

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

Regular Session

Tuesday

April 6, 2010

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held in memory of Department of Child Support Services' employee Gary Edwards.

Christy Almen gave a presentation regarding Stanislaus County's participation in SCOE's Fitness Challenge and recognized the Fitness Award recipients.

O'Brien/DeMartini unan. Adopted the consent calendar

***A1** Approved the minutes of 03/30/2010

***A2a** Appointed Janette Jameson to the Stanislaus Child Development Local Planning Council

2010-174

***A2b** Appointed Vaughn Brenda to the Advisory Board on Substance Abuse Programs 2010-175

***A3a** Commended Stanislaus Medical Society upon their 100th Anniversary 2010-176

***A3b** Commended Dave Ashleigh upon the naming of the Modesto Junior College pool as the Dave Ashleigh Aquatics Center 2010-177

***A4a** Proclaimed 04/11/2010 - 4/17/2010 as National Library Week 2010-178

***A4b** Proclaimed 05/01/2010 as Law Day 2010-179

***A5** Authorized the Chairman to sign and submit property owner ballots in support of the formation of County Service Area 28 - Grayson for those properties owned by Stanislaus County

2010-180

***B1** Approved contracting with the CPA firm of Brown Armstrong Accountancy Corporation to conduct the annual county audit for fiscal year ending 06/30/2010; and, authorized the Purchasing Agent to negotiate and sign the final contract – Auditor-Controller 2010-181

***B2** Approved the amendments to the agreements for mental health and ancillary services included in the agenda item through the end of FY 2009-10; authorized BHRS Director, or her Designee, to sign the amendments to the agreements; and, authorized the BHRS Director, or her Designee, to negotiate and sign amendments to the agreements to add services and payments for services up to \$50,000, budget permitting, through end of FY 2009-10 – BHRS 2010-182

***B3** Approved the adoption of the Identity Theft Prevention Program (ITPP) as the County's Red Flag policy to comply with the amended Federal Fair and Accurate Credit Transaction Act of 2003 – CEO 2010-183

***B4** Approved HSA to prepare for and conduct an H1N1 Public Awareness Campaign, and to contract with Kit L. Lloyd Productions for professional services in an amount not to exceed \$325,045 funded by the Centers for Disease Control (CDC); and, authorized the HSA Director, or her designee, to sign the agreement – HAS 2010-184

***B5** Approved request from the Nuevo Pacto Church, a partner of Nineveh Outreach, to have exclusive use of an area within Fairview Park on Saturdays between 8:00 a.m. to 12:00 p.m. from 04/10/2010 through 12/24/2010; directed Nuevo Pacto Church to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the

