

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

Regular Session

Tuesday

September 14, 2010

All Supervisors Present

Pledge of Allegiance to the Flag

Mary Burch spoke about being an In-Home Supportive Services (IHSS) caregiver, and voiced concerns regarding decreasing the wages of IHSS workers.

Lawana Gadberry, an IHSS caregiver for her disabled husband, spoke regarding the need for these services and noted that there are 6,000 IHSS providers in Stanislaus County.

Luis Enrique Bustamante, an IHSS provider, spoke against the proposal to decrease the IHSS provider wages to \$8.00 per hour.

Rick Sanders noted that he cares for 2 people 24 hours a day, and he voiced concerns about cutting his provider wages.

Mike Loza spoke regarding the impact of lowering IHSS provider wages. He stated that it will impact the whole community if IHSS wages are lowered. He challenged the Board to come up with a solution that would not adversely affect the community.

Sheryl Davidson spoke regarding the IHSS Fraud Investigation Unit, and stated that the investigations need to stop. She spoke regarding her daughter's disabilities which require constant care and supervision.

Tammy Ferreira, caregiver for her brother, spoke regarding the need for the IHSS program. She asked the Board to not cut the IHSS provider wages.

Astrid Zuniga, caregiver for two family members, stated that the IHSS program has allowed them to keep a roof over their heads.

Garnetta Beavers from the United Domestic Workers voiced concerns regarding the IHSS provider wages and the Fraud Special Investigation Unit.

Pat Boyd spoke regarding the importance of the IHSS program and the need for these services.

Joy Chatfield, an IHSS caregiver, also spoke regarding the importance of the IHSS program. She stated that the Fraud Investigation Unit has caused the clients a lot of emotional pain and embarrassment.

Tamir Luqman from the UDW stated that the Special Investigation Unit has no guidelines in place. Other counties are putting the guidelines in place before they start the program.

Katherine Bernhardt, caregiver for her mother, spoke in opposition to decreasing IHSS provider wages.

Robbin C. Banks stated that her daughter's IHSS workers are her daughter's lifeline. They have provided life skills training and medication instruction and supervision. She stated that what the IHSS workers do is priceless, and that they should get an increase, not a wage cut.

Robert Stanford, spoke about the difficulty of caring for disabled persons and the level of stress it can cause. He voiced concerns about the oversight of the Fraud Investigation Unit and noted that he thinks provider wages should be higher.

April Premo spoke regarding disability rights in Stanislaus County, and noted that she sits on a panel for DRAIL.

Emerson Drake stated that he has some concerns with the way the IHSS fraud investigations are being conducted. He asked who the Special Investigation Unit reports to, and asked the Board to take another look at the fraud investigation program.

The CEO noted that In-Home Supportive Services is a critical program in our County. He stated that Stanislaus County is not an affluent county and has among the highest poverty, unemployment, and home foreclosures in the State. Stanislaus County also has the 3rd lowest property tax share in the State and its welfare rolls are well over 30%. He reported that the labor negotiations between the County and the IHSS providers are ongoing, and are not included in today's Final Budget item. He noted that the County has suffered \$41 million in revenue reduction in the last 2 years.

O'Brien/Chiesa unan. Adopted the consent calendar

*A1 Approved the minutes of 08/31/2010

*A2a Appointed Johnathon Parker to the Keyes Community Services District Board of Directors 2010-553

*A2b Appointed Joseph Coelho to the Commission on Aging 2010-554

*A3a Accepted the resignation of Mickey Peabody from the Nuisance Abatement Hearing Board 2010-555

*A3b Accepted the resignation of David Fransen from the Stanislaus County Parks and Recreation Commission 2010-556

*A4 Adopted an Amendment to the Conflict of Interest Code for the Salida Fire Protection District 2010-557

*A5 Proclaimed the week of 9/19/2010 – 9/25/2010 as Fall Prevention Awareness Week – Aging & Veterans 2010-558

*B1 Accepted the Auditor-Controller's Report on Stanislaus County's Revolving Funds as of 06/30/2010 – Auditor-Controller 2010-559

*B2 Adopted the County's Final Capital Improvement Plan (CIP) for FY 2010-2011 now that the Stanislaus County Planning Commission has found it in conformance with the County's General Plan; and, authorized staff to produce the Final Capital Improvement Plan (CIP) for FY 2010-2011 for distribution with the FY 2010-2011 Final County Budget Addendum – CEO 2010-560

*B3 Approved the list of independent and various contractor agreements for FY 2010-2011; authorized the HSA Managing Director, or her Designee, to sign the agreements; and, authorized the HSA Managing Director, or her Designee or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 – HAS 2010-561

