

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

Regular Session

Tuesday

April 26, 2011

All Supervisors Present

Pledge of Allegiance to the Flag

Margie Palomino, Director of the Department of Aging and Veterans Services, gave a presentation regarding May 2011 as Older Americans Month in Stanislaus County.

Debra Harper voiced concerns regarding access to the employee break room at the 10<sup>th</sup> Street Place Building.

O'Brien/Withrow unan. Adopted the consent calendar after removing from agenda item **\*B11** Approval to Designate Health Plan of San Joaquin (HPSJ) as the Local Initiative Health Plan in Stanislaus County for Medi-Cal Managed Care Patients in Accordance with the State of California's two-plan model for Medi-Cal Managed Care Effective 01/01/2012 – HSA 2011-260

**\*A1** Approved the minutes of 04/19/2011

**\*A2** Appointed CSA Director, Christine Applegate to the Children and Families Commission (Proposition 10) 2011-235

**\*A3a** Proclaimed May 2011 as Asthma Awareness Month 2011-236

**\*A3b** Proclaimed May 2011 as Mental Health Month 2011-237

**\*A3c** Proclaimed May 2011 as Foster Care Awareness Month 2011-238

**\*B1** Approved the posting of the Annual Assessment Valuation Notices on the Assessor's web site as an alternative to mailing the notifications – Assessor 2011-239

**\*B2** Accepted the audited financial reports for FY ended 06/30/2010, prepared by Brown Armstrong Accountancy Corporation: Annual Financial Report - Stanislaus County; Annual Financial Report – HSA Clinics and Ancillary Services Enterprise Fund; and, Single Audit Report – Auditor-Controller 2011-240

**\*B3** Adopted the Property Tax Administration Cost Recovery Plan; approved the report determining the Property Tax Administration Costs for FY 2009-10 are \$7,365,484 and establishing the proportion of said cost attributable to incorporated cities and other jurisdictions in FY 2010-11; and, authorized the collection of said costs pursuant to the provisions of the Revenue and Taxation Code §95.3 and 97.75, and Stanislaus County Code §4.44.010 – Auditor-Controller 2011-241

**\*B4** Authorized the Purchasing Agent, on behalf of BHRS, to enter into a lease agreement with Robert P. Moody, William N. Moody and Gayle K. Moody for office space at 301, 303, 305, and 307 Downey Avenue, Modesto for the delivery of mental health services; and, authorized the Purchasing Agent to sign the lease agreement and related documentation with Robert P. Moody et al – BHRS 2011-242

**\*B5** Approved the provisions contained in the tentative agreement reached between the County and the County Attorneys' Association representing the Attorneys' Bargaining Unit; and, authorized the Chairman and all parties to sign the agreement – CEO 2011-243

**\*B6** Approved the extension of the current MOU between the County of Stanislaus and Stanislaus County Employees Association/American Federation of State, County and Municipal Employees Local #10 representing the Mid-Management/Supervisory Bargaining Unit, Technical Services Bargaining Unit, Crafts/Maintenance/Institutional Bargaining Unit and

