

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

Regular Session

Tuesday

September 13, 2005

All Supervisors Present

Pledge of Allegiance to the Flag

Robert Stanford expressed the gratitude of the Airport district community for the Sheriff's department presence in their neighborhood.

Olivia Malekos raised issues with the Reclass Study done regarding the CSA Data Processors, which is included with the Final Budget item. She asked the Board to delay voting on this issue.

Simon/Mayfield unan. Adopted the consent calendar after removing from consent ***B8** Approval of Labor Agreement Between the County and Service Employees International Union (SEIU) Local 535, Representing the Community and Health Services Bargaining Unit, and Authorize the Extension of the Salary Increase to the Stanislaus County Employees Association (SCEA), AFSCME Local 10, Pursuant to the Agreement with SCEA, and ***E1** Approved County policy regulating use of County vehicles, aircraft and other transportation equipment – County Counsel

***A1** Approved the minutes of 8/23/05

***A2** Adopted and waived the second reading of Ordinance C.S. 934 amending Title 11 of the Stanislaus County Code, adding a no parking zone on Carpenter Road, amending a no parking zone on Jantzen Road, and adding a one-hour parking zone on Lone Palm Avenue
ORD-54-X-4 2005-694

***A3a** Appointed Rosemary Crippen and Denise Hunt to the Stanislaus County Children's Council
2005-695

***A3b** Appointed Melissa Borrelli to the Commission on Aging
2005-696

***A3c** Appointed Robert Ott to the Woodland Avenue Volunteer Fire Protection District Board
2005-697

***A3d** Appointed Robert DeMont to the Stanislaus Consolidated Fire Protection District Board
2005-698

***A3e** Appointed Richard Carpenter to the Hazardous Waste Management Advisory Committee
2005-699

***A3f** Appointed Sulma Guzmán Alfaro to the Economic Development Action Committee
2005-700

***A4** Reappointed George Skol to the Children and Families Commission
2005-701

***A5** Approved request from the E Clampus Vitus for use of the La Grange Gold Dredge Camp Site from Friday, 10/14/05 through Sunday, 10/16/05
2005-702

***A6** Approved a commendation for The Gemperle Family upon receiving the 2005 Distinguished Citizens Award from the Greater Yosemite Council of Boy Scouts of America
2005-703

***B1** Accepted the Auditor-Controller's Report on Stanislaus County's Revolving Funds as of June 30, 2005, and relieved the Cooperative Extension of responsibility for \$100 loss of their change fund due to theft
2005-704

***B2** Approved and authorized the HSA Managing Director, or her Designee, to sign the standard agreement for the State's Emergency Medical Services Appropriation for FY 2005/06 for Stanislaus County; and, approved and authorized the HSA Managing Director, or her Designee, to sign the agreement with the Stanislaus Foundation for Medical Care to process the emergency services physicians' claims – HSA
2005-705