- waiver of fees for exclusive use and reservation for this outreach service – Parks and Recreation 2010-185
- *B6** Approved request from the District Attorney Victim Services Unit to have exclusive use of the Courthouse lawn park and the Victim’s Garden of Healing for the National Crime Victims’ Rights Week Event on Wednesday, 04/21/2010 beginning at 9:00 a.m. and ending at 3:00 p.m.; directed District Attorney Victim Services to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use – Parks and Recreation 2010-186
- *B7** Approved request from the Central Coast Racers Under the Son to have exclusive use of Deer Creek Campgrounds and the Recreation Hall at Frank Raines Regional Park for their 2nd Annual Fun Run beginning at 10:00 a.m. on Friday, 04/16/2010 and ending on Sunday, 04/18/2010; and, directed the Central Coast Racers Under the Son to adhere to the requirements set forth by the Department of Parks and Recreation – Parks and Recreation 2010-187
- *B8** Accepted the Stanislaus County Treasury Pool’s February 2010 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 of Supervisors that the report has been reviewed and accepted – T/TC 2010-188
- *B9** Authorized the CEO to award a contract for professional architectural design services for the development of a comprehensive scope of work for Phase III tenant and site improvements needed at the Nick W. Blom Salida Library to Pacific Design Associates, Inc. of Modesto, California for the lump sum amount not to exceed \$185,652; authorized the Project Manager to issue a Notice to Proceed contingent upon receipt of proper insurance; authorized the release of Request for Proposals (RFP) for professional services such as Surveyor and Soils Engineer as long as they are within the approved budget; and, authorized the Project Manager to take actions necessary to manage the Architectural Design Phase including contracts for professional services, and amend and increase an existing Personal Services Contract for existing contract project management staff as necessary so long as the costs are allocated and within the project budget as approved by the Board of Supervisors – CEO 2010-189
- *B10** Approved the rescission of the 12/22/2009 authorization for the sole-source purchase of a polymerase chain reaction (PCR) system with Roche Diagnostic Corporation; approved a revised project to purchase, renovate and install a polymerase chain reaction (PCR) system for the Health Services Agency Public Health Laboratory; authorized the Purchasing Agent to issue three separate purchase orders for the sole-source purchases as approved by the State of California: California Emergency Management Agency (CAL-EMA) Grants Management Division for FY 09 State Homeland Security Grant Program of a polymerase chain reaction (PCR) system, to include Applied Biosystems for the ABI 7500 Fast DX; Roche MagNA Pure LC 2.0 System; and the QIAcube within the previously approved project budget; and, authorized the CEO or his designee to execute and sign the agreements for the purchase of the Applied Biosystems for the ABI 7500 Fast DX; Roche MagNA Pure LC 2.0 System; and the QIAcube within the previously approved project budget – CEO 2010-190
- *C1** Adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, Parcel Owner HAJ Ranch, a Partnership, et al., for APN: 004-068-007, and make the findings contained therein – PW 2010-191

- ***D1** Set a public hearing for 04/20/2010, at 6:40 p.m., to consider Planning Commission's recommendation for approval of General Plan Amendment No. 2009-01 and Rezone Application No. 2009-02, Derrel's Mini Storage, located at 5019 Tunson Road, on the west side of Tunson Road, near the northwest corner of Kiernan Avenue and Tunson Road, just outside of the City of Modesto Sphere of Influence, APN: 004-057-010; and, authorized the Clerk of the Board to publish notice of hearing as required by law – Planning
ORD-55-M1 2010-192
- ***D2** Set a public hearing on 04/20/2010, at 6:35 p.m., to consider Planning Commission's recommendation for approval of General Plan Amendment No. 2009-04, Housing Element Update, adoption of an update of the Housing Element of the Stanislaus County General Plan - the changes are to State of California Department of Housing and Community Development (HCD) guidelines for context of a housing element; and, authorized the Clerk of the Board to publish notice of hearing as required by law – Planning 2010-193
- ***D3** Authorized the expenditures of Public Facility Fees to fund completion of the Comprehensive General Plan Update; and directed the Auditor-Controller to increase appropriations and estimated revenues in the amount of \$306,226 for the Department of Planning and Community Development to complete the Comprehensive General Plan Update, as detailed in the Budget Journal form – Planning M-64-I-5 2010-194

O'Brien/Chiesa unan. **9:05 am** Conducted a public hearing to consider adoption of a Negative Declaration for the JND Thomas Co., Inc., application for permit to operate a Food Processing By-product use site pursuant to CEQA Guidelines §15074(b), by finding on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects the Department's independent judgment and analysis; and, ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075 – DER
2010-196

