

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

Regular Session

Tuesday

March 1, 2011

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held in memory of Public Works employee Janelle Godinez.

Nancy Hinton voiced concerns regarding a proposed rock quarry project on Cooperstown Road in Tuolumne County. This project is near the Tuolumne/Stanislaus County line. Supervisor O'Brien noted that he, along with representatives from the City of Oakdale, City of Riverbank, San Joaquin Valley Air Pollution Control District, and Stanislaus County, will be attending the Tuolumne County Board of Supervisors meeting on 3/15/11 regarding this project.

O'Brien/Chiesa unan. Adopted the consent calendar after removing from the agenda item **\*B7** Approval to Set a Public Hearing on March 22, 2011 at 9:05 a.m., Pursuant to §1442.5 of the Health and Safety Code, to Consider Changes to the Medically Indigent Adult Program Income Limits for Eligibility  
2011-133

**\*A1** Approved the minutes of 02/15/2011

**\*A2** Appointed Jarod Lara to the West Stanislaus Resource Conservation District Board of Directors  
2011-113

**\*A3a** Accepted the resignation of Charlotte Kollmeyer from the Housing Authority of Stanislaus County  
2011-114

**\*A3b** Accepted the resignation of Walid Ali from the Salida MAC  
2011-115

**\*A4a** Approved a commendation for Denise Hunt, Director of Behavioral Health and Recovery Services, upon her retirement from Stanislaus County  
2011-116

**\*A4b** Approved a commendation for Tom Snow upon his retirement from the Stanislaus County General Services Agency  
2011-117

**\*A4c** Approved a commendation for Debra Hamilton upon her retirement from the Stanislaus County Local Agency Formation Commission  
2011-118

**\*B1** Approved the amendment to the agreement with Aspiranet, Inc., to provide Therapeutic Behavioral Services, through the end of the FY 2010-2011; authorized the Behavioral Health Director, or her designee, to sign the amendment to the agreement with Aspiranet, Inc.; and, authorized the Behavioral Health Director, or her designee, to negotiate and sign amendments to the agreement, to add services and payment for services up to \$75,000, budget permitting, throughout FY 2010-2011 – BHRS  
2011-119

**\*B2** Authorized the Behavioral Health Director to accept the California Emergency Management Agency's 2010 Comprehensive Drug Court Implementation Program grant funding award for the period of 01/01/2010 through 12/31/2011; authorized the Behavioral Health Director, or her designee, to sign the subsequent amendment with the California Emergency Management Agency for implementation of the Comprehensive Drug Courts Implementation Program grant; and, directed the Auditor-Controller to increase appropriations and estimated revenues by \$170,000 as detailed in the Budget Journal – BHRS  
2011-120

