

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

Regular Session

Tuesday

October 5, 2010

All Supervisors Present

Pledge of Allegiance to the Flag

Mike Rossi, Mari Miceli and Joe Miceli received the October 2010 Italian Heritage Month Proclamation.

The Chairman presented Debbie Hiebert, from the Community Services Agency, a commendation upon her retirement.

Anna Brooks from Pacific Gas and Electric Company (PG&E) made a presentation regarding gas lines in Stanislaus County.

Emerson Drake requested that the Board make changes to the County's ordinance regarding campaign contributions to the Board of Supervisors and elected County Department Heads.

O'Brien/Monteith unan. Adopted the consent calendar after removing from consent item ***B7** Approval of the Agreement for the Sheriff to Retire One Canine from the Sheriff's Department Canine Unit; and, after removing from the agenda item ***B10** Approval to Apply for the State of California, Habitat Conservation Fund Program, Wildlife Area Activities Project – Parks and Recreation

***A1** Approved the minutes of 09/28/2010

***A2a** Appointed Edward King to the Economic Development Action Committee 2010-611

***A2b** Appointed Judith Callaway to the Assessment Appeals Board 2010-612

***A3** Accepted the resignation of Paul Souza from the Empire Sanitary District Board of Directors 2010-613

***A4** Adopted a resolution proclaiming 10/17/2010 – 10/23/2010 as Second Chance Week in conjunction with national and statewide events – DER 2010-614

***B1** Authorized the CEO, or his Designee, to accept the California Energy Commission Energy Efficiency Conservation Block Grant (EECBG) Program funding award in the amount of \$671,249 and execute the Program pursuant to guidelines; authorized the Project Manager to issue a RFP for professional Design Services for the development of plans and specifications for the replacement of the heating, ventilation and air conditioning system (HVAC), and roof at the Juvenile Detention Facility on 10/06/2010; authorized the Project Manager to open and evaluate proposals on 10/27/2010; immediately after 4:00 p.m.; and to modify the date if necessary and return to the Board to recommend an award; authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the design phase including construction management, professional services, and other project related cost as long as they are within the approved project budget; directed the Auditor-Controller to establish a new Energy Efficiency Block Grant Capital Project budget and increase appropriations and estimated revenue by \$671,249 as detailed in the Budget Journal form; and, authorized the Auditor-Controller to transfer \$300,000 of existing appropriations from the CEO Plant Acquisition budget to the Energy Efficiency Block Grant Capital Project budget per the Budget Journal form – CEO 2010-615

- *B2 Accepted the seventh 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 2010-616
- *B3 Approved the provisions contained in the tentative labor agreement reached between the County and the Stanislaus County Deputy Probation Officers' Association representing the Deputy Probation Officers' Bargaining Unit; and, authorized the Chairman and all parties to sign the agreement when finalized – CEO 2010-617
- *B4 Authorized the expenditure of Public Facility Fees to purchase collection materials such as books, DVDs, audiovisual and other materials for the Stanislaus County Library; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the Library budget unit in the amount of \$200,000 through a transfer from Public Facility Fees – Library 2010-618
- *B5 Approved a resolution of intent to participate in the Great California ShakeOut Annual Statewide Earthquake Drill and work towards becoming a safer community – OES 2010-619
- *B6 Approved the Agreement for Participation in the Stanislaus Operational Area Organization between Stanislaus County and the nine incorporated Cities; and, authorized the Chairman to sign the agreement – OES 2010-620
- *B8 Accepted the report on Tobacco Securitization Funds and recommended actions by the County Treasurer; and, authorized the County Treasurer to make investments including funds from the Tobacco Securitization Funds pursuant to Government Code Section 53607 – T/TC 2010-621
- *B9 Accepted the Stanislaus County Treasury Pool's August 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 of the Board to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2010-622
- *B11 Authorized the CEO to sign the Memorandum of Agreement with the Paradise South Weed and Seed Steering Committee to provide the Targeted Technology Training (computer skills) classes in the targeted Weed and Seed area during FY 2010-2011 – CEO 2010-623
- *C1 Authorized the purchase of two (2) 2011 Mighty Sweep MS2003KO Self-Propelled Broom Vehicles from Geffs Manufacturing, Inc. in the amount of \$121,888.58; and, authorized the Purchasing Agent/General Services Agency Director to purchase the equipment – PW 2010-624
- *C2 Approved the subcontractor substitution request received from Bond Blacktop, Inc. to substitute their subcontractor Rodgers Construction & Engineering for the ARRA Hughson Sphere of Influence (SOI) Cape Seal project; and, designated the Director of Public Works to act as the County's duly authorized officer per §4107(a) of the Public Contract Code, for all future subcontractor substitution requests on Public Works projects – PW 2010-625
- *C3 Awarded a contract in the amount of \$1,151,743.11 to Pape Machinery for the purchase of two (2) 2011 John Deere 670G Interim Tier 4 Motor Graders, two (2) 2011 John Deere 644K Interim Tier 4 Loaders 4 Yd, one (1) 2011 John Deere 644K Interim Tier 4 Loader 3Yd with hooks, and one (1) 2011 John Deere 410J Tier 3 Backhoe; and, authorized the Purchasing Agent/General Services Agency Director to sign the contract with Pape Machinery – PW 2010-626
- *C4 Approved the transfer of title to the City of Hughson, of the Stanislaus County owned Assessor's Parcel Numbers (APN's) 018-072-036 and 018-073-016 located within the City

of Hughson; and, authorized the Chairman to sign the Grant Deed transferring title of these parcels to the City of Hughson – PW 2010-627

- *D1** Authorized the Director of the Department of Planning and Community Development to enter into a Memorandum of Agreement with the Paradise South Weed and Seed Steering Committee to provide neighborhood cleanup and related neighborhood restoration program activities in the targeted Weed and Seed Area during FY 2010-2011 – Planning 2010-628

O'Brien/Monteith unan. ***B7** Authorized the Sheriff to retire one canine from the Sheriff's Department service and enter into a Canine Retirement contract with the canine's current handler – Sheriff 2010-629

Recessed to sit as the Stanislaus County Capital Improvements Financing Authority at 9:36 a.m.

