

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

Regular Session

Tuesday

June 28, 2011

All Supervisors Present

Pledge of Allegiance to the Flag

Frank Johnson presented the National Association for the Advancement of Colored People (NAACP) award to Sheriff Adam Christianson.

Debra Harper spoke regarding her 2-year suspension from the Library.

Emerson Drake spoke regarding John Mataka's request for an independent investigation of the Sheriff's department.

O'Brien/Chiesa unan. Adopted the consent calendar after removing from consent item ***B25** Approval to Introduce and Waive the First Reading of an Ordinance Adding Chapter 2.98 to the Stanislaus County Code to Prohibit the County from Requiring Project Labor Agreements on County Construction Projects

***A1** Approved the minutes of 06/14/2011

***A2a** Reappointed Robert Ott and Hans Wagner to the Woodland Avenue Volunteer Fire Protection District Board of Directors 2011-362

***A2b** Reappointed Jim Hughes to the Turlock Rural Fire Protection District Board of Directors 2011-363

***A2c** Reappointed Robert Kimball to the West Stanislaus Fire Protection District Board of Directors 2011-364

***A2d** Reappointed Carolyn Padlo to the Stanislaus County Mental Health Board 2011-365

***A2e** Reappointed Daniel Downey and Eileene King to the Commission on Aging 2011-366

***A2f** Reappointed Cindy Woolston to the Regional Advisory Committee of the Mountain-Valley EMS Agency 2011-367

***A2g** Reappointed Anastacia Pam Reeder, Keri Rodgers and Marvin Patton to the Stanislaus Child Development Local Planning Council 2011-368

***A2h** Reappointed Jeff Broumas to the Stanislaus County Airport Land Use Commission 2011-369

***A2i** Reappointed Michael Lynch and Jeff Grover to the StanCERA 2011-370

***A2j** Reappointed Dennis Hartman to the Denair Fire Protection District Board of Directors 2011-371

***A2k** Reappointed Pamela Floyd and Sue Henderson to the Stanislaus County Free Library Advisory Board 2011-372

***A2l** Reappointed John Bairos to the Oakdale Fire Protection District Board of Directors 2011-373

***A3a** Appointed Richard Gibson to the Stanislaus County Planning Commission 2011-374

***A3b** Appointed Michelle Lucas to the Advisory Board on Substance Abuse Programs 2011-375

***A3c** Appointed Lisa Archibeque to the State Council on Developmental Disabilities Area Board 6 2011-376

***A4** Commended Donna Powers upon her retirement from the Stanislaus County Department of Child Support Services 2011-377

