

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

Special and Regular Session  
Chairman Grover absent  
Pledge of Allegiance to the Flag

Tuesday

September 21, 2010

**Recessed to Closed Session at 5:30 p.m.** for conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organization: United Domestic Workers (UDW). Government Code §54957.6.

**Chairman Grover arrived at 5:35 p.m.**

No Closed Session Announcements were made.

**Reconvened at 6:30 p.m.** for Regular Session

A moment of silence was held in memory of Stanislaus County Deputy District Attorney Shawn Barlow.

Mary Whetstone, former President of the Animal Services Auxiliary, spoke regarding the naming of the new Animal Services Facility after Thomas Mayfield, former District 2 County Supervisor. She noted that Supervisor Mayfield's dedication to building a new Animal Services Facility made it a reality.

Carl Camp, from the Modesto Tea Party Patriots, introduced himself and the Tea Party's platform. He stated that the local Tea Party is growing and now has 1500 members. He gave a letter of introduction and a pocket copy of the US constitution to the Board. He spoke regarding item \*B6 on today's agenda, and noted that a representative from the Tea Party will be coming to future Board meetings.

Tracy Holcomb voiced complaints regarding the Modesto Police Department and the Sheriff's Department.

April Premo spoke regarding the Tea Party's core values including fiscal responsibility. She asked questions regarding the County's Final Budget and the public comment process at Board meetings.

Robert Stanford commented on the number of In-Home Supportive Services (IHSS) clients and providers in the audience tonight. He asked for assurance that the Board will look into the complaints regarding the IHSS Fraud Investigation Unit.

Tammy Hall noted that she has a daughter with disabilities who requires 24 hour/day care. She spoke against decreasing IHSS provider wages.

Astrid Zuniga spoke regarding the importance of the IHSS program, and spoke in opposition to decreasing IHSS provider wages to \$8.00 per hour.

Sheryl Davidson, IHSS provider and union member, spoke regarding the impact of the County's proposal to decrease the wages of IHSS providers in the community. She stated that it could increase the unemployment rate and cause additional people to depend on County services.

Tammy Ferreira noted that she has a disabled brother and that she is his caregiver. She spoke against lowering the IHSS provider wages from \$9.38 to \$8.00 per hour.

Mike Loza spoke regarding the effect that lowering the IHSS provider wages will have on the community and local businesses. He presented signed petitions in support of the IHSS program to the Board.

Tamir Luqman from the UDW noted that the Board has a responsibility to the community as elected representatives. He spoke regarding the importance of the IHSS program, and voiced concerns regarding decreasing the IHSS provider wages.

David Avila, member of the Stanislaus County Supervisors Citizens Committee, spoke regarding the power of County officials. He noted that citizens have the power to check government, and that their goal is to work with County officials to take back the powers granted to the people by the US constitution.

April Premo spoke regarding the importance of disabled people being cared for at home instead of in a State institution.

Eva Garcia, caregiver for thirty years, noted that she survived a stroke and is handicapped and she is still working as a caregiver. She spoke against lowering the IHSS provider wages.

Prinella Henry noted that she takes care of her disabled husband and is reliant on IHSS provider wages.

Sheryl Banky was a caregiver for her daughter until her daughter was placed in the hospital and passed away. She now takes care of an elderly woman who is legally blind. She stated that she cannot live on \$8.00 an hour.

Debbie Johnson spoke regarding the importance of care for the disabled in our community.

Loretta Cart spoke against lowering IHSS provider wages.

Monteith/O'Brien unan. Adopted the consent calendar

- \*A1 Approved the minutes of 09/14/2010
- \*A2 Appointed Bergen Filgas to the Child Abuse Prevention Council 2010-575
- \*A3a Accepted the resignation of Terry Withrow from the Assessment Appeals Board and the Woodland Avenue Volunteer Fire Protection District Board of Directors 2010-576
- \*A3b Accepted the resignation of Kim Runyan from the Denair Municipal Advisory Council 2010-577
- \*A4 Approved a commendation for Deborah Hiebert Upon her Retirement from the Community Services Agency 2010-578
- \*A5a Proclaimed September 26, 2010 through October 2, 2010 as Stanislaus County Diversity Awareness Week 2010-579
- \*A5b Proclaimed October 4, 2010 through October 15, 2010 as Binational Health Week in Stanislaus County 2010-580
- \*B1 Approved the recommendations for the completion of the Animal Services Facility including authorizing the Project Manager to execute a contract change for installation of the cages; proceeding with the center's landscaping; and a non compensable schedule adjustment for the General Contractor to move toward completion of the construction project, all within the previously approved Project Budget; approved the naming of the facility: Thomas W. Mayfield Regional Animal Services Facility; authorized a public dedication ceremony, in