- Office Worker/Clerical Bargaining Unit from 05/31/2011 to 06/30/2012; and, authorized the CEO and all parties to sign the extension agreement – CEO 2011-244
- \*B7** Approved and adopted a resolution regarding retirement benefit modifications for employees in the County Attorneys' Association and Stanislaus County Employees Association (SCEA)/American Federation of State, County and Municipal Employees' (AFSCME Local #10) hired on or after 01/01/2011; approved the provisions contained in the Retirement Benefits Modification Summary; and, directed the CEO to implement the provisions contained in the Retirement Benefits Modification Summary with respect to Stanislaus County employee members of the Stanislaus County Employees Retirement Association – CEO 2011-245
- \*B8** Approved Amendment No. 2 for professional architectural design services with Miller Pezzoni and Associates, Inc. of Modesto, CA for the Strategic Business Technology Data Center improvements not to exceed \$61,200 for design services for the data center improvement project to now be planned for the Regional Dispatch Center at 3705 Oakdale Road in Modesto, CA; 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 expenses necessary to manage the project as long as the costs are within the project budget approved by the Board; and, directed the Auditor-Controller staff to increase appropriations and estimated revenue by \$97,593 to the SBT Data Center Capital Project budget as detailed in the Budget Journal form – CEO 2011-246
- \*B9** Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding CE No. 09-0864 at 124 Pueblo Avenue, Modesto, CA – DER 2011-247
- \*B10** 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 to \$300,000; and, authorized the Director of DER, or her designee, to sign the agreement – DER 2011-248
- \*B12** Accepted the Stanislaus County Treasury Pool's March 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 to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC 2011-249
- \*C1** Approved the purchase agreement for the subject acquisition; authorized the Chairman to execute the agreement; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$35,187, payable to First American Title Company, for the purchase amount of \$33,687 and \$1,500 for estimated escrow fees and title insurance – PW 2011-250
- \*C2** Adopted the plans and specifications for the 2011 Slurry Seal Project; directed the Department of Public Works to set the bid opening date and time; and, directed the Public Works Department staff to publish and mail the notice inviting bids to trade journals as required by law – PW 2011-251
- \*C3** Approved the conditional award of the contract in the amount of \$1,401,735 to Granite Construction Company of Watsonville, California for the construction of the Hatch Road Public Facility Fee (PFF) Channelization Project, Phase 1-B, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Granite Construction Company, for \$1,401,735 and to sign necessary documents; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, §20142; upon project completion,

authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; and, authorized the Construction Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds – PW  
2011-252

\*C4 Approved the FY 2010-2011 Transportation Development Act claim, Claim #2; and, authorized the Director of Public Works to execute and submit the claim to the Stanislaus Council of Governments (StanCOG) – PW  
2011-253

\*C5 The Board finds, pursuant to the Street and Highway Code §8333(c), that as part of the conditions of the Subdivision Map, “Sterling Ranch Unit No. 3” recorded in Volume 43-M-27, the Temporary Turnaround Easements were to be abandoned with the extension of McCauly Avenue; finds that the recording of Subdivision Map 43-M-04 eliminated the need for the Temporary Turnaround Easements by extending McCauly Avenue to its intersection with North Gratton Road; and, adopted the resolution vacating the Temporary Turnaround Easement located on McCauly Avenue, in the Town of Denair described in Exhibits “A” and “B” of the agenda item – PW  
2011-254

Chiesa/O’Brien unan. **B13** Approved the Project Charter, which includes the project budget, and defines the structure, processes, and deliverables of the Supervisorial redistricting project; approved the Redistricting Steering Committee of CEO Rick Robinson, County Counsel John Doering, Public Works Director Matt Machado, Clerk Recorder/Registrar of Voters Lee Lundrigan, Assessor Dave Cogdill, Planning Director Kirk Ford, Strategic Business Technology Director Marcia Cunningham and Chief Executive Office Staff David Jones, Mark Loeser, and Sandy Regalo; approved the Project Team consisting of Dean Wright of County Counsel, Patrick Cavanah and Aaron Rosa of Clerk-Recorder/Elections, Diane Haugh, Peou Kiek, and Aron Harris of Public Works, Juan Gonzalez and Diane Rodrigues of Planning, Don Oppman of the Assessor’s Office, Debbie Siebrecht of Strategic Business Technology, David Jones, Mark Loeser, and Sandy Regalo of the CEO; authorized the Project Steering Committee to hold six public meetings in preparation for the Board of Supervisors Public Hearings to be scheduled on 08/16/2011 and 08/23/2011; authorized the CEO to enter into a professional services contract with the Q2 Data & Research, LLC for consulting services; and, authorized the use of \$100,000 in Appropriations and Contingencies, and direct the Auditor-Controller to increase appropriations in the CEO – Operations and Services Budget as detailed in the Budget Journal form. **Note:** the names were selected at the Board meeting for the Ad Hoc Citizen Redistricting Advisory Committee. The individuals representing each of the five Supervisorial Districts are as follows: District One representatives are Cynthia Thomlison and Reg Blair Smith; District Two representatives are Dorinda Soiseth and Sharon Silva; District Three representatives are Maggie Mejia and John Erwin III; District Four representatives are Louis Friedman and Luis Bustamante; District Five representatives are Kenny Buehner and William J. Parks; and, the at-large member is Donald Ulrich who resides in District Two. These individuals will be appointed at the 05/03/2011 Board of Supervisors meeting – CEO  
2011-255