O'Brien/Monteith unan. **9:05 am** Approved the consent calendar

9:05 am *II-A Appointed Jeff Grover as the Chairman and Dick Monteith as the Vice Chairman of the Stanislaus County Capital Improvements Financing Authority 2010-633

9:05 am *II-B Approved the minutes of 06/24/2008

Monteith/Chiesa unan. **9:05 am III-A** Approved a Resolution of the Board of Directors of the Stanislaus County Capital Improvements Financing Authority to approve documents related to the transfer of assets by the Gallo Center for the Arts, LLC to Gallo Center for the Arts, Inc. and authorize the Chairman to sign the Resolution on behalf of the Stanislaus County Capital Improvements Financing Authority; approved the First Amendment to the original Loan Agreement entered into on 03/01/2004 between the Central Valley Center for the Arts (CVCA) and the Gallo Center for the Arts, LLC and reassign all obligations of the Gallo Center for the Arts, LLC to the Gallo Center for the Arts, Inc.; approved the form of an Assignment and Assumption Agreement between the Gallo Center for the Arts, LLC and the Gallo Center for the Arts, Inc.; approved transferring the responsibilities under the original Operating Agreement from the Gallo Center for the Arts, LLC to the Gallo Center for the Arts, Inc.; and, authorized the Chairman of the Stanislaus County Capital Improvements Financing Authority, or his Designee, to execute and sign the First Amendment to the Loan Agreement and the Assignment and Assumption Agreement on behalf of the Stanislaus County Capital Improvements Financing Authority and to execute any and all other documents required to complete the transaction as requested by Bond Counsel – CEO 2010-634

Reconvened to sit as the Stanislaus County Board of Supervisors at 9:43 a.m.

Chiesa/Monteith unan. **B13** Approved the Resolution of the Board of Supervisors of Stanislaus County to approve documents related to the transfer of assets by the Gallo Center for the Arts, LLC to Gallo Center for the Arts, Inc. and authorize the Chairman to sign the Resolution on behalf of the County; approved the form of an Assignment and Assumption Agreement between the Gallo Center for the Arts, LLC and the Gallo Center for the Arts, Inc.; approved transferring the responsibilities under the original Operating Agreement from the Gallo Center for the Arts, LLC to the Gallo Center for the Arts, Inc.; authorized the Chairman of the Board of Supervisors, or his Designee, to execute and sign the Assignment and Assumption Agreement on behalf of the Stanislaus County Board of Supervisors and to execute any and all other documents required to complete the transaction as requested by Bond Counsel; and, authorized the CEO, or his Designee, to recover and collect any legal fees and costs temporarily incurred by the County from the Gallo Center for the Arts, Inc. related to this transfer of assets – CEO 2010-631

O'Brien/DeMartini unan. **B12** Authorized the Sheriff to enter into and sign an agreement to purchase one canine from the Stanislaus Sheriff's K9 Association for \$1.00 – Sheriff 2010-630

Recessed at 10:29 a.m.

Reconvened at 10:37 a.m.

Monteith/Chiesa unan. **B14** Accepted a report on the In-Home Supportive Services (IHSS) Program
– CEO 2010-632

Corr 1 Accepted the invitation from the County Clerk-Recorder and Registrar of Voters requesting a member of the Board of Supervisors to participate on the Election Observer Panel for the upcoming Gubernatorial General Election on Tuesday, 11/02/2010; and, the Chairman appointed Supervisor DeMartini to serve on the Election Observer Panel.

Corr 2 Referred to the Fish and Wildlife Committee, a notice from the State of California Fish and Game Commission regarding a proposed emergency regulatory action relating to the incidental take of the Mountain yellow-legged frog.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Pamela D. Brown; Daniel Davis; Sean Sullivan; Antonio Paz; Lona Hatley; Keith Gibson; and, Debra L. Harper.

Supervisor O'Brien attended a 2-day summit last week by the San Joaquin Air Pollution Control District. He noted that the northern portion of the district is under-funded by \$10 million per year, the southern portion is under-funded by \$6 million per year, and the central portion is over-funded by \$16 million per year. He reported that no action was taken to correct these inequities.

Supervisor DeMartini attended a Veterinarian Association meeting last week and noted that Project X has completed 7000 spay and neuters and the Alley Cat Guardians have spayed and neutered 2000 animals.

The CEO announced that this afternoon the Board of Supervisors will take a tour of the new Animal Services Facility Site, located at Crows Landing Road and Cornucopia Way in Modesto, CA.

Adjourned to closed session at 12:27 p.m. for conference with Legal Counsel - Existing Litigation. One Case: Maria Alvarez, et al. v. County of Stanislaus, Stanislaus County Superior Court Case No. 612601. Government Code §54956.9(a).

Adjourned at 1:00 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.)