

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

Regular Session

Tuesday

October 4, 2011

All Supervisors Present

Pledge of Allegiance to the Flag

Mark Rossi and Mary Miceli were presented with a resolution proclaiming October 2011 as Italian American Heritage Month in Stanislaus County.

April Premo, on behalf of the Tea Party, thanked the Board and County Counsel for providing the information they needed on eminent domain.

Emerson Drake spoke regarding the North County Corridor Project and requested that the information provided by StanCOG and the Cities Modesto, Riverbank and Oakdale be made public. He also spoke regarding election campaign reform and requested that the following changes be made: require a Board of Supervisors member to recuse themselves from a vote if they received a campaign contribution above a set limit, and prohibit elected officials from entering into a contract with a vendor who made contributions to their election campaign.

Chiesa/Withrow unan. Adopted the consent calendar after removing from consent item ***B5** Approval to Accept the Donations from Jon E. Maring and Group for the Laird Park Renovation Project Located in the Grayson/Westley Area

- *A1 Approved the minutes of 09/20/2011; 09/27/2011; and, 09/28/2011
- *A2 Adopted and waived the second reading of Ordinance C.S. 1107 to Repeal Title 25 of the Stanislaus County Code related to Election Campaign Reform – County Counsel
ORD-55-O-5 2011-552
- *A3 Appointed Carlos Estacio III to the Stanislaus County Agricultural Advisory Board
2011-553
- *A4 Accepted the resignation of Judith Callaway from the Assessment Appeals Board 2011-554
- *A5a Commended Stanislaus County Sheriff Deputies Pena and Seymour for their Life Saving Heroic Actions
2011-555
- *A5b Commended Mayenne USA Upon their 20th Anniversary
2011-556
- *B1 Authorized the Auditor-Controller to submit payment for an invoice that is more than one year old to WageWorks for Flexible Spending account fees – Risk Management
2011-557
- *B2 Declared a 1998 GMC C70 Knuckleboom Truck as surplus and authorize disposal; and, directed the Auditor-Controller to deposit proceeds from the disposal to DER, account 4021-0041100 – GSA
2011-558
- *B3 Approved HSA to submit an application to the California Department of Public Health for funding allocation of \$747,192 under the 2011-12 Federal Centers for Disease Control and Prevention Public Health Emergency Preparedness Program, State General Fund Pandemic Influenza Planning Program, and U.S. Department of Health and Human Services Assistant Secretary for Prevention and Response, Hospital Preparedness Program Funding Agreement; authorized the HSA Managing Director, or her designee, to sign the Agreement, and any amendments, and accept the funds when awarded; authorized the Chairman to sign the non-Supplantation Certification Form – Exhibit E to the Agreement;

- and, authorized the Auditor-Controller to make the necessary budget adjustments in accordance with the budget journals – HAS 2011-559
- *B4 Approved a Resolution of Intent to Participate in the Great California ShakeOut Annual Statewide Earthquake Drill and work toward becoming a safer community – OES 2011-560
 - *B6 Authorized the Director of the Department of Parks and Recreation, or her designee, to sign the project agreements and accept grant funds in the amount of \$351,089 for ground operations at the Off-Highway Vehicle Areas at Frank Raines and La Grange Regional Parks from the State of California Resources Agency for FY 2011-2012; and, directed the Auditor-Controller to increase appropriations and estimated revenue as detailed in the Budget Journal forms – Parks and Recreation 2011-561
 - *B7 Approved an agreement with the State of California Department of Forestry and Fire Protection for Emergency Use of Facilities in Frank Raines Regional Park; authorized the Director of the Department of Parks and Recreation, or her designee, to sign the agreement with the State of California Department of Forestry and Fire Protection; and, authorized the Director of the Department of Parks and Recreation, or her designee, in the case of a fire event, to negotiate and accept incident recovery compensation from the State of California Department of Forestry and Fire Protection for the use of Frank Raines Regional Park as an incident base – Parks and Recreation 2011-562
 - *B8 Awarded a contract to Redwood Toxicology in the amount of \$300,000 to provide all labor, materials, equipment, and incidentals to perform drug testing on samples provided by Stanislaus County; and, authorized the GSA Director/Purchasing Agent to enter into a contract with Redwood Toxicology to perform drug testing services at the Probation Department – Probation 2011-563
 - *B9 Accepted the Stanislaus County Treasury Pool’s August 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 2011-564
 - *B10 Awarded the construction contract for minor renovations at the Health Services Agency Public Health Laboratory to BC Construction General Contractor of Ceres, California, for the lump sum amount of \$64,947.00 base bid plus the three (3) additive alternates of \$20,492.00 for a total of \$85,439.00; authorized the Project Manager to issue a Notice to Proceed upon receipt of proper insurance and bonds; authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the construction phase including construction management, professional services, and other project related expenses as necessary to manage the project as long as the costs are within the approved project budget as approved by the Board of Supervisors; and, directed the Auditor-Controller to increase appropriations and estimated revenue by \$25,000 for this effort as detailed in the Budget Journal form – CEO 2011-565
 - *C1 Finds that the area included in the legal description of Park View Estates is located in the unincorporated territory of Stanislaus County and that it is not within the boundary of any other CSA; declared that all services being provided by CSA No. 10 Salida will be extended fully to the territory included in the Park View Estates annexation, and that said services shall commence after LAFCO issuance of a Certificate of Completion for the annexation and upon start of the 2012-2013 Budget Year; finds that the annexation will not produce a change in assessment methodology for CSA No. 10 Salida and that parcels in the new territory shall be subject to that pre-existing methodology; finds that the assessment formula for CSA No.10 is sufficient to adequately assess the annexed parcels