- *B3 Approved the Health Services Agency, Public Health Department, to accept the award of local assistance funding from the California Department of Health Services to support Tuberculosis (TB) prevention and control activities in FY 2005/06; and, authorized the HSA Managing Director, or her Designee, to sign the Acceptance of Award – HSA 2005-706
- *B4 Accepted the Stanislaus County Treasury Pool’s July 2005 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 on behalf of the Board, that the report has been reviewed and accepted – T/TC 2005-707
- *B5 Approved the lease of 102 automatic external defibrillators (AED) to replace/upgrade existing units in Stanislaus County facilities, and authorized the Chairman to sign the lease agreement and any subsequent amendments to the lease agreement – Risk Management 2005-708
- *B6 Authorized the CEO to execute an amendment to the architect’s contract with Sheehan|Van Woert|Bigotti Architects (SVWB) in an amount not to exceed \$6,020 for additional design services for the water main/sewer line on the 12th Street Project 2005-709
- *B7 Set a public hearing on 10/11/05, at 9:30 a.m., to introduce and waive the first reading of an Ordinance to amend existing fees of the Department of Parks and Recreation, and authorized the Clerk of the Board to publish the notice pursuant to Government Code §6062A ORD-54-X-5 2005-710
- *C1 Approved the installation of stop signs at Tuolumne Road at Gratton Road; Sioux Drive at Gratton Road; Lucchesi Lane at Herndon Avenue; Holm Avenue at Musick Avenue; Gable Way at Monroe Way; and, Third Street at ‘A’ Street – PW 2005-711
- *C2 Approved Amendment No. 2 to Project 2004-1 with Dokken Engineering, Inc. to add additional engineering services for the improvements at the Albers Road/Geer Road/State Route 132 intersection; authorized the Purchasing Agent to execute the amendment; and, authorized the Purchasing Agent to increase the contract amount with Dokken Engineering, Inc. in the amount of \$2,500 – PW 2005-712
- *C3 Finds that the ordinance amending Title 11 of the Stanislaus County Code, adding a no truck parking at any time zone on Riverside Drive, and repealing a no parking at any time zone at this same location is not subject to CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 936 amending Title 11 of the Stanislaus County Code – PW ORD-54-X-6 2005-713
- *C4 Awarded the contract for the 2005 County Road Resurfacing - Phase 1 Project to Granite Construction Company of Watsonville, CA in the amount of \$198,885; authorized the Interim-Purchasing Agent to establish a contract with Granite Construction Company of Watsonville, CA for the contract amount of \$198,885; and, directed the Auditor-Controller to increase appropriations in the project account by \$198,885 – PW 2005-714
- *C5 Rejected all bids received for the School Sidewalk Project at Various Locations; approved the revised set of plans and specifications; approved the start of a new bid process; directed the Clerk of the Board to publish notice inviting bids for the project as required by law; set the deadline for submission of bids for 10/13/05, prior to 2:00 p.m.; directed the Public Works staff to mail notice inviting bids to trade journals as required by law; directed the Auditor-Controller to increase appropriations in the project account in the amount of \$13,000; and, authorized the Interim Purchasing Agent to increase the contract amount with the design consultant, GDR Engineering, Inc., in the amount of \$10,000 for additional design services to complete a revised scope of work – PW 2005-715
- *C6 Accepted the update on the status of the emergency repair on the methane gas collection system and determined that there is a need to continue the emergency repairs to the methane gas collection system – PW 2005-716

Simon/Mayfield ***B8** Implemented the provisions contained within the tentative agreement reached between the County and Service Employees International Union (SEIU), Local 535, representing the Community and Health Services Bargaining Unit; amended the Salary and Position Allocation Resolution to reflect the changes agreed to; approved the extension of the 3% across the board increase effective the first pay period on or after 9/1/05, to all members of the SCEA Bargaining Units pursuant to the “me too” agreement; and, **amended** the agenda item to correct clerical typographical errors as follows: corrected the pay increase effective date in the Discussion on page 2, paragraph 3 from September 1, 2004 to September 1, 2005, and corrected the term ending date on page 1, paragraph 1 of the attached Tentative Agreement, from December 31, 2005 to December 31, 2006 2005-717

O’Brien/DeMartini ***E1** Approved the County policy regulating use of County vehicles, aircraft and other transportation equipment and **amended** the policy to add the text “or his/her designee” to the end of paragraph 3, and; changed paragraph 5 to read as follows: “ The County’s aircraft operated by the Sheriff’s Office shall only be utilized for law enforcement or emergency-related purposes or County governmental purposes with the prior approval from the Chief Executive Officer or his/her designee. County aircraft shall not be used for commercial purposes or the benefit of a private business. Accurate flight records shall be maintained and shall identify passengers by name and shall include the purpose of the flight and the destination unless such information would compromise or interfere with a criminal investigation.” 2005-718

Simon/O’Brien unan. **B9** Considered and approved a proposal to the Department of Veterans Affairs for relocation of a Department of Veterans Affairs Nursing Home/Clinic Facility and offered the use of County property; authorized County representatives to make a presentation to the Department of Veterans Affairs encouraging location of a veterans nursing home and clinic facilities in Stanislaus County; declared the need for a regional veterans medical clinic and nursing facilities in the central valley particularly if the existing facilities in Livermore, CA are closed; and, authorized the designation of up to 15 acres of the buffer to the Public Safety Center located at Crows Landing and Hackett Roads for this purpose 2005-719

Recessed at 10:15 a.m.

Reconvened at 10:25 a.m.