**\*B3** Accepted the sixteenth 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; and, authorized the use of existing funds up to \$10,000 within the CEO Plant Acquisition budget, for additional professional architectural and estimating work requested by the Insurer for scope of replacement activities which are fully reimbursable by the insurer – CEO 2011-121
- \*B4** Authorized the CEO to finalize and execute the agreements for the period of 07/01/2011 through 06/30/2014, with the law firm of Grisez, Orenstein and Hertle, and the law firm of Perry and Associates for continued provision of legal representation of indigents which the Public Defender is unable to represent due to conflict of interest – CEO 2011-122
- \*B5** Amended the agreement for legal services for the Geer Road Landfill with Meyers Nave, a professional law corporation, to increase the not to exceed limit of \$250,000 for the initial contract year only which ends 12/08/2011; and, authorized the Director of DER, or her designee, to sign the agreement – DER 2011-123
- \*B6** Authorized the HSA Managing Director, or her designee, to prepare and submit the Low Income Health Program (LIHP) Application to the California Department of Health Care Services and to make subsequent modifications to the Application information – HSA 2011-124
- \*B8** Approved the Master Agreement with Universal Precast Construction, Inc., for precast concrete barbecues and concrete fire pits with grills for park facilities; and, authorized the Director of the Department of Parks and Recreation to sign the Master Agreement #AO11811 – Parks and Recreation 2011-125
- \*B9** Adopted Plans and Specifications for Upgrades to the Frank Raines Regional Park Water Filtration System (Potable and Non-Potable) and authorized a bid opening; directed the Department of Public Works to set the bid opening date and time; and, directed the Department of Public Works staff to mail the notice inviting bids to trade journals as required by law – Parks and Recreation 2011-126
- \*B10** Approved a contract with Mountain Valley Emergency Medical Services Agency to administer local emergency medical services for FY 2011-2012; and, authorized the Managing Director of HSA, or her designee, to finalize and sign the agreement – HSA 2011-127
- \*B11** Accepted the Stanislaus County Treasury Pool's January 2011 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 distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman of the Board to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC 2011-128
- \*C1** Approved agreements with NorthStar Engineering Group, Inc., DeLamare-Fultz Engineering and Surveying, BKF Engineering/Surveyors/Planners, Hawkins & Associates Engineering, Inc., and Aspen Survey Company to provide on-call professional surveying services for various Public Works Department projects through March 2013 at an amount not to exceed \$100,000 annually for each individual agreement; authorized the Public Works Director to sign the agreements; and, authorized the Public Works Director to extend the term of the agreements, upon mutual agreement, for up to an additional year at an amount not to exceed \$100,000 annually for each agreement – PW 2011-129
- \*D1** Rescinded Williamson Act Contracts No. 1971-0449 and 1973-1403, located on Sonora Road, in the Knights Ferry area; approved a new contract pursuant to Minor Lot Line Adjustment 2011-01 – Roen; authorized the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment 2011-01; approved and established the following findings: (a) the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years; (b) there is no net decrease in the amount of the acreage restricted; in cases where two parcels

involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in §51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; (f) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan – Planning

2011-130

O'Brien/Withrow unan. **9:05 am** Finds that the requirements for notice of the public hearing were given pursuant to California Government Code §53753(B), and the Highway Lighting District Act Code §19051 & 2; approved the revised Engineer's Report and made it part of the record of the proceeding; conducted the public hearing to receive comments regarding: (A) the proposed methodology for calculating the annual assessments, and (B) the levy of the annual assessment to pay for the lighting services; finds that the California Constitution Article XIII D, "Proposition 218" requirements for public hearing and assessment ballot procedure have been completed upon closure of this public hearing regarding this matter; and, authorized the Clerk of the Board to oversee the opening of the sealed ballots, and to count and submit the results to the Board of Supervisors at the next scheduled Board meeting on 03/08/2011 – PW

DL-29-A-10 2011-132

**Amended Item B12** Consideration and Approval of the Mid-Year Financial Report for Fiscal Year 2010-2011, Transfers from Appropriations for Contingencies, Adjustments to the Budget, Staffing Changes and Related Actions, to take **two votes as follows:**

**First Vote:** Monteith/DeMartini unan. **B12** Approved Staff Recommendation Nos. 1-7 and 9-11, and **amended** the item to add a Staff Recommendation No. 12; (1) accepted the CEO Mid-Year Financial Report for FY 2010-2011; (2) authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the Mid-Year Financial Report; (3) authorized the use of \$3,973 in Appropriations for Contingencies as recommended in the Mid-Year Financial Report by 4/5 Vote of the Board of Supervisors; (4) directed the Auditor-Controller to release up to \$112,633 of Committed Fund Balance and reclassify as Unassigned Fund Balance to be used by the Public Defender's Office for costs associated with a change of venue capital murder trial; (5) directed the CEO to implement a budget reduction strategy for the Proposed Budget for Budget Year 2011-2012 and continuing through Budget Year 2014-2015; (6) amended the Salary and Position Allocation Resolution to reflect the recommendations as part of the Mid-Year Financial Report, as outlined in the Staffing Impacts section and detailed in the Attachment A of the report to be effective the start of the 03/12/2011 pay period; (7) approved the reduction-in-force of ten filled positions in the General Services Agency budget and two filled positions in the CEO effective 04/23/2011; (9) approved contracts and/or agreements listed on Attachment B of the report in cumulative amounts of \$100,000 or greater since 07/01/2003; (10) approved the CEO's countywide office closure schedule detailed in Attachment D of the report; (11) approved the office closures for the Clerk-Recorder, District Attorney, and Public Defender on 10/10/2011, 02/13/2012, and 03/30/2012 to coincide with Court holidays detailed in Attachment D of the report; and, (12) approved an effective date of 4/23/2011 for the downward reclassification of a CAIV (position #9678), Manager II (position #6226), and Manager III (position 10251) positions in the CEO's Office

