sanitary landfill compactor (836-G 118,000 lbs.) to Holt of California, in the amount of \$927,140.40, for the full term of this lease; 7500 base hours for 60 months, excess hourly rate \$123.62; awarded a 36-month lease contract for landfill equipment bulldozer tractor waste handling type (D6-R LGP DS II) to Holt of California, in the amount of \$295,285.68, for the full term of this lease; 4500 base hours for 36 months, excess hourly rate \$65.62; approved to award a 60 month lease contract for a four-wheel drive tractor with dual scrapers (1Case IH STX 450/2 Each Reynolds 17E Scrapers) to N&S Tractor Company, in the amount of \$281,859.60 for the full term of this lease; 7500 base hours for 60 months, excess hourly rate \$28.00; and, authorized the Chairman to sign the contracts – PW 2003-682

***C5** Awarded the contract for the AC Overlay Program FY 2001/02 to Granite Construction, of Stockton, California, in the amount of \$1,455,526.52; directed the Auditor-Controller to increase Appropriations by \$1,455,526.52 and Estimated Revenue by \$1,420,732.40; authorized the Purchasing Agent to establish a contract with Granite Construction of Watsonville, California, for the contract amount; approved the MOU between the County and the City of Waterford; approved the MOU between the County and the City of Riverbank; and, authorized the Director of Public Works to sign the MOUs – PW

2003-683

G/P (4-1) (Mayfield opposed) **B16** Authorized the temporary change in office hours for the Tax Division of the Treasurer/Tax Collector's Office effective 7/25/03 through 10/31/03 and directed the Treasurer/Tax Collector to return to the Board during October 2003 with a status report on the office closure
– Treasurer/Tax Collector

2003-685

G/P unan. **Rescinded the consent vote on item *B11** Approval of Revision to the Agreement Between the County of Stanislaus and Claims Management, Inc. (CMI) as Third Party Administrator for the Workers' Compensation Claims Management Program, as requested by the Risk Manager; and, continued this item to the next Board of Supervisors' meeting – Risk Management

2003-669

S/P unan. **B15** Approved the cost reducing changes and the new design concept for the Gallo Arts Center, authorized the design team to include the revisions in the construction documents, and to return the revised documents to the Board of Supervisors for approval to re-bid the construction package; approved the revised project schedule for the Gallo Arts Center and 12th Street Office Building and Parking Garage Projects; authorized the CEO to prepare documents and specifications for bidding and awarding of advanced order for steel and elevators for the 12th Street Project; approved temporary roll back of the Downtown Parking Program to accommodate parking displacement related to downtown County construction; and, authorized the Auditor-Controller to make the necessary Downtown Parking Program transfers

2003-684

P/C unan. **9:20am** Authorized the release of the 2002/03 Draft Consolidated Annual Performance Evaluation Report for the CDBG Program for a sixty day review to end on 9/20/03, and set a public hearing for 9/30/03 at 9:25 a.m. to adopt the Final Consolidated Annual Performance Evaluation Report for the CDBG Program – Planning

2003-686

Recessed at 10:39 a.m.

Reconvened at 10:45 a.m.

C/P unan. **9:25am** Finds that the notice of the public hearing was given pursuant to Gov't Code §53753(b), Streets and Highways Code §22552 and §22588; conducted the public hearing to receive comments regarding the formation of the Laurel Landscape and Lighting District, the proposed method for calculating the amount of the annual assessment, and the levy of the annual assessment to pay for the street lighting service; authorized the Clerk of the Board to open the sealed ballots, tabulate, and immediately submit the results to the Board; the Clerk announced that the ballot passed by the landowners with a vote of 29-7 in support regarding the formation of the Laurel Landscape and Lighting District; that a majority protest had not been filed regarding the method for calculating the annual assessment and the levy of the annual assessment to pay for street lighting service; adopted the results of the Prop 218 ballot procedure; finds that all of the parcels within the Laurel Landscape and Lighting District will receive equal benefit from the formation of the district; formed the Laurel Landscape and Lighting District and confirmed the boundary of the district as being those described on Exhibits "A" and "B", which are made a part hereof; directed the Department of Public Works to file the formation with the California State Board of Equalization; ordered

the installation of street lights; confirmed and approved the method for calculating the amount of the annual assessment that will be used to pay for street lighting service; set the 2003/2004 Annual Assessment at \$47.50 per parcel; the parcels subject to the annual assessment are shown on Exhibit "C", which is made a part hereof; authorized the Auditor-Controller to add the annual assessment to the 2003/2004 tax roll; and, made the Engineer's Report a part of the record of this proceeding – PW DL-39-2 2003-687