Mayfield/Simon unan. **B10** Approved the HSA Strategic Plan and related recommendations as outlined in the report; adopted a three-year service delivery plan, which includes, Year One: remodel and expansion of outlying clinics to accommodate patient volume from the Family Practice Center, Specialty Clinics and Urgent Care facilities at County Center II; prepare site selection analysis and cost estimates to build replacement facilities for Public Health, Behavioral Health and Recovery Services and Central Services; issue request for qualifications and/or request for proposals to evaluate community partnerships for the delivery of some health services; Year Two: pursue community partnerships where feasible; Year Three: evaluate success of new model; if the new model is unable to achieve significant improvement in reducing the deficit to a more sustainable additional General Fund contribution level of \$3.75 million, consider only providing benefits to Medically Indigent Adults; scheduled a public hearing, pursuant to §1442.5 of the Health and Safety Code, on 10/18/05, at 6:40 p.m., to consider: A) the elimination of the direct provision of mammography services, B) the elimination of the direct provision of speech therapy services, C) the elimination of the direct provision of dental services, D) amend the eligibility requirements of the Medically Indigent Adult program to allow only those Stanislaus County residents who are United States citizens or legal permanent residents and who meet all other eligibility criteria to be granted program eligibility, E) provide for patient volumes at 1997 levels (minimum 207,000 patient visits) while insuring the preservation of the Omnibus Agreement with Tenet Health Systems/Doctors' Medical Center; directed the CEO to finalize a detailed facilities implementation plan and return to the Board of Supervisors at a

future date to present the plan and/or schedule a public hearing if required by law; approved the three-year funding plan outlined in the report and directed HSA to submit budgets consistent with this plan; approved the change in the terms of the secured note from the Tobacco Securitization Fund to include the 2003/04 cash deficit of \$3,236,112 and authorized the Treasurer-Tax Collector and Chairman of the Board of Supervisors to sign the revised loan agreement; directed the CEO and HSA Managing Director to continue to pursue legislation to allow Stanislaus County to qualify for Certified Public Expenditures; directed the HSA Managing Director to submit an application for status as a Federal Qualified Health Center; directed the HSA Managing Director to explore alternative Medi-Cal Managed Care delivery options; authorized the continuation of the Residency Program and directed the HSA Managing Director and Residency Program Director to seek additional financial sponsors and improvements in the overall efficiency of the Program; directed the CEO and HSA Managing Director to continue to pursue contributions from other health agencies and medical providers; directed the HSA Managing Director, or her Designee, to renegotiate the current Blue Cross contract; directed the HSA Managing Director to implement the efficiency improvements outlined in the Strategic Plan Report; approved the increase in the cash payment to \$90 for Primary Care visits and the deposit to \$100 for Urgent Care and Specialty Care visits, from current levels of \$45 and \$40 respectively, to more accurately reflect costs of providing care; authorized the CEO to negotiate an amendment to the Paradise Medical Office and McHenry Medical Office clinic leases with the building owners for clinical space renovations, and return to the Board of Supervisors for final approval; authorized the Purchasing Agent to negotiate a two-year extension to the Turlock Medical Office lease; authorized the Purchasing Agent to execute leases for new leased space for offices being relocated from the present use at Paradise Medical Office, including the Community Services Agency, Children and Families Commission and Women, Infant and Children Programs; authorized the CEO to obtain design and engineering services to plan for the remodel of the Medical Arts Building; and, authorized the CEO to develop a phasing plan to relocate Public Health, Behavioral Health and Recovery Services, Central Services and other programs currently located at County Center II, and to proceed to plan for the marketing and sale of County Center II

2005-720

DeMartini/Simon (4-1)(O'Brien opposed) **9:30am** Conducted the public hearing; accepted and approved the recommended Final Budget for FY 2005/06 from the CEO; authorized the CEO and the Auditor-Controller to make the necessary adjustments to implement the approved Final Budget; 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 prior to 12/1/05; amended and accepted the Salary and Position Allocation Resolution to reflect the position and classification changes as recommended in the Final Budget Addendum and included in attachment "A" effective 9/18/05; approved the transfer of \$5,423,570 of undesignated fund balance to the Designation – Contingency for pending litigation and unanticipated expenditures; and, approved the transfer of \$7,417,000 of undesignated fund balance to the Designation – Health Services Agency to set-aside funds recommended for the General Fund obligation toward the Health Services Agency's strategic plan for FYs 2006/07 and 2007/08

2005-721

Corr 1 Referred to DER, a letter from the San Joaquin Valley Water Coalition regarding the changes in their bylaws that eliminated the Coalition Council.