for the cost of services received; pursuant to Government Code §56663(c), consented to LAFCO's Waiver of Conducting Authority Protest Proceedings for the annexation of Park View Estates - Change of Organization to CSA No. 10 Salida; approved the annexation of the Park View Estates into CSA No. 10 Salida, subject to Government Code §56886(t) and 57330; and, ordered that subject to LAFCO approval of the annexation, APN: 136-028-091 and its subsequent subdivided parcel numbers shall be added to the FY 2012-2013 annual assessments – PW
CSA-10-A-12 2011-566

***C2** Approved the purchase agreement to acquire road right-of-way for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project (Parcel Owner Frederick B. Butterworth, APN: 136-020-010); authorized the Chairman of the Board to execute the agreement; authorized the Director of Public Works to sign and cause to record the Grant Deed on behalf of Stanislaus County as authorized by Board Resolution dated 03/08/2011 and Government Code 27281; and, directed the Auditor-Controller to issue a warrant in the total amount of \$185,000 payable to Fidelity National Title Company, for the purchase amount of \$182,750 and \$2,250 for estimated escrow fees and title insurance – PW

2011-567

***C3** Authorized the Director of Public Works to sign the consent by Stanislaus County to allow right-of-way acquisition by the City of Modesto to widen Sylvan Avenue and Litt Road – PW

2011-568

***D1** Accepted a grant from the State Water Resources Control Board Cleanup and Abatement Account for the Airport District Sewer Improvement Project for \$447,729; accepted a grant from the State Water Resources Control Board Cleanup and Abatement Account for the Shackelford Sewer Improvement Project for \$296,830; authorized the Director of Planning and Community Development, or his designee, to take all necessary actions to implement the grant programs as described including but not limited to acting as project sponsor and signing all necessary and appropriate contracts, subcontracts, and purchase agreements up to the budgeted amount for each project; and, directed the Auditor-Controller to establish appropriations and estimated revenues in the Planning and Community Development Special Grants budgets as detailed in the financial transaction form – Planning

2011-569

DeMartini/Withrow unan. ***B5** Authorized the Director of Parks and Recreation, or her designee, to accept donations of labor, materials, equipment and design work from Jon E. Maring and Group to renovate Laird Park located in the Grayson/Westley Area; and, authorized the Director of Parks and Recreation, or her designee, to sign all necessary documents for the completion of the Laird Park Renovation Project – Parks and Recreation

2011-570

DeMartini/O'Brien unan. **A6a** Appointed in lieu of election Jerry Hancock and Harlan E. Smith to the Ceres Fire Protection District Board of Directors

2011-571

DeMartini/O'Brien unan. **A6b** Appointed in lieu of election David S. Absher, Miguel Oseguera, and Jeff Serpa to the Hughson Fire Protection District Board of Directors

2011-572

DeMartini/O'Brien unan. **A6c** Appointed in lieu of election Emil Rusca and Mark Brubaker to the Salida Fire Protection District Board of Directors

2011-573

DeMartini/O'Brien unan. **A6d** Appointed in lieu of election John A. Varni, David D. Sundy, Jr., and Joe S. Nunes to the Westport Fire Protection District Board of Directors

2011-574

DeMartini/O'Brien unan. **A6e** Appointed in lieu of election Coleen Sanguinetti, Miguel Monteon, and Vern Wheeland to the Crows Landing Community Services District Board of Directors 2011-575

