

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

Regular Session

Tuesday

October 27, 2009

All Supervisors Present

Pledge of Allegiance to the Flag

Two adoptable pets were shown by the Department of Animal Services and the Adopt a Pet program was discussed.

Chiesa/Grover unan. Adopted the consent calendar

- ***A1a** Approved the minutes of 10/19/2009
- ***A1b** Approved the minutes of 10/20/2009
- ***A2a** Appointed Fritz Schali to the Patterson Cemetery District Board of Directors 2009-709
- ***A2b** Appointed Judith Loretelli to the Stanislaus County Parks and Recreation Commission 2009-710
- ***A3** Declared a vacancy on the Turlock Irrigation District Board of Directors 2009-711
- ***A4** Changed the representation category of Nathan Johnston-Chiszar on the Stanislaus Child Development Local Planning Council 2009-712
- ***A5** Proclaimed November 2009 as Adoption and Permanency Awareness Month 2009-713
- ***B1** Approved an amendment to the Master Agreement with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc., to increase the not to exceed total contract amount of \$1,932,793 for additional environmental monitoring, testing, and reporting services, at the Fink Road and Geer Road Landfills, and operations, maintenance, and monitoring services at the Geer Road Landfill through FY 2009-2010; authorized the Chairman to amend the Master Agreement #A00625; and, authorized the Director of DER, or her designee, to sign additional individual Project Authorizations during FY 2009-2010 providing that the cumulative total does not exceed the contract amount of \$1,932,793 – DER 2009-714
- ***B2** Authorized the Director of the Department of Aging and Veterans Services (Area Agency on Aging) to sign the Medicare Improvements for Patients and Providers Act (MIPPA) contract with the California Department of Aging for FY 2009-2010 and FY 2010-2011 2009-715
- ***B3** Approved Area Agency on Aging's FY 2008-2009 Area Plan Year-End Report on the 2005-2009 Planning and Service Area (PSA) Plan; authorized the Chairman to sign the Report Transmittal Letter to the California Department of Aging 2009-716
- ***B4** Approved the agreements with the service providers for ancillary services through the end of FY 2009-2010; authorized the BHRS Director, or her designee, to sign the agreements; and, authorized the BHRS Director, or her designee, to negotiate and sign amendments to all agreements included in this agenda item, to add services and payment for services up to \$25,000 per agreement, budget permitting, throughout FY 2009-2010 – BHRS 2009-717
- ***B5** Authorized the CEO to issue a RFP for professional architectural design services for the development of a comprehensive scope of work for Phase III tenant and site improvements at the Nick W. Blom Salida Regional Library; authorized the Project Manager to issue a notice inviting proposals on 10/28/2009 for professional design and engineering services for the development of a comprehensive scope of work for Phase III tenant and site improvements at the Nick W. Blom Salida Regional Library, and for the Project Manager to modify the proposal date if necessary; and, authorized the Project Manager to accept and

- open proposals on 12/09/2009, immediately after 4:00 p.m., and return to the Board to recommend an award – CEO 2009-718
- ***B6** Accepted the report of annual inspections and evaluations of local jail and detention facilities pursuant to Section 101045 of the State of California Health and Safety Code – DER 2009-719
 - ***B7** Authorized the Stanislaus County Library to install the Link2Gov E-Payments system which was selected through the County’s RFP process to handle electronic payments in the thirteen library branches – Library 2009-720
 - ***B8** Accepted the Stanislaus County Treasury Pool’s September 2009 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector’s Office and reviewed for conformity with the Stanislaus County Treasury Pool Investment Policy by the Treasurer-Tax Collector and has been distributed to 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 2009-721
 - ***B9** Set a public hearing on 11/24/2009 at 9:20 a.m. to consider approval of the Stanislaus County DA and Stanislaus County Sheriff’s Department 2009 fiscal year expenditure plans for the State Supplemental Law Enforcement Services Fund (SLESF) – Sheriff 2009-722
 - ***B10** Approved the tentative Health Insurance Agreement between Stanislaus County and all Employee Organizations for the Period 01/01/2010 through 12/31/2010; authorized that the provisions of this agreement be extended to all unrepresented management and confidential employees; and, authorized the Chairman and all parties to sign the agreement – CEO 2009-723

Chiesa/O’Brien unan. **B11** Accepted the Children and Families Commission’s presentation of 2008-2009 activities 2009-724

Monteith/Grover unan. **B12** Approved HSA submission of an application to the California Department of Public Health (CDPH) for a funding allocation of \$1,442,787 under the 2009-2010 Federal Centers for Disease Control (CDC) Public Health Emergency Preparedness Funding, State General Fund (State GF) Pandemic Influenza Funding, Department of Health and Human Services (DHHS) Hospital Preparedness Program (HPP) Funding, CDC Public Health Emergency Response H1N1 Phase I and II Funding, and DHHS Hospital Preparedness Program H1N1 Funding Agreement; authorized the HSA Managing Director, or her designee, to sign the agreement, and any amendments, and accept the funds when awarded; authorized the Chairman to sign the non-Supplantation Certification Form – Exhibit E to the agreement; directed the Auditor-Controller to establish four new Special Revenue Fund budget units and establish appropriations consistent with the Budget Journal; directed the Auditor-Controller to decrease the HSA Public Health – Local Preparedness budget by \$884,500 to appropriately account for the grant funds as detailed in the budget journal; and, directed the Auditor-Controller to increase the HSA Public Health budget by \$369,110 to support the use of State and Federal grant funding as detailed in the budget journal – HSA 2009-725