conjunction with the five partner cities, and the Animal Advisory Board for the dedication of the new facility; and, directed the Auditor-Controller to transfer existing appropriations between the Fixed Asset Equipment and Construction Contingency accounts to the Structures and Improvements Account as outlined in the Budget Journal form – CEO

2010-581

- \*B2** Authorized the CEO, or his Designee, to award and sign a contract for professional architectural design services for the development of plans and specifications for minor renovations at the Health Services Agency Public Health Laboratory to Pacific Design Associates, Inc. of Modesto, California for the lump sum amount not to exceed \$9,950; and, authorized the Project Manager to issue a Notice to Proceed contingent upon receipt of proper insurance – CEO 2010-582
- \*B3** Adopted the decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1215 Imperial Avenue, Modesto, California, Case Number CE 09-0744 – DER 2010-583
- \*B4** Approved the contract with the California Department of Public Health Services for the continuation of the Immunization Assistance Program for the period of 07/01/2010 through 06/30/2011; and, authorized the HSA Managing Director, or her Designee, to sign and execute the contract – HAS 2010-584
- \*B5** Authorized the Sheriff to accept funding in the amount of \$66,824 for FY 2010-2011 from the California State Parks Off-Highway Motor Vehicle Recreation Division Grants and Cooperative Agreements Program to enhance emergency response and safety at Frank Raines Regional Park and La Grange Park in Stanislaus County; authorized the Sheriff to sign and administer the California State Parks Off-Highway Motor Vehicle Recreation Division Grants and Cooperative Agreements Program for the Project Performance Period from 07/07/2010 through 07/07/2011; and, directed the Auditor-Controller to increase appropriations and revenue in the amount of \$66,824 for FY 2010-2011 according to the budget journal – Sheriff 2010-585
- \*B6** Authorized the Director of the DER to enter into and sign the routine FY 2011-2012 State agreements and contracts; authorized the Director of the DER to approve and sign any amendments to routine FY 2011-2012 State agreements and contracts; adopted a Resolution to authorize the Director of the DER to apply for a Waste Tire Cleanup and Amnesty Event Grant from the California Department of Resources Recycling and Recovery for FY 2011-2012 to promote the cleanup and recycling of waste tires; adopted a Resolution to authorize the Director of the DER to apply for a Waste Tire Enforcement Grant from the California Department of Resources Recycling and Recovery for FY 2011-2012 to promote the administration of a regional waste tire enforcement program; and, authorized the submittal of a joint funding request to the California Department of Resources Recycling and Recovery for a Waste Tire Cleanup and Amnesty Event Grant, and for a Waste Tire Enforcement Grant on behalf of participating cities and the unincorporated areas of Stanislaus County – DER 2010-586
- \*B7** Approved the first amendment to agreement for professional services by and between the County of Stanislaus and California CCS, PC for Inmate Health Care Services; authorized the Chairman to sign the amendment; and, authorized the Auditor-Controller to decrease the 2010-2011 CEO - Jail Medical Program budget by \$307,826 per the budget journal – CEO 2010-587
- \*C1** Approved the agreement with Rajappan & Meyer Consulting Engineers to prepare the Plans, Specifications, and Estimate (PS&E) documents for the State Route 99/Kiernan Avenue Interchange Project; authorized the Director of Public Works to execute the agreement with Rajappan & Meyer Consulting Engineers for \$5,499,163 and to sign necessary

documents; and, directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW 2010-588

