

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

August 2, 2011

The Chairman presented a resolution proclaiming August 2011 as Child Support Awareness Month in Stanislaus County.

Emerson Drake spoke regarding the Superior Court's decision concerning the Nyomi Elias vs. County of Stanislaus case.

Chiesa/Withdraw unan. Adopted the consent calendar after removing from consent items **\*B2** Consideration and Approval of Response to the 2010-2011 Stanislaus County Civil Grand Jury Final Report – 11-10C Stanislaus County Sheriff; and, **\*B3** Approval of the Plans and Specifications for the Minor Renovations at the Health Services Agency Public Health Laboratory Polymerase Chain Reaction Project; Authorize Invitation to Bid, Set the Bid Date for September 8, 2011 at 2:00 p.m., and Related Actions

- \*A1** Approved the minutes of 07/26/2011
- \*A2** Accepted the resignation of Marvin Patton from the Stanislaus Child Development Local Planning Council 2011-455
- \*A3** Accepted the resignation of Matthew Boulware from the West Stanislaus Resource Conservation District 2011-456
- \*B1** Approved the program name High Risk Health and Senior Access located at 303 Downey Avenue, Modesto, CA 95354; authorized BHRS to submit Pharmacy Permit applications and Change of Pharmacy Permit applications to the California State Board of Pharmacy to obtain and maintain Pharmacy Permits for the High Risk Health and Senior Access program and the Senior Access Treatment Team, co-located at the 303 Downey Avenue, Modesto, CA 95354 site; and, authorized the BHRS Director, or her designee, to sign the applications to the California State Board of Pharmacy to obtain and maintain Pharmacy Permits for the High Risk Health and Senior Access program and the Senior Access Treatment Team – BHRS 2011-457
- \*B4** Accepted a donation from Leadership Modesto of 350 books, 40 sports ball, sports cones, 25 jump ropes and 3 air pumps to be utilized by minors detained in Juvenile Hall – Probation 2011-458
- \*B5** Approved the award of the contract for the SBT Fiber Channel Shared Storage System Solution for data recovery and storage to AMS.NET of Livermore, CA; authorized the GSA – Purchasing Division to negotiate and sign a contract for technical assistance and equipment purchase for the SBT Fiber Channel Shared Storage System Solution to AMS.NET in the amount of \$181,369; approved the additional project costs in the amount of \$17,180 for the installation of a 20 amp 208V electrical outlet, training for 2 SBT Engineers, and fixed asset depreciation; approved the increase of appropriations for SBT FY 2011-2012 Budget by \$198,549 for the Fiber Channel Shared Storage System Solution funded by departmental fund balance; and, directed the Auditor-Controller to increase appropriations as detailed on the budget journal form – SBT 2011-459

- \***B6** Approved the award of the contract for technical assistance on the Human Resources, Benefits, Time and Labor, and Payroll Functions System (PeopleSoft 9.1) Upgrade to CIBER of Concord, CA; and, authorized the GSA – Purchasing Division to negotiate and sign a contract for technical assistance as services are provided in the amount not to exceed \$200,000 – SBT 2011-460
- \***C1** Approved the award of a contract for all-inclusive engineering and project delivery services to MCR Engineering, \$196,000, for the Hatch Road at Carpenter Road Intersection Project; and, authorized the Director of Public Works to execute a contract with MCR Engineering, in the amount of \$196,000, and to sign necessary documents, including any amendments to the agreement not to exceed 10%, or a total contract amount of \$215,600 – PW 2011-461
- \***C2** Adopted the results of the Assessment Ballot Procedure (Supporting votes: 12; Protest votes: 12; and Incomplete Ballots: 0) that proposed the formation of the Kenwood Park Lighting District; declared that a simple majority of the assessment ballots received did not protest the proposed formation of the Kenwood Park Lighting District and the levy of an annual assessment; finds that the territory to be formed is not within the boundary of any other lighting district; ordered the formation of the Kenwood Park Lighting District, and confirmed the boundary of the district as described in Attachment “B”; directed the Public Works Department to proceed with the installation of lighting within the Kenwood Park Lighting District; approved the amount of the annual assessment and find it necessary to adequately cover expenditures and ensure sufficient revenues for continued operations and maintenance of the District; set the FY 2011-2012 annual assessments at \$58.94 per parcel; the parcels subject to the annual assessment are listed in Attachment “C”; authorized the Auditor-Controller to add the annual assessment to the 2011-2012 Tax Roll; and, directed the Department of Public Works to send a certified copy of the resolution ordering the formation of the Lighting District and all other required documents, along with the processing fee to the State Board of Equalization – PW DL-45-2 2011-462

Withrow/Chiesa unan. \***B2** Accepted the response to the Grand Jury Final Report and authorized the Chairman of the Board to forward the response to the Presiding Judge of the Superior Court by 08/03/2011; and, directed the CEO to ensure that the recommended actions by the Board of Supervisors be followed and completed by the subject County Departments and report back to the Board as appropriate – CEO M-39-M-4 2011-463