P/C unan. **9:30am (A)** Finds that notice of the public hearing was published in compliance with §6066 of the Government Code; conducted a public hearing to approve the 2003/2004 annual assessment; set the 2003/2004 Annual Assessment as shown on Exhibit "A" for CSA No. 16 – Olive Ranch; made the Engineer's Report a part of the record of this proceeding; and, authorized the Auditor-Controller to add the annual assessment to the 2003/2004 Tax Roll – PW 2003-688

M/G unan. **9:30am (B)** Finds that notice of the public hearing was published in compliance with §6066 of the Government Code; conducted a public hearing to approve the 2003/2004 annual assessment; set the 2003/2004 Annual Assessment as shown on Exhibit "A" for CSA No. 17 – Sunray Estates; made the Engineer's Report a part of the record of this proceeding; and, authorized the Auditor-Controller to add the annual assessment to the 2003/2004 Tax Roll – PW 2003-689

P/G unan. **9:30am (C)** Finds that notice of the public hearing was published in compliance with §6066 of the Government Code; conducted a public hearing to approve the 2003/2004 annual assessment; set the 2003/2004 Annual Assessment as shown on Exhibit "A" for CSA No. 18 – Atlas Park; made the Engineer's Report a part of the record of this proceeding; and, authorized the Auditor-Controller to add the annual assessment to the 2003/2004 Tax Roll – PW 2003-690

M/G unan. **9:30am (D)** Finds that notice of the public hearing was published in compliance with §6066 of the Government Code; conducted a public hearing to approve the 2003/2004 annual assessment; set the 2003/2004 Annual Assessment as shown on Exhibit "A" for CSA No. 19 – Tuolumne-Gratton; made the Engineer's Report a part of the record of this proceeding; and, authorized the Auditor-Controller to add the annual assessment to the 2003/2004 Tax Roll – PW 2003-691

G/P unan. **9:30am (E)** Finds that notice of the public hearing was published in compliance with §6066 of the Government Code; conducted a public hearing to approve the 2003/2004 annual assessment; set the 2003/2004 Annual Assessment as shown on Exhibit "A" for CSA No. 20 – Summit; made the Engineer's Report a part of the record of this proceeding; and, authorized the Auditor-controller to add the annual assessment to the 2003/2004 Tax Roll – PW 2003-692

C/M unan. **9:30am (F)** Conducted a public hearing to receive comments regarding the 2003/2004 Annual Assessment for the Howard-McCracken Landscape and Lighting District; set the 2003/2004 Annual Assessment as shown on Exhibit "A" for the Howard-McCracken Landscape and Lighting District; made the Engineer's Report a part of the record of this proceeding; and, authorized the Auditor-Controller to add the annual assessment to the 2003/2004 Tax Roll – PW 2003-693

C/G unan. **9:30am (G)** Conducted a public hearing to receive comments regarding the 2003/2004 Annual Assessment for the Riverview Landscape and Lighting District; set the 2003/2004 Annual Assessment as shown on Exhibit "A" for the Riverview Landscape and Lighting District; made the Engineer's Report a part of the record of this proceeding; and, authorized the Auditor-Controller to add the Annual Assessment to the 2003/2004 Tax Roll – PW 2003-694

C/G unan. **9:30am (H)** Conducted a public hearing to receive comments regarding the 2003/2004 Annual Assessment for the Riverdale Landscape and Lighting District; set the 2003/2004 Annual Assessment as shown on Exhibit "A" for the Riverdale Landscape and Lighting District; made the Engineer's Report a part of the record of this proceeding; and, authorized the Auditor-Controller to add the Annual Assessment to the 2003/2004 Tax Roll – PW 2003-695

C/G unan. **9:30am (I)** Conducted a public hearing to receive comments regarding the 2003/2004 Annual Assessment for the Shackelford Landscape and Lighting District; set the 2003/2004 Annual Assessment as shown on Exhibit "A" for the Shackelford Landscape and Lighting District; made the Engineer's Report a part of the record of this proceeding; and, authorized the Auditor-Controller to add the Annual Assessment to the 2003/2004 Tax Roll – PW 2003-696

Corr 1 Referred to the Agricultural Commissioner and the Department of Planning and Community Development, a request from the California Oak Foundation for support of SB 711 amending the Forest Practice Act to include oaks as a commercial species so that oak trees have forest standing consideration statewide.

Corr 2 Referred to Public Works and the Department of Planning and Community Development, a request from NATSO, representing America's travel plazas and truck stops, for help in convincing Congress to preserve the federal ban on rest area commercialization.

Corr 3 Acknowledged receipt of a letter from the Consul General of the Mexican Ministry of Foreign Affairs requesting support of the New High Security Consular I.D. Card (MCAS). A presentation will be made at the 7/29/03 Board meeting.

Corr 4 Acknowledged receipt of the 2002-2003 Final Civil Grand Jury Report. M-39-G-6

Corr 5 Referred to the Chief Executive Office, a letter from the Mountain-Valley Emergency Medical Services Agency requesting support for greater EMS representation on two committees under the Office of Homeland Security for the State of California.