*B4 Accepted the fifth update on the status of the Immediate Action Plan to secure the Men's Honor Farm in accordance with Public Contract Code §22050 for the abatement, demolition and clean-up of the destroyed barracks – CEO 2010-562

- *B5** Authorized HSA to submit an application to the California Department of Public Health for funding allocation of \$852,701 under the FY 2010-11 Federal Centers for Disease Control and Prevention (CDC) Public Health Emergency Preparedness Program, State General Fund Pandemic Influenza Planning Program, and Department of Health and Human Services (DHHS) Assistant Secretary for Prevention and Response, Hospital Preparedness Program Funding Agreement; authorized the HSA Managing Director, or her Designee, to sign the agreement, and any amendments, and accept the funds when awarded; and, authorized the Chairman to sign the non-Supplantation Certification Form to the agreement
– HAS 2010-563
- *B6** Approved the award of a contract to Calwater Drilling Company of Turlock, CA, for the relocation of Woodward Reservoir Water Well #2 in the amount of \$102,884; authorized the Director of Parks and Recreation to enter into a contract with Calwater Drilling Company in the amount of \$102,884; authorized the Director of Parks and Recreation to negotiate and execute change orders pursuant to Public Contract Code §20142; and, upon completion of the project, authorized the Director of Parks and Recreation to accept the completed improvements and perform all necessary closeout activities – Parks and Recreation 2010-564
- *B7** Authorized the Director of Parks and Recreation, or her Designee, to sign the project agreements and accept grant funds in the amount of \$414,000 for ground operations at the Off-Highway Vehicle Areas of Frank Raines Regional Parks and La Grange Regional Park from the State of California Resources Agency for Fiscal Year 2010-2011 for Operations and Maintenance at Frank Raines and La Grange Regional Parks; directed the Auditor-Controller to increase appropriations and estimated revenue as detailed in the budget journals; authorized the Director of Parks and Recreation to accept funding from the public and private organizations and individuals desiring to contribute to the Parks Off-Highway Vehicle Fund; and, authorized the Director of the Department of Parks and Recreation, or her Designee, to place revenue collected from the Off-Highway Vehicle parks in the Off-Highway Vehicle fund to meet match requirements of the grant – Parks and Recreation 2010-565
- *B8** Authorized the Director of Parks and Recreation to amend the agreement with Modesto Radio Control Club to use and maintain the Radio Control Glider/Electric Airplane Field Area at Modesto Reservoir Regional Park commencing on 10/01/2010, and terminating on 09/30/2015; and, authorized the Director of Parks and Recreation to sign the amendment – Parks and Recreation 2010-566
- *B9a** Approved the request from the Greater Yosemite Council, Boy Scout Troop No. 2, to have exclusive use of Kiwanis Camp beginning at 10:00 a.m. on Friday, 09/17/2010 and ending no later than 5:00 p.m. on Sunday, 09/19/2010, for their overnight camping activities; directed the Greater Yosemite Council, Boy Scout Troop No. 2, 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 of Kiwanis Camp – Parks and Recreation 2010-567
- *B9b** Approved the request from Nor-Cal Motorcycle Club, Inc., to have exclusive use of Frank Raines Regional Park including Deer Creek Campgrounds, Off-Highway Vehicle Area, Deer Creek Day Use, and Recreation Hall beginning noon on Friday, 10/22/2010, and ending no later than 6:00 a.m., Monday, 10/25/2010; approved twenty hours of overtime each for a Parks Maintenance Worker III and a Park Aide for this exclusive use; approved the Department of Parks and Recreation to accept the donation of 600 straw hay bales in the amount of \$8.00 per bale for a total value of \$4,800; and, directed the Nor-Cal Motorcycle Club, Inc., to adhere to the requirements set forth by the Department of Parks and Recreation – Parks and Recreation 2010-568

***B9c** Approved the request from On Your Mark Events Management to have exclusive use of Woodward Reservoir Regional Park for areas designated as Racing Routes, Bay View Boat Ramp, and Group Picnic areas on 09/25/2010, for the Third Annual Central Valley Triathlon – Parks and Recreation 2010-569

***B10** Accepted the responses to the 2009-2010 Stanislaus County Civil Grand Jury Final Report; authorized the Chairman to forward the response to the Presiding Judge of the Superior County by 09/23/2010; and, directed the CEO to ensure that the recommended actions approved by the Board of Supervisors be followed and completed by the subject County Departments and report back to the Board as appropriate – CEO
M-39-L-9 2010-570

DeMartini/Monteith unan. **Authorization for an Item Too Late for the Agenda** – Pursuant to Government Code §54952.2(b)(2), finds that: (a) there is a need to take immediate action to make an appointment to fill a vacancy on the South Modesto MAC before the next regular meeting of the Board of Supervisors, and (b) the need to make the appointment arose after the agenda was posted for the Board’s 9/14/2010 meeting when a candidate filed an application to fill the vacancy; and, approved the need for Board action on a matter too late for the agenda regarding approval of the appointment of Hortencia Franco to the South Modesto MAC 2010-573

DeMartini/Monteith unan. **Item Too Late for the Agenda** – Appointed Hortencia Franco to the South Modesto MAC until the next district election 2010-574

Recessed to sit as the Stanislaus County Redevelopment Agency at 10:01 a.m.