Grover/O’Brien (4-1)(De Martini opposed) **B13 Recommendation #3** Approved executing an agreement with Stanislaus Area Veterinarians for the Economically Disadvantaged (SAVED) for the Low-income, Low-cost, Spray/Neuter Program

Grover/Monteith unan **B13 Recommendations #1-2 and 4-13** Authorized the CEO to execute and implement the recommended Joint Powers Agency agreement between the County and the Cities of Ceres, Hughson, Modesto, Patterson and Waterford for the provision of animal services; authorized the CEO to negotiate and execute a MOU with the City of Modesto and the County relating to Animal Services Facility costs and the disposition of the Finch Road Animal Shelter; approved award of a Design-Build construction contract to Diede Construction, Inc. of Lodi, California for the Design-Build

construction of the new Animal Services Facility at Crows Landing Road and Cornucopia Way for the contract amount not to exceed \$4,989,568; authorized the CEO to plan and conduct a public ground breaking ceremony to coincide with the commencement of construction; authorized the Project Manager to issue a Notice to Proceed with the Design-Build Contractor contingent upon receipt of proper insurance and bonds; authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the design and construction phases including construction management, professional services, and other related costs as long as the costs are within the project budget approved by the Board of Supervisors; approved awarding a contract for Specialty Inspection Services for the design-build construction of the new Animal Services Facility to Krazan and Associates as a result of the Request for Proposals process for Special Inspector Services; approved award of a contract for the required Labor Compliance Program for the design-build construction of the new Animal Services Facility to Diversified Contract Management of Oakland, California recommended as a result of the Request for Proposal process for Labor Compliance Services; approved issuing a RFP for animal cage equipment, issue a notice inviting submittal of qualifications and proposals on 10/28/2009; authorized the Project Manager to modify the issuance date if necessary; and to accept and open, the proposals on 12/03/2009, immediately after 2:00 p.m. and return to the Board of Supervisors to recommend an award; approved to issue a RFP for veterinary services equipment vendors, issue a notice inviting qualifications and proposals on 10/28/2009; authorized the Project Manager to modify the issuance date if necessary; and to accept the proposals for this equipment on 12/03/2009, immediately after 2:00 p.m. and return to the Board of Supervisors to recommend an award; authorized the Project Manager to implement Section 4.2 of Appendix B of the previously approved agreement with Rauhaus Freedenfeld and Associates for limited support as planned in the original architectural agreement for the final design and construction of the Animal Services Facility within the previously approved budget for this expense. Authorized the release of retention held from RFA as the bridging documents phase has been successfully completed; and, approved actions necessary to implement a reduced project budget by directing the Auditor-Controller, through an operating transfer, to increase appropriations of \$8,228,691 for the Animal Services Facility Capital Project budget as outlined in the budget journal form – CEO

J-07-1; C-2-B-8; C-4-A-14; C-6-I-14; C-8-A-8; C-9-A-2 2009-726

Grover/Monteith unan. **9:20 am** Approved the proposed adjustments to Stanislaus County Franchise Maximum Rates for Franchise Area #3 – DER 2009-727

Corr 1 Acknowledged receipt of the Mountain-Valley Emergency Medical Services Agency's Fiscal Year 2008/09 Annual Report of the Stanislaus County Emergency Medical Services Committee.

Corr 2 Referred to the Fish and Wildlife Committee a notice from the State Fish and Game Commission regarding a change in the location of the adoption hearing on Proposed Regulatory Action for the 2010-2012 Sport Fishing Regulations.

Corr 3 Referred to the Fish and Wildlife Committee and the Agricultural Commissioner and Sealer of Weights and Measures a notice from the U.S. Department of the Interior, Bureau of Reclamation regarding information on the release of the Draft Environmental Assessment/Finding of No Significant Impact for the proposed 2-Gate Fish Protection Demonstration Project, a 5-year experiment relating to the delta smelt.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Michael Castillo and Edgar Garcia.

The CEO reported that the House passed a 3-month extension to fund SAFTEA-LU (Federal transportation bill); the Senate must pass the extension as well. The Commerce, Justice, Science appropriation bill includes \$300,000 for the County's Inoperability project but is still going through the process. Orestimba Creek has been approved for \$341,000 in funding. Congressman Cardoza was able to secure funding for the Tuolumne River Regional Park Gateway Trail System in the Federal Highway Administration's Surface Transportation bill. Funding support is still needed in the Senate with Senator Boxer a possible advocate based on her ongoing support of the Tuolumne River Regional Park Gateway Trail System project. At the State, SB 85 (Cogdill), is moving forward with some minor language changes. If this bill is approved, Stanislaus County will receive up to \$200,000, still far less than the \$50 million the County has paid under the negative bailout program.

Adjourned to closed session at 11:28 a.m. for Conference with Legal Counsel-Existing Litigation: Two Cases: Ramiro Garcia, Jr. individually, and as Personal Representative of the Estate of Ramiro Garcia; R. G., a minor, by and through her GAL, Corina Torrez, Ruben Garcia; and Alicia Garcia vs Stanislaus County, et. al. and Does 1-25 inclusive. Filed United States District Court for the Eastern District of California Case No. 2-07-cv-01376 LJO SMS. Arenivaz, et al. vs. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 628471. Government Code Section 54956.9(a). Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: Stanislaus Sworn Deputies Association and Stanislaus County Sheriff Supervisors' Association. Government Code Section 54957.6.

Adjourned at 12:10 p.m.

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

BY: CHRISTINE FERRARO TALLMAN, 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.)