Corr 6 Referred to the Chief Executive Office, a letter from Madera County requesting opposition to SB 440-Burton regarding binding arbitration and requesting support for AB 1579-Cogdill regarding Workers Compensation.

Corr 7 Acknowledged receipt of the California State Department of Forestry and Fire Protection 2002 Annual Report.

Corr 8 Acknowledged receipt of a letter from Jack Crist, Modesto City Manager, requesting the County's sponsorship of \$100 for an upcoming conference regarding runoff water.

Corr 9 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Charlotte Navarro; Virginia M. Valenzuela; Ameera Baballah; Jakleen Sarkis; Evelyn Thompson; Alonso F. Sandoval; Frankie Spaulding; Denise Caudill Clouse; Shasta Duckworth, a minor, and Ricky Ward; State Compensation Insurance Fund for their insured John Pimentel, Jr.; Catherine M. Borba; Gregory G. Pence; Bonnie Suniga; Keith Wilcox; Dina Del Campo; and, John Bussard.

Supervisor Paul asked questions regarding diversity and ethics training for County employees. Pat Sweeney from HR noted that diversity training is on-going, and that she will invite Gladys Williams from the NAACP to come and help the County with diversity training. The County Counsel also noted that he and

two Deputy County Counsels do on-going equal rights training. He also noted that ethics training is introduced to all new employees, the County Code of Ethics is online, and on-going ethics training is available to all employees through the County Learning Institute.

Supervisor Paul noted that the County does have a credit card policy. Larry Haugh, Auditor-Controller, gave the Board an update regarding the current purchase card policy, and noted that this policy is currently being revised and will be brought to the Board within the next few months.

Supervisor Simon announced that he was making Board appointments to three different committees. He asked Supervisor Caruso and Supervisor Grover to sit on the selection committee for the recruitment of a new CEO. He asked Board members to let him know if they were interested in sitting on a committee that would examine the County's purchasing functions, look for appropriate checks and balances, and look at creating a central agency. Supervisor Simon appointed himself and Supervisor Caruso, effective immediately, to examine expenditures from the Special Projects budget and to report back to the Board.

Supervisor Mayfield noted that he went to the recent Air Board meeting where he voted in opposition to Fireplace/Stove Ruling 4901.

Fire Warden Gary Hinshaw gave the Board an update regarding the Del Puerto Canyon fire.

The Assistant CEO reported that there is still no State Budget, and that the progress being made is of concern to the County. She noted that some proposed solutions are coming from measures other than cutting costs, including continued deferred spending and borrowing, changing some accounting methods, and counting on some of the new Federal money that is coming. The County is closely analyzing the Triple Flip, which is a swap for sales tax and property taxes for local government. She noted that changing property tax dollars for sales tax dollars has a real negative potential for County government, and that sales tax is a major source of revenue, not only for health and welfare programs, but for the County's general fund as well. She will keep the Board updated regarding the State budget issue.

Adjourned to closed session at 11:42 a.m. for Public Employee Appointment: Title – Interim Chief Executive Officer. Government Code §54954.5(e). Public Employee Release: Reagan M. Wilson - Chief Executive Officer Position. Government Code §54954.5(e).

Closed Session Announcement: P/S unan. Appointed Assistant CEO, Patricia Hill Thomas as the Interim CEO for the County of Stanislaus; she will occupy this position until the selection of a CEO by the Board, and Patricia Hill Thomas has indicated that she will not be a candidate for that position; she will return to her position as Assistant CEO when the new CEO is appointed; and she will receive a 5% increase in pay while she serves as the Interim CEO
2003-697

Closed Session Announcement: M/G unan. The Board met in Closed Session regarding the resignation and release of Reagan M. Wilson as CEO with Stanislaus County. Mr. Wilson's employment contract, which was to expire 5/6/07 was amended and includes the following items: Reagan M. Wilson tendered his resignation as CEO which was accepted by the Board and became effective 7/8/03; Mr. Wilson will continue to be employed by the County in a management capacity to assist the County in the efficient transition to an Interim CEO; Mr. Wilson will provide information and a written report on all County projects he is working on, including their current status, and this report will include recommendations which will be brought back to the Board; Mr. Wilson will remain available to the County until 1/1/04 for consultation, either in person or by phone, to answer any questions and provide information regarding County business or County matters for which he has personal knowledge; during his employment, Mr. Wilson agrees to resign any Director, Officer or Executive position he currently holds for DTW Energy

Corporation and Stanislaus Energy Corporation; Mr. Wilson agrees to be responsible for and pay any fines imposed by the FPPC, if any are imposed; and, Mr. Wilson agrees to cooperate with any local or State agencies which may review or investigate his actions as CEO with Stanislaus County 2003-698

Adjourned at 12:19 p.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.)