- *A5 Adopted the amendment to the COI Code for the Keyes Community Services District
DCS-1-A-14 2011-378
- *A6a Approved the consolidation of the Municipal Elections with the Consolidated District Election to be held on 11/08/2011 for the City of Oakdale for the One-Half Cent Transactions and Use Tax 2011-379
- *A6b Approved the consolidation of the Municipal Elections with the Consolidated District Election to be held on 11/08/2011 for the City of Ceres for the Election of City Officials 2011-380
- *B1 Approved the modification to the Stanislaus County Workforce Investment Act (WIA) Strategic Five-Year Local Plan for Program Year 2011-12; and, authorized the Chairman to sign the modified Stanislaus County Workforce Investment Act (WIA) Strategic Five-Year Local Plan – Alliance Worknet 2011-381
- *B2 Authorized the Director of the Alliance Worknet, or his designee, to receive and expend Program Year 2011-2012 WIA funds in accordance with the approved Stanislaus County Strategic Five-Year Local Plan; authorized the Director of the Alliance Worknet, or his designee, to enter into and sign agreements and contracts to expend Program Year 2011-2012 WIA funds; and, authorized the Director of the Alliance Worknet to sign all WIA-related sub-grant agreements, and any modifications or adjustments as required by the State of California – Alliance Worknet 2011-382
- *B3 Accepted the Internal Audit Reports prepared by the Internal Audit Division of the Auditor-Controller’s Office 2011-383
- *B4 Accepted the Accountant’s Report on the Stanislaus County Treasurer’s Statement of Assets as of 03/28/2011 prepared by the Auditor-Controller’s Office in conformance with Government Code §26920 and 26922, the Statement of Assets was reviewed in conformity with Stanislaus County Treasury Pool Investment Policy and Government Code §53601 – Auditor-Controller 2011-384
- *B5 Authorized the Auditor-Controller to advance funds to Stanislaus Consolidated Fire Protection District for operational expenses under Government Code §23010 in an amount not to exceed \$6,724,106 – Auditor-Controller 2011-385
- *B6 Authorized the Auditor-Controller to advance funds to Oakdale Rural Fire District for operational expenses under Government Code 23010 in an amount not to exceed \$1,445,000 – Auditor-Controller 2011-386
- *B7 Authorized the BHRS Director to negotiate and finalize an agreement with Aegis Medical Systems, Inc. to provide Narcotic Replacement Therapy Services for FY 2011-2012; authorized the BHRS Director, or her designee, to sign an agreement with Aegis Medical Systems, Inc.; and, directed the Auditor-Controller to increase estimated revenues by \$2,800,000 and appropriations by \$2,600,000 for FY 2011-2012 as detailed in the Budget Journal – BHRS 2011-387
- *B8 Approved the MOU and Settlement Agreement and Release with Modesto City Schools regarding Gregori High School traffic mitigation; and, authorized the CEO to sign the MOU and Settlement Agreement and Release – CEO 2011-388
- *B9 Authorized the CEO and Auditor-Controller, prior to year-end, to increase appropriations by \$150,000 in the CEO-Risk Management Division Unemployment Self-Insurance budget; authorized the CEO and Auditor-Controller, prior to year-end, to increase appropriations by \$164,304 in the District Attorney’s budget, funded by a transfer from Appropriations for Contingencies by 4/5 vote of the Board of Supervisors; and, authorized the CEO and Auditor-Controller, prior to year-end, to increase appropriations and estimated revenue by \$8,000 in the Public Defender’s budget – CEO 2011-389
- *B10 Approved the County’s recommended Proposed Capital Improvement Plan Project List for FY 2011-2012; directed staff to submit the Proposed Capital Improvement Plan Project List to

the County Planning Commission for findings of General Plan Consistency; and, authorized staff to proceed with all steps necessary to prepare the Recommended Final Capital Improvement Plan for the Board's final consideration and adoption – CEO
2011-390

- *B11** Accepted the seventh and final update on flooding in various locations in Stanislaus County; and, approved the termination of the Countywide declaration of a local emergency due to flooding in various locations in Stanislaus County – CEO
2011-391
- *B12** Approved the contract for 07/01/2011 through 06/30/2012 between the Victim Compensation and Government Claims Board and the District Attorney's Office in the amount of \$63,853 for a paralegal to track, research and report on restitution to Victims of Violent Crimes; authorized the DA to sign the contract and approve the grant award agreement including any extensions, or amendments; and, approved a formal resolution to be submitted to the Victim Compensation and Government Claims Board accepting the grant – DA
2011-392
- *B13** Approved an amendment to Master Agreement No. A081908, with ATC Associates to extend the contract for a two-year period from 09/23/2011, through 09/22/2013, and to increase the not to exceed contract amount to \$350,000, for the investigation and clean-up of contaminated property located at 402 Downey Avenue, Modesto; authorized the Director of DER, or her designee, to amend Master Agreement No. A081908; and, authorized the Director of DER, or her designee, to sign individual Project Authorizations for the duration of the Agreement providing that the cumulative total does not exceed the total contract amount of \$350,000 – DER
2011-393
- *B14** Approved the Countywide Integrated Waste Management Plan five-year review conducted by the Local Task Force on Solid Waste Management which concluded that a Plan revision is not needed at this time; and, authorized the Director of DER; or her designee, to submit the Five-Year Countywide Integrated Waste Management Plan Review Report to the California Department of Resources Recycling and Recovery – DER
2011-394
- *B15** Approved the purchase of Network and Voice-over Internet Protocol telephone equipment, software and services by HSA; approved the use of \$318,103 of Public Facility Fees for partial funding of Voice-Over Internet Protocol project; authorized the \$155,000 sole source purchase of Startel's Call Management Center; authorized the Managing Director of HSA to finalize and enter into vendor agreements associated with this project and within the project budget; directed the Auditor-Controller to increase estimated revenue as detailed in the budget journal; and, directed the Auditor-Controller to transfer appropriations into fixed assets in the amount as detailed in the budget journal
– HAS
2011-395
- *B16** Authorized HSA to develop and submit an application for the CDC's Public Prevention Health Fund: Community Transformation Grant, Category A – Capacity Building, to prevent and control chronic diseases; authorized the Chairman and the CEO, or his designee, to sign a letter of support for the submission of this grant; and, authorized the HSA Managing Director, or her designee, to enter the grant agreement and amendments, if awarded – HAS
2011-396
- *B17** Approved HSA to retain one filled full-time Community Health Worker III position previously approved for a RIF – HAS
2011-397
- *B18** Authorized the Director of DER, or her designee, to sign the amended and restated agreement with the Stanislaus County Police Activities League for a recreation swim program at the Regional Water Safety Training Center - Empire Community Pool through FY 2011-2012
– Parks and Recreation
2011-398
- *B19** Authorized the Chief Probation Officer to apply for and accept, if awarded, an Evidence Based Practices Project Grant from the California Department of Corrections and Rehabilitation,