O’Brien/Chiesa unan. **9:00 a.m.** Adopted the consent calendar

9:00 a.m. *III-A Approved the minutes of 12/15/2009

9:00 a.m. *VI-A Set a public hearing on 10/19/2010, at 6:35 p.m., to consider the adoption of the 2010-2014 Implementation Plan for the Stanislaus County Redevelopment Agency Project Area No. 1 2010-571

Reconvened to sit as the Stanislaus County Board of Supervisors at 10:02 a.m.

Chiesa/Monteith unan. **9:05 a.m.** Accepted the Recommended Final Budget for FY 2010-2011 from the CEO; conducted the scheduled public hearing to receive public comment and input on the proposed spending plan; adopted the Recommended Final Budget for FY 2010-2011; authorized the CEO and the Auditor-Controller to make the necessary technical adjustments to implement the adopted Final Budget; directed the CEO and the Auditor-Controller to prepare the Adopted Final Budget document in accordance with State law and submit it to the State Controller prior to 12/01/2010; amended the Salary and Position Allocation Resolution to reflect the recommended changes in the Recommended Final Budget Addendum, (as outlined in the Staffing Impacts section of the agenda item and detailed in Attachment “A”) to be effective with the start of the first pay period beginning after 09/25/2010; approved the reduction-in-force of one filled full-time position in the GSA effective 10/12/2010, and one filled full-time position in the Public Works Department effective 11/06/2010; approved contracts and/or agreements listed on Attachment “B” in cumulative amounts of \$100,000 or greater as of 07/01/2003; approved increasing the Teeter Plan Assigned (alternate method of tax apportionment) fund balance by \$6,710,876 to mitigate the impact of future increases to the Teeter Receivable; approved decreasing two assignments: the Debt Service assignment by \$829,459 and re-assign to Contingencies, leaving an adequate remaining balance to cover the current debt service obligation; and the Assigned Carryover Appropriations for funds 100, 105, and 107 by \$797,907, which represents the changes in the carryover requests from the prior fiscal year; approved establishing two new assignments: \$4,879,112 to 75% Carryover Appropriations in fund 100 to carry forward from FY 2009-2010 to 2010-2011 75% of any

unused net county cost; and \$15,643,578 to assist with the balancing of the FY 2010-2011 Recommended Final Budget; authorized the CEO to transfer the operation and control of animal services fixed assets estimated not to exceed \$300,000 from the County to the new Stanislaus Animal Services Joint Powers Agency with the provision that reversionary rights and net proceeds of any future sale of those fixed assets along with any surplus items will be returned to the County as detailed in the Attachment "D" portion of the agenda item; and, authorized the CEO to negotiate a Lease Agreement with the Stanislaus Animal Services Joint Powers Agency for the vehicles – CEO 2010-572

Corr 1 Referred to the CEO, a letter from the U.S. Census Bureau thanking the County for our participation in the 2010 Census.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Walter C. Sanchez; Diane Riise; Paige M. Shipman; and, Ruben Uribe.

Supervisor Chiesa reported that he attended last night's Hughson City Council meeting in which Sgt. John Walker and Deputy Jesse Grogan were awarded for valor on duty for rescuing people from a burning house. He requested that these 2 individuals be recognized by the Board at a future meeting.

Adjourned to closed session at 10:44 a.m. for conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: California Nurses' Association (CNA); Stanislaus County Employees Association (SCEA)/AFSCME Local 10; Service Employees' International Union (SEIU), Local 521; County Attorneys' Association (CAA); Deputy Sheriffs' Association (DSA); Stanislaus County Sheriffs Supervisors' Association (SCSSA); Stanislaus County Deputy Probation Officers' Association; Stanislaus Regional Emergency Dispatchers' Association; Stanislaus County Group Supervisors' Association; Stanislaus County Sheriff Management Association; Stanislaus County District Attorney Investigators' Association; and, Stanislaus Sworn Deputy Association (SSDA). Government Code §54957.6.

Adjourned at 11:41 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.)