2011-131

**Second Vote:** Monteith/DeMartini (4-1)(O'Brien opposed) **B12** Approved Staff Recommendation No. 8 and approved the reduction-in-force of four filled positions in the DER budget effective 07/02/2011  
2011-131

**Corr 1** Acknowledged receipt of the San Joaquin Valley Air Pollution Control District's 2010 Annual Report.

**Corr 2** Referred to the High Speed Rail Committee, a notice regarding the planning of the future of the Altamont Corridor Rail Project meetings.

**Corr 3** Referred to the Fish and Wildlife Committee, notices from the California Fish and Game Commission regarding proposed regulatory action relating to Central Valley sport fishing and to mammal hunting.

**Corr 4** Referred to DER, a notice from the San Joaquin Valley Air Pollution Control District regarding a workshop on potential valley response to peak ozone days.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: George & Maria Espinoza; Sabrina Cox; Alexandra Riddle; Denise Hanlon; Jose Duran; Phillip Davis; Saul Diaz; Antoinette Hill; and, James ("Jimmy") Anderson and Ashley Keels-Anderson.

Supervisor O'Brien noted that there are two items listed as Correspondence on today's agenda concerning the San Joaquin Valley Air Pollution Control District. He gave a brief overview of the Air District's Annual Report, noting that our air is improving yet the standards are getting stricter which is forcing us farther out of compliance. He reported that the Air District will be starting a program to better notify the public of bad air days.

Supervisor DeMartini reported that he went out with the IHSS fraud unit last week for the third time. He found substantial discrepancies between what the people on the program were claiming and what was actually the case. He noted the importance of the Fraud Unit and how it has resulted in substantial savings for the County and the State.

Supervisor Chiesa reported that the Government Night held in the City of Turlock last Thursday was well attended. He noted that Supervisor Withrow also attended this event. They had Congressman Denham, Assemblyman Bill Berryhill and Senator Cannella on the panel. He thanked the City of Turlock for hosting the event, and he thanked Jennifer Carlson, Field Representative and David Jones, Director of Communication and Legislative Affairs, for their help in putting this event together. He plans to hold another Government Night on a smaller scale in Hughson.

The CEO gave an update regarding the State Budget process in Sacramento and noted that the deadline for the Realignment proposals is nearing.

**Recessed to sit as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 10:24 a.m.**

Withrow/DeMartini unan. Approved the consent calendar (Those items marked with an \*)

**X. \*II-A** Approved the minutes of 02/15/2011

Mike Loza stated that the UDW Union does not stand here and defend fraud. What they challenge is the process in which the investigations are being handled. He noted that there has been a change since the inception of the Fraud Investigation Unit, and that investigations are now being conducted in a more professional manner.

**Reconvened to sit as the Stanislaus County Board of Supervisors at 10:28 a.m.**

Adjourned to closed session at 10:28 a.m. for conference with Legal Counsel - Existing Litigation: One Case: Valine Sarmas v. County of Stanislaus, et al, United States District Court, Eastern District California, Case No. 1:09-CV-01333 LJO/DLB. Government Code §54956.9(a).

Adjourned at 11:03 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.)