DeMartini/Withrow unan. **B14** Accepted the HSA’s 2011 Annual Public Health Report to the Board of Supervisors – HSA  
2011-256

O’Brien/Withrow unan. **B15** Approved and authorized the Chairman to execute the Construction Agreement and the Project Delivery and the Construction Agreement between the County and the State Public Works Board, the Department of Corrections and Rehabilitation, and Corrections Standards Authority of the State of California for the 2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program (SB 81) for the Juvenile Commitment Center Project; and, authorized the Project Manager and County Counsel to negotiate and execute on behalf of the County in substantially the same form Exhibit A: the Project Scope, Cost and Schedule Description; Exhibit B: Form of Ground Lease; Exhibit C: Form of Right of Entry for Construction and Operation; Exhibit D: Form of Facility

Sublease; Exhibit E-1: Description of the Participating County Funding Cash; and, Exhibit E-2: Description of the Participating County Funding In-Kind Match – CEO 2011-257

Withrow/Chiesa unan. **9:05 am A** Conducted the public hearing; and, introduced and waived the first reading of Ordinance C.S. 1101 to establish a new fee and amend existing fees for the Department of Public Works Engineering Division – Public Works ORD-55-N-13 2011-258

Chiesa/O’Brien unan. **9:05 am B** Conducted the public hearing; and, introduced and waived the first reading of Ordinance C.S. 1098 to establish a new fee for processing delayed claims for an exclusion from reassessment for transfers between parents-children and grandparents-grandchildren for the Assessor’s Office – Assessor ORD-55-N-14 2011-259

**Corr 1** Referred to the Department of Planning and Community Development, a newsletter from the San Francisco Public Utilities Commission regarding the status of their San Joaquin Pipeline System Project between the San Joaquin River and the City of Tracy which is a part of their Hetch Hetchy Water System Improvement Program.

**Corr 2** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Frances Allen; Andria Allen; and, April Sherwood (Hensley).

Supervisor De Martini noted how well the San Francisco Public Utilities Commission noticed their San Joaquin Pipeline System Project, unlike PG&E’s notification of their pipeline project.

Supervisor Chiesa noted that there are now several hearings scheduled for the PG&E pipeline project in conjunction with the Turlock Irrigation District. There will be a meeting at the Chatom Elementary School, 7201 Clayton Road, Turlock, CA on 05/05/2011 at 7:00 p.m. He also noted that the Don Pedro Dam will be going through their re-licensing process with Federal Energy Regulatory Commission (FERC). There will be hearings on the morning of 05/11/2011, in Turlock at CSUS, One University Circle, Turlock, CA and that evening at the DoubleTree Inn, 1150 9<sup>th</sup> Street, Modesto. He encouraged the Board to be engaged in this process.

The CEO commended the Board, county employees, and the various labor groups, and expressed his appreciation to Nancy Bronstein and Jody Hayes of the CEO Department, for successfully negotiating with all Stanislaus County labor organizations to implement a non-enhanced Retirement System for employees hired on or after 01/01/2011. He noted that, to the best of his knowledge, Stanislaus County is the only public agency to have fully returned to a non-enhanced retirement benefit structure. The new retirement tier will provide cost savings to the County.

Adjourned to closed session at 10:37 a.m. for Conference with Legal Counsel - Anticipated Litigation: Two Cases. Government Code §54956.9 (c). Conference with Legal Counsel - Existing Litigation: One Case: Central Valley Regional Water Quality Control Board, Cease and Desist Order R5-2011-0021. Government Code §54956.9 (a).

**Closed Session announcement:** Withrow/O’Brien unan. In regards to the Central Valley Regional Water Quality Control Board, Cease and Desist Order R5-2011-0021, the Board authorized the Counsel for Stanislaus County to preserve the County's objections and position by filing a petition for review with the State Water Resources Control Board and request that the petition be held in abeyance for future resolution 2011-261

Adjourned at 11:35 a.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus  
State of California

BY: CHRISTINE FERRARO TALLMAN, 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.)