- Corrections Standards Authority to advance the use of evidence based practices in the juvenile justice system; and, adopted a resolution authorizing the Chief Probation Officer to prepare and submit the application for the EBP Project and sign all necessary documents related to the grant, including all contracts – Probation 2011-399
- *B20** Accepted a donation from an anonymous donor of twelve mounted paper prints/pictures of nature to be displayed in the Juvenile Hall Corridors – Probation 2011-400
- *B21** Approved an agreement with TouchPay Payment Services, Inc. California, for the provision of inmate trust account services; and, authorized the GSA Director/Purchasing Agent to execute the agreement and any subsequent amendments to the agreement on behalf of the County during the term of the agreement – Sheriff 2011-401
- *B22** Accepted the Stanislaus County Treasury Pool’s May 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 2011-402
- *B23** Authorized the GSA Interim Director/Purchasing Agent to execute a month-to-month agreement with Audubon California for use of a workstation space within the University of California Cooperative Extension Office at 3800 Cornucopia Way; the month-to-month agreement would automatically renew for up to sixty months – Cooperative Extension 2011-403
- *B24** Approved the year-end adjustments for CSA In-Home Supportive Services (IHSS) Provider Wages and IHSS Public Authority benefits funded from Departmental Revenue; and, authorized the CEO and the Auditor-Controller prior to year-end to make the necessary budget adjustments in CSA budgets as identified in the budget journal to meet the program projections for FY 2010-11 – CSA 2011-404
- *C1** Adopted the Plans and Specifications for Federal-Aid Project No. HSIPL-5938(163) titled Claribel Road at Burlington Northern Santa Fe (BNSF) Railroad Crossing; directed the Department of Public Works to set the bid opening date and time; and, directed the Department of Public Works to publish and mail the notice inviting bids to trade journals as required by law – PW 2011-405
- *C2** Set a public hearing on 07/26/2011 at 9:05 a.m. regarding Budget Year 2011-2012 assessments for various County Service Areas, Landscape Assessment District and Landscape and Lighting Districts; and, directed the Clerk of the Board of Supervisors to publish a notice of such hearing pursuant to §6066 of the Government Code – PW 2011-406

Chiesa/Withrow unan. ***B25** Finds that Ordinance C.S. 1103 is not subject to CEQA; and, introduced and waived the first reading of Ordinance C.S. 1103 adding Chapter 2.98 to the Stanislaus County Code to prohibit the County from requiring project labor agreements on County construction projects – CEO/ County Counsel ORD-55-O-1 2011-407

O’Brien/Chiesa unan. **9:05 am** Conducted the public hearing to consider adjustments to Stanislaus County Franchise Maximum Rates for Solid Waste Collection Services; and, approved the proposed adjustments to the Stanislaus County Franchise Maximum Rates for solid waste collection services in Franchise Areas 1, 2, and 4 – DER 2011-409

O’Brien/Chiesa unan. **B26** Approved the CEO and CSA plan for the use of additional State Child Welfare funds available for Child Welfare Program augmentations using donated funds for the required local matching funds; authorized the Director of CSA, or her Assistant Director Designee, to finalize and sign the agreements and any amendments not to exceed the contract amounts; authorized the GSA Purchasing

Agent and the Director of BHRS to finalize and execute the lease agreement with Valley Recovery Resources to provide space for clean and sober living services; amended the Salary and Position Allocation Resolution to reflect the recommended changes outlined in the Staffing impacts section of the agenda item, effective the first pay period following the Board of Supervisor's approval; directed the Auditor-Controller to adjust each Agency's Budget Year 2011-2012 appropriations and estimated revenue as detailed in the Budget Journal forms; and, approved contracts listed in Attachment 1 of the agenda item where cumulative compensation paid exceeds \$100,000 or greater since 07/01/2009 – CEO

2011-408

Corr 1 Referred to the Assessor, a copy of the Stanislaus County Assessment Practices Survey Report from the State Board of Equalization.