Chiesa/Monteith unan. **B11** Approved agreements with the following labor organizations to implement a 5% salary cost reduction in FY 2010-2011 and 2011-2012: AFSCME Local 10/Stanislaus County Employee Association; Service Employee International Union (SEIU 521); Deputy Sheriffs' Association; Stanislaus Sworn Deputies Association; Stanislaus County Deputy Probation Officers' Association; California Nurses' Association; Stanislaus County Group Supervisors' Association; County Attorneys' Association; Stanislaus Regional Emergency Dispatchers' Association; Stanislaus County Sheriff Supervisors' Association; Stanislaus County Sheriff Management Association; and Stanislaus County District Attorney Investigators' Association; authorized the implementation of a five percent (5%) salary cost reduction for unrepresented Management and Confidential employees and all Elected Officials in FY 2010-2011 and 2011-2012; **amended** Staff Recommendation No. 2 to exclude the Treasurer/Tax-Collector from the five percent (5%) salary cost reduction; authorized the implementation of a Voluntary Separation/Retirement Incentive Program for represented and unrepresented employees in FY 2010-2011; directed the CEO to prepare necessary actions to modify retirement benefits for unrepresented employees hired after 12/31/2010 to the former Tier Two retirement benefit structure in place prior to March 2002 (reduced benefit formula; 2% at age 61 for miscellaneous employees and 2% at age 50 for safety employees); authorized the CEO or designee and all parties to sign the agreements; authorized the CEO and County Auditor-Controller to implement all terms and conditions of the approved agreements in compliance with applicable State and Federal laws; and, directed the CEO to return to the Board of Supervisors prior to the end of April, 2010, with the specific accompanying Labor Agreements by Bargaining Unit which include Extensions and Terms negotiated in conjunction with the Labor Cost Reduction Agreements – CEO
2010-195

Corr 1 Referred to County Counsel, a letter from the Building Industry Association of Central California regarding Williamson Act Contract decisions by the Board of Supervisors.

Corr 2 Referred to HSA, a letter from Doctors Medical Center regarding their decision to cease the operation of the Sweet Success Diabetic Program.

Corr 3 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, a notice from the Central Valley Salinity Alternatives for Long-term Sustainability regarding upcoming public workshops.

Corr 4 Referred to the CEO and the Sheriff, a letter from the Superior Court of the State of California in Stanislaus County regarding how the budget cuts in the Sheriff's Department are impacting the Drug Court Program.

Corr 5 Referred to the Fish and Wildlife Commission, a letter from the State Department of Fish and Game regarding the upcoming decision on whether the Pacific fisher warrants listing as an endangered or threatened species.

Corr 6 Referred to the Department of Public Works, a notice from the California High-Speed Rail Authority on meetings and information regarding the Bay Area to Central Valley High-Speed Train (HST) Revised Draft Program Environmental Impact Report (EIR) Material.

Corr 7 Acknowledged receipt and referred to the CEO, the reports concerning the Projected Budget for FY 2010-2011; Leases, Prices, Concessions, Fees; and, the Schedule for the 2010-2011 Season from Gallo Center for the Arts.

Corr 8 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, CEO-Office of Emergency Services, and the Stanislaus Economic Development and Workforce Alliance, a letter from the California Emergency Management Agency regarding the President's disaster declaration on 03/08/2010, for several California counties and their contiguous counties including Stanislaus County, due to damages caused by severe winter storms, flooding, and debris and mud flows that occurred 01/17/2010, through 02/06/2010.

Corr 9 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Vincente O. Pulido Jr.; Mitchell Alexander Coleman; Randy Thomas and Heirs-at-Law of Jeffrey R. Thomas; and, Marsha Rios.

The CEO reported that SB 1356 (Denham), which would provide reimbursement to counties for homicide trials for law enforcement officers killed in the line of duty, has a hearing date set for 04/07/10. AB 1770 (Galgiani), which would allow the County to charge a \$2.00 fee for certified copies of vital records to use for the administration of the Family Justice Center, has had its hearing date postponed. He noted that the next three weeks are going to be very busy in Sacramento, as bills with fiscal impacts have to be heard in the appropriate committees within the next three weeks. The March cash receipts from the State Controller's office will be released soon, which will give us a better indication of the Governor's May Revised Budget. There is a lot going on in Sacramento right now, which will impact Stanislaus County's FY 2010/2011 Budget.

Adjourned at 10:03 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.)