DeMartini/O'Brien unan. **A6f** Appointed in lieu of election Ronald C. Allen, T.J. McDonald, and Karl F. Curnow to the Denair Community Services District Board of Directors 2011-576

DeMartini/O'Brien unan. **A6g** Appointed in lieu of election Johnathon Parker to the Keyes Community Services District Board of Directors 2011-577

DeMartini/O'Brien unan. **A6h** Appointed in lieu of election Tim McKinsey and William Telfair to the Knights Ferry Community Services District Board of Directors 2011-578

DeMartini/O'Brien unan. **A6i** Appointed in lieu of election Cheryl Zumstein and Dennis R. Findley to the Denair Municipal Advisory Council 2011-579

DeMartini/O'Brien unan. **A6j** Appointed in lieu of election Davie Landers, Jr., William Alexander, and Jeff Reed to the Keyes Municipal Advisory Council 2011-580

DeMartini/O'Brien unan. **A6k** Appointed in lieu of election Christopher D. Hempleman, Winnie Mullens and Kathrin Hart to the Valley Home Municipal Advisory Council 2011-581

DeMartini/O'Brien unan. **A6l** Appointed in lieu of election Frank Clark and Alfred Bairos, Jr. to the Oakdale Irrigation District Board of Directors 2011-582

DeMartini/O'Brien unan. **A6m** Appointed in lieu of election John M. Azevedo to the Patterson Irrigation District Board of Directors 2011-583

DeMartini/O'Brien unan. **A6n** Appointed in lieu of election Rob Santos to the Turlock Irrigation District Board of Directors 2011-584

DeMartini/O'Brien unan. **A6o** Appointed in lieu of election Greg Petz and Lee DelDon to the West Stanislaus Irrigation District Board of Directors 2011-585

DeMartini/O'Brien unan. **A6p** Appointed in lieu of election Ivan E. Bays, John Escobar, Earl Perez, and Jim Jasper to the Del Puerto Water District Board of Directors 2011-586

DeMartini/O'Brien unan. **A6q** Appointed in lieu of election Ward Burroughs and Albert Rossini to the Eastside Water District Board of Directors 2011-587

DeMartini/O'Brien unan. **A6r** Appointed in lieu of election Tom Morris, Greg Nunes, and Henry Bettencourt to the El Solyo Water District Board of Directors 2011-588

DeMartini/O'Brien unan. **A6s** Appointed in lieu of election Roy J. Orlando and Donald Harper to the Rock Creek Water District Board of Directors 2011-589

DeMartini/O'Brien unan. **A6t** Appointed in lieu of election Joe Sallaberry, Veryl "Butch" Watkins, and Phillip Souza to the Reclamation District #2063 Board of Directors 2011-590

DeMartini/O'Brien unan. **A6u** Appointed in lieu of election Frank Freitas, Patrick Cerutti, Douglas Lucas, and Michael Dompe to the Newman Drainage District Board of Directors 2011-591

Chiesa/DeMartini unan. **A7a** Approved appointments in-lieu of election and vacancies: Nathan Cary to the Empire Municipal Advisory Council 2011-592

Chiesa/DeMartini unan. **A7b** Approved appointments in-lieu of election and vacancies: Arleen Hernandez to the South Modesto Municipal Advisory Council 2011-593

Chiesa/DeMartini unan. **A7c** Approved appointments in-lieu of election and vacancies: Ana Rocha-San Nicolas to the Salida Municipal Advisory Council 2011-594

Chiesa/DeMartini unan. **A7d** Approved appointments in-lieu of election and vacancies: Rudy Caro, Diana M. Gonzales-Alvarez, Kelland Murphy, and Timi Lynn Horn to the Riverdale Park Community Services District Board of Directors 2011-595

Chiesa/DeMartini unan. **A7e** Approved appointments in-lieu of election and vacancies: Tony Bravo, Henry R. Galvan to the Westley Community Services District Board of Directors 2011-596

Chiesa/DeMartini unan. **A7f** Approved appointments in-lieu of election and vacancies: John E. Beltran and Joe J. Martini to the Oak Flat Water District Board of Directors 2011-597

Chiesa/DeMartini unan. **A7g** Approved appointments in-lieu of election and vacancies: Earl Perez and Clyde Peters to the Orestimba Flood Control District Board of Directors 2011-598