Withrow/O’Brien unan. \***B3** Approved the plans and specifications for the minor renovations at the HSA Public Health Laboratory Polymerase Chain Reaction Project prepared by Pacific Design Associates, Inc; authorized the Project Manager to issue a notice on 08/03/2011, inviting bids for the construction of the project and to set a bid date of 09/08/2011 at 2:00 p.m., and for the Project Manager to modify the bid date if necessary; and, authorized the Project Manager to accept and open bids on 09/08/2011, immediately after 2:00 p.m., and return to the Board of Supervisors to recommend a construction contract award to the lowest responsible bidder – CEO 2011-464

DeMartini/Withrow unan. **B7** Accepted the presentation of the 2010 Stanislaus County Agricultural Crop Report – Agricultural Commissioner 2011-465

County Counsel determined that Supervisors O’Brien, Chiesa, Withrow and DeMartini have disqualifying conflicts of interest with agenda item **B-8** because they all own agricultural property under Williamson Act contract or qualified to be under contract. Therefore, in order to establish a quorum to consider this

matter, the Board invoked the rule of necessity and Supervisor Chiesa and Supervisor Withrow drew long straws and thus participated in the decision.

Chiesa/Withrow (3-0)(O'Brien and DeMartini abstained) **B8** Reaffirmed the 10/26/2010 finding that the County received less than one-half of the foregone property tax revenue pursuant to Government Code §16142.1(d)(1) for FY 2009-2010; reapproved the implementation of AB 1265 (formerly SB 863) to establish new Williamson Act contracts including a reduction of property tax benefits by ten percent and a related reduction of the term of the contracts to nine years, to be effective beginning calendar year 2011; and redirected the Assessor, Auditor-Controller, Treasurer-Tax Collector, and Director of Planning and Community Development to take all necessary steps to implement AB 1265 (formerly SB 863) including but not limited to making the appropriate modifications to all affected properties assessed values, and modifying the FY 2011-2012 tax bills to reflect the assessment changes and supplemental fees associated with the reduced tax benefit – Planning 2011-466

**Corr 1** Referred to the Fish and Wildlife Committee, a notice from the California Fish and Game Commission regarding proposed changes in regulations related to the commercial herring fishery, and a notice of change of date for various hearings previously set for August 3, 2011.

**Corr 2** Referred to the Department of Planning and Community Development, the Department of Public Works, and the Department of Environmental Resources, a letter from the U.S. Department of the Interior, Bureau of Land Management (BLM) regarding the identification of BLM lands that are ready for designation as wilderness by Congress.

**Corr 3** Referred to the Agricultural Commissioner and Sealer of Weights and Measures, the Department of Environmental Resources, and the Department of Planning and Community Development, a Notice of Preparation of a Draft Environmental Impact Report for the Statewide Plant Pest Prevention and Management Program, from the California Department of Food and Agriculture.

**Corr 4** Referred to BHRS, a copy of the California Department of Mental Health's Revised Final Report for the Medi-Cal Oversight onsite review for the Stanislaus County's Mental Health Plan.

**Corr 5** Acknowledged receipt of a copy of the Turlock Irrigation District 2010 Annual Report.

**Corr 6** Referred to the Chief Executive Office and the Community Services Agency, a letter from the California Department of Social Services regarding funding for fraud investigations and program integrity efforts related to the In-Home Supportive Services Program pursuant to the California State Budget Act of 2011.

**Corr 7** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Jacob Shackelford and Kayla Braaten.

Supervisor Withrow introduced his son Michael, a Special Agent with the U.S. State Department, and noted that he is heading back to the Middle East in a week and he thanked him for his service.

Supervisor DeMartini announced that the West Side Health Care Task Force will be having their 3<sup>rd</sup> Annual Biggest Loser (weight loss) Contest between the cities of Patterson, Newman and Gustine, and also their Health Summit on 08/08/2011 at 12:00 p.m. at the West Side Theater in Newman.

The CEO reported that the revised State redistricting maps have been released and final action is anticipated on 08/15/2011. If adopted, Stanislaus County will have 3 Senate and 2 Assembly districts.

He gave an update regarding the County's Supervisorial redistricting process and reported that the maps are available online at [www.stancounty.com](http://www.stancounty.com). He noted that the Board will consider redistricting proposals on 08/16/2011 at a public hearing. He also reported that yesterday, Congress raised the debt ceiling and approved significant spending cuts.

The CEO announced that there will be a Board of Supervisors public hearing to consider supervisorial redistricting proposals on Tuesday, 08/16/2011, at 6:35 p.m., in the Basement Chambers at 1010 10th Street, Modesto.

Adjourned to closed session at 10:17 a.m. for Conference with Labor Negotiator: Agency Negotiator: Richard Robinson. Labor Organizations: California Nurses' Association; Stanislaus County Employees Association/AFSCME Local 10; Service Employees' International Union, Local 521; Stanislaus County Probation Corrections Officer's Association; Stanislaus Regional Emergency Dispatchers' Association; County Attorneys' Association; Stanislaus County District Attorney Investigators' Association; Deputy Sheriffs' Association; Stanislaus Sworn Deputies Association; Stanislaus County Sheriffs Supervisors' Association; Stanislaus County Deputy Probation Officers' Association; Stanislaus County Sheriff Management Association. Government Code §54957.6.

Adjourned at 11:49 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.)