Corr 2 Referred to Planning and Public Works, a letter from the Federal Emergency Management Agency regarding the Flood Insurance Rate Map revision for floodplain management purposes and for all flood insurance policies and renewals issued in Stanislaus County.

Corr 3 Referred to BHRS, a copy of the California Department of Mental Health's completed Medi-Cal Oversight onsite review of Stanislaus County's Mental Health Plan.

Corr 4 Referred to the CEO, the FY 2009/2010 Annual Report of the Stanislaus County Emergency Medical Services Agency.

Corr 5 Referred to the Fish and Wildlife Committee, a memo from the State Fish and Game Commission regarding the proposed regulatory action relative to the Inspection of Facilities for Restricted Species meeting on 06/30/2011, the correct name of the location of the meeting is the University Plaza Waterfront Hotel at 110 W. Fremont Street in Stockton, CA.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Kathleen Michelle Jelley; Debra Harper (2); Ryan Collins, Crystal Collins, Megan Collins, and Elizabeth Collins; Douglas L. Farrow; Kathleen Jelley; Bright Development; Signature Development Inc.; Richard Pomares, Charlene Boeh-Pomares, Devanie Pomares, Jordan Pomares, Gayla Pomares, and Danny Pomares; and, Thomas L. Goff.

The CEO reported that the State is on the verge of a majority vote for the Budget, possibly as early as today. He noted the significant aspects of the proposed budget including a \$9.6 billion budget year deficit, cutting \$150 million for the UC and CSU systems, a \$200 million Amazon tax (tax on purchases through Amazon.com), the deferral of \$2.8 billion to the K-12 and community college education, \$300 million projected from a \$12 increase in DMV registration fees, \$150 million increase in State revenue resulting from the establishment of a fire fee, \$1.7 billion in redevelopment funding to be redirected from Redevelopment Agencies to the State, and a projected \$1.2 billion increase in revenues for May and June. The Budget also projects \$4 billion in new revenue and establishes a number of triggers for additional budget cuts if this new revenue does not materialize. There are several items that were rejected that had originally been part of the proposed plan including \$112 billion from the sale of State buildings, \$900 million from a 25¢ sales tax, \$1 billion from the First Five Commission, \$500 million from local law enforcement, \$500 million from the UC system, and \$700 million in additional cuts to Medi-Cal programs. The CEO reported that there are still many uncertainties and unknowns, but it appears that the Democratic Legislature and Governor are in agreement in the overall nature of the proposed budget, and that the Bridge Tax will not be put in place. The Governor's proposal, endorsed by the leadership in the Senate and the Assembly, does fund the public safety realignment program. The CEO noted that this is preliminary information, and that the impact of this budget on local governments is not yet known.

The Chairman announced that there will be Redistricting Committee public meetings held on the following dates and locations: 06/28/2011 at 6:00 p.m. - 8:00 p.m. at Modesto Senior Center, 211 Bodem St., Modesto; 06/29/2011 at 6:00 p.m. - 8:00 p.m. at the King Kennedy Center, 601 S. Martin Luther King, Modesto; and, 06/30/2011 at 6:00 p.m. - 8:00 p.m. at Salida Fire Station #1, 4820 Salida Blvd., Salida.

Adjourned to closed session at 10:44 a.m. for Conference with Legal Counsel - Existing Litigation: Two Cases: The Committee Concerning Community Improvement, et al. vs. City of Modesto, et al., United States District Court, Eastern District California, Case No. CV-F-04-6121 LJO DLB; Nyomi Elias, et al. v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 663544. Government Code §54956.9 (a). Conference with Legal Counsel - Significant Exposure to Litigation: One case related to calculation of property tax administration fees. Government Code §54956.9 (b). Conference with Legal Counsel - Anticipated Litigation: Two Cases. Government Code §54956.9 (c).

Closed Session Announcement: Chiesa/Withdraw unan. Authorized legal counsel for the County to prepare and file a lawsuit against the City of Modesto and, possibly other potentially responsible parties, for contribution toward response costs for remediation at the Geer Road Landfill

Adjourned at 12:16 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.)