O'Brien/Chiesa unan. **A8a** Approved appointments in-lieu of election where no candidates filed for the Grayson Community Services District Board of Directors 2011-599

O'Brien/Chiesa unan. **A8b** Approved appointments in-lieu of election where no candidates filed for the Monterey Park Tract Community Services District Board of Directors 2011-600

O'Brien/Chiesa unan. **A8c** Approved appointments in-lieu of election where no candidates filed for the Hickman Municipal Advisory Council 2011-601

O'Brien/Chiesa unan. **A8d** Approved appointments in-lieu of election where no candidates filed for the Knights Ferry Municipal Advisory Council 2011-602

O'Brien/Chiesa unan. **A8e** Approved appointments in-lieu of election where no candidates filed for the Reclamation District #2091 Board of Directors 2011-603

O'Brien/DeMartini unan. **9:10 am** Conducted the public hearing and adopted Sewer System Management Plans for Modesto Reservoir and Woodward Reservoir Regional Parks – Parks and Recreation 2011-606

O'Brien/Withdraw unan. **B11** Approved the Third Annual Stanislaus County Board of Supervisors' Effective Partnership Recognition for the Department of Child Support Services and the Latino Emergency Council – CEO 2011-604

Chiesa/Withdraw unan. **B12** Authorized the CEO and the Sheriff to submit a Letter of Interest to the State of California Corrections Standards Authority to pursue an Invitation to submit an application for AB 900 Phase II Jail Construction Financing Program funding of up to \$80,000,000 and acknowledging the conditions of the program, including a requirement for County match funding of 10 percent; accepted an

update on the Master Planning and Needs Assessment Efforts underway; authorized staff to issue a Request for Proposals for professional architectural/engineer design services to initiate coordinated planning and design of multiple planned jail facility improvement and expansion projects at the Public Safety Center; and, authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to support the analysis and planning for the AB 900 Phase II application if the Letter of Interest is accepted by the State of California – CEO 2011-605

Corr 1 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, and the Stanislaus Economic Development and Workforce Alliance, a letter from California Emergency Management Agency regarding the U.S. Small Business Administration designation of Stanislaus County as a contiguous county disaster area due to agricultural losses caused by unseasonable and excessive rain that occurred 05/01/2011 through 06/28/2011.

Corr 2 Referred to CSA, a letter from the California Department of Social Services pertaining to the proposed FY 2011/12 funding for fraud investigations and program integrity efforts related to the In-Home Supportive Services Program.

Corr 3 Referred to the CEO, a letter from the California Partnership for the San Joaquin Valley inviting the Board of Supervisors to appoint a member to the Partnership Water Work Group.

Corr 4 Referred to the Auditor-Controller, a letter from the Hills Ferry Cemetery District requesting a bi-annual audit.

Corr 5 Referred to the Sheriff, a letter from the California Department of Corrections and Rehabilitation regarding Stanislaus County's compliance of the inclusion of the Health Officer on the review panel for an inmate's death per Title 15 §1046.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: R. Michael Williams (amended claim); Jose Bedoya; Timothy Wester; and, Peter Camara.

Supervisor DeMartini reported that the committee working on the Agricultural Element is finished with the document. He spoke regarding Correspondence No. 4 on today's agenda, and noted that the Hills Ferry Cemetery District is required by the State to go through a comprehensive and expensive audit. He stated that there are provisions in the Code to allow the District to change their audit schedule from annually to a bi-annually, and that he is supportive of this change.

The CEO gave an update to the Board regarding litigation against the State which affects counties. He noted that 10/09/2011 is the deadline for the Governor to act on the approximately 440 bills on his desk. There are several bills that are of particular interest to Stanislaus County that could affect labor relations and the County's relationship with the State in several different areas. He noted that County staff will continue to monitor the status of these bills and will keep the Board updated.

Recessed to sit as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 10: 44 a.m.

Withdraw/O'Brien unan. Approved the consent calendar (Those items marked with an *)

X. *II-A Approved the minutes of 09/20/2011

Reconvened to sit as the Stanislaus County Board of Supervisors at 10: 45 a.m.

Adjourned to closed session at 10:47 a.m. for Public Employee Appointment: Title: CEO. Government Code §54957(b). 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). Conference with Legal Counsel - Significant Exposure to Litigation: Two Cases: Claim for damages by Stephanie Vandoorn dated 04/08/2011 regarding vehicle accident; Annette Smith v. County of Stanislaus regarding investigation by Stanislaus County Civil Grand Jury. Government Code §54956.9 (b)(B). 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 12:15 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.)