- \*C2** Approved Cooperative Agreement #10-355 with the State of California, Department of Transportation (Caltrans) for the State Route 99/Kiernan Avenue Interchange Improvement Project for the design, right-of-way and construction phases of the project; authorized the Chairman to execute the agreement; and, adopted a formal Board resolution to enter into the agreement and to conduct all Resolution of Necessity hearings and all associated tasks in acquiring property for the State Route 99/Kiernan Avenue Interchange Improvement Project – PW 2010-589
- \*C3** Appointed Wayne G. Sutton, Licensed Land Surveyor (LS 3863), as the Interim County Surveyor with full authority accorded by law to the County Surveyor in those duties related to land survey, until such time as a permanent County Surveyor is appointed; and, authorized the Director of Public Works to contract with Wayne G. Sutton to perform duties as outlined in the scope of work (Exhibit A) for a maximum of two years – PW 2010-590
- \*D1** Adopted a resolution to authorize the Director of the Department of Planning and Community Development, or his Designee, to apply for a Sustainable Communities Planning Grant, from the California Strategic Growth Council of California, for FY 2010-2011, to allow for the development of county-wide planning documents that address recent climate legislation; authorized the submittal of a joint funding request to the California Strategic Growth Council for the Stanislaus County Regional Sustainability Toolbox on behalf of the unincorporated areas of Stanislaus County and the cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, and to authorize the implementation of the proposed grant program, if funds are awarded – Planning 2010-591
- \*E1** Finds that Ordinance C.S. 1092 is not subject to CEQA; and, introduced and waived the first reading of Ordinance C.S. 1092 amending §2.16.010 of the Stanislaus County Code to clarify that except for surveying functions specified by statute, the operations, functions and work product of the County Surveyor will be supervised by the Director of Public Works – County Counsel ORD-55-M-7 2010-592

Chiesa/DeMartini unan. **6:35 pm** Closed the public review period for the FY 2009-2010 Consolidated Annual Performance Evaluation Report (CAPER) and conducted a public hearing; adopted the FY 2009-2010 Consolidated Annual Performance Evaluation Report (CAPER) and authorized staff to incorporate comments received prior to the close of the public comment period and during the public hearing in the final CAPER to be submitted to HUD – Planning 2010-593

O'Brien/Monteith unan. **6:40 pm** Conducted the public hearing to receive public comment and input on the Stanislaus County DA and Stanislaus County Sheriff's Department 2010-2011 FY expenditure plans for the State Supplemental Law Enforcement Services Fund (SLESF); and, approved the Stanislaus County DA and Sheriff's Department 2010-2011 FY expenditure plans for the State Supplemental Law Enforcement Services Fund (SLESF) – Sheriff 2010-594

**Corr 1** Referred to DER, a copy of the Fire/Life Safety Inspection Report for the Stanislaus County Juvenile Hall.

**Corr 2** Referred to the Auditor-Controller, a copy of the Turlock Rural Fire Department Fiscal Year 2010-2011 Budget.

**Corr 3** Referred to the Auditor-Controller, a copy of Fiscal Year Ending June 30, 2010 Audited Consolidated Financial Statements for the Central Valley Center for the Arts, Inc. and Subsidiaries from the Gallo Center for the Arts.

**Corr 4** Referred to the Department of Public Works, the Department of Planning and Community Development, DER, and the Agricultural Commissioner and Sealer of Weights and Measures, a copy of an application for Petition for Temporary Transfer of Water from the Merced Irrigation District to four State Water Contractor Agencies from the State Water Resources Control Board.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Carolyn Hinder; Debra L. Harper (2); and, Mathew Paland.

The CEO reported that the County received a letter from the DMC Foundation concerning the Governor's proposed State Budget potentially closing 323 adult day health care centers statewide, including DMC Foundation's Miller's Place Adult Day Health Care Center and Turlock Adult Day Health Care Center. DMC Foundation has requested that the County adopt a resolution opposing any elimination of funding for adult day health care centers as a Medi-Cal benefit in California. The CEO recommends the Board stay neutral regarding this issue and to not take a position. Unless directed otherwise by the Board, the CEO will send a letter to the DMC Foundation notifying them that the County is taking a neutral position, and encourage the DMC Foundation to oppose this action utilizing their own lobbying efforts.

Adjourned at 7:45 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.)