Corr 2 Referred to the Agricultural Commissioner and Sealer of Weights and Measures and the Office of Emergency Services, a letter from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture's granting of a Secretarial disaster designation for Stanislaus County and the contiguous counties of Alameda, Calaveras, Mariposa, Merced, San Joaquin, Santa Clara and Tuolumne due to agriculture losses caused by excessive rainfall and hail that occurred from April 20, 2005 through May 15, 2005.

Corr 3 Referred to the Department of Planning and Community Development, the Department of Public Works and the Department of Environmental Resources, a letter from the City and County of San Francisco Planning Department regarding the Scoping Meetings for the Program Environmental Impact Report for their Water System Improvement Program.

Corr 4 Referred to the Department of Parks and Recreation, a letter from the State of California Department of Parks and Recreation regarding the upcoming Central Valley Vision public workshops.

Corr 5 Referred to the CEO, a letter from Charter Communications requesting opposition to the Video Choice Act of 2005.

Corr 6 Referred to the Chief Executive Office, the Department of Planning and Community Development, the Fish and Wildlife Committee and the Department of Parks and Recreation, a letter from the United States Department of the Interior – Fish and Wildlife Services regarding the final rule designating acres of critical habitat for the Central Population of California Tiger Salamander effective September 22, 2005.

Corr 7 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Tammi Jean King; Jason Sargon Yonan; William R. Wilson; German Santacruz; Julio A. Hallack; Mercury Insurance Group for their insured Andrea Moreno; Jesus Esquibel; and, Dennis J. Coyle

Supervisor DeMartini noted that he and the Director of Public Works would be addressing the Newman City Council tonight regarding the Orestimba Creek Flood Control Project.

Supervisor Simon, as the Chairman of the Tuolumne River Regional Park Commission, will be presenting the elements of the Gateway Project (at the end of 10th Street) before the Modesto City Council tonight.

Supervisor O'Brien noted that he has heard that a tobacco ordinance may be in the works. He requested a copy of the proposed ordinance, so that he can contact the FPPC to see if he has a conflict of interest. He also voiced concerns regarding cow guts that were left on Crows Landing Road, and a mattress that was not picked up on a road in District 1. He reminded staff that the conduct of employees reflects on the County.

Supervisor Mayfield spoke regarding a Modesto Bee article, which misreported that cow parts were left on the highway and not picked up. Animal Services picked up the hoofs and guts, and the fire department hosed the road down afterwards.

Supervisor Simon asked about the status of the Sheriff's Department methamphetamine truck. The CEO noted that he would report back to the Board regarding the status.

The CEO reported that Don Peterson will be at the 9/27/05 meeting to provide the Board with a closing legislative report. He noted that he attended a Riverbank City Council meeting last night for the their first reading of the Animal Ordinance. He also congratulated Supervisor Grover upon his recent appointment to the California Partnership for the San Joaquin Valley.

The CEO announced that the Stanislaus County Fire Chiefs Association and the Stanislaus Fire Board of Directors Association is holding a joint informational meeting with an invitation to all fire agencies, Boards of Directors, and City and County Officials regarding the Stanislaus County Fire Authority Joint Powers Agreement on Thursday, 12/15/05, at 6:30 p.m., at the Regional Fire Training Center located at 1220 Fire Science Lane, Modesto, CA.

Adjourned to closed session at 12:34 a.m. for conference with labor negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: Management and Confidential. Government Code §54954.5(f); conference with health insurance negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: SCEA/AFSCME, SEIU, OE3, DSA, SCSSA, CAIR/CIR, CNA, Management and Confidential. Government Code §54954.5(f); and, conference with legal counsel: anticipated litigation – significant Exposure to Litigation. One Potential Case. Government Code §54954.5(c)

Adjourned at 1:20 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.)