

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

Regular Session

Tuesday

November 1, 2011

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held for BHRS employee Frans Hamar.

Capt. Michael Paugh of the Salvation Army spoke regarding the importance of the Berberian Emergency and Transitional Shelter located on 9<sup>th</sup> Street in Modesto, and reported that they are having financial difficulties and are operating with a budget deficit.

John Mataka thanked the Board for recognizing Frans Hamar during the moment of silence. He spoke regarding the Sheriff considering the building of a new federal immigrant detention center, and of an agreement with the U.S. Immigration and Customs Enforcement. He voiced concerns regarding deportation of immigrants, and submitted a California Public Records Act request to the Clerk of the Board regarding this issue.

Debra Harper thanked the Board for approving the placement of the library tax on the ballot. She spoke regarding her suspension from the Stanislaus County Library. She also thanked the Salvation Army for the services provided at the Berberian shelter.

O'Brien/De Martini unan. Adopted the consent calendar

- \*A1 Approved the minutes of 10/18/2011 and 10/25/11
- \*A2 Appointed Supervisor Vito Chiesa as the primary member and Supervisor Jim De Martini as the alternate member to the CSAC 2012 Board of Directors 2011-642
- \*A3 Adopted and waived the second reading of Ordinance C.S. 1108 to impose a Library Transactions and Use Tax to be administered by the State Board of Equalization, for the continued exclusive funding of the Stanislaus County Library System  
ORD-55-O-6 2011-643
- \*A4a Appointed Dorothy Jean Nygard to the Commission on Aging 2011-644
- \*A4b Appointed Ladd J. Hackler to the Keyes Fire Protection District Board of Directors  
2011-645
- \*A5 Accepted the resignation of Walter T. Rea, Sr. from the Patterson Cemetery Board of Directors  
2011-646
- \*A6 Commended Carl Boyett as the 2011 American Legion, Post 74 Citizen of the Year  
2011-647
- \*A7 Accepted the resignation of Officer Billy Hamilton and appointed Officer John Wohler to the Advisory Board on Substance Abuse Programs 2011-648
- \*A8 Commended Chief Probation Officer Jerry Powers 2011-649
- \*B1 Authorized the Project Manager to execute a revised Construction Contract with Champion Industrial Contractors, Inc. for the immediate repairs for the heating, ventilation and air conditioning system at the Downtown Men's Jail – CEO 2011-650
- \*B2 Authorized the Project Manager to issue a RFQ and Proposals for On-Call Code Review Services relating to various Capital Projects; authorized the Project Manager to issue a RFQ and Proposals for On-Call Code Estimating Services relating to various Capital

- Projects; and, directed staff to return to the Board to recommend a contract for these two services – CEO 2011-651
- \*B3** Approved the plans and specifications for the Strategic Business Technology Data Center Server Room relocation and improvements at 3705 Oakdale Road prepared by Miller Pezzoni and Associates, Inc.; authorized the Project Manager to: issue a notice inviting bids for the construction of the project, to set a due date of 12/14/2011 at 2:00 p.m., to modify the bid date if necessary, to open and evaluate bids, and return to the Board of Supervisors to recommend an award to the lowest responsible bidder; authorized the Project Manager, working in collaboration with Strategic Business Technology, to: issue a notice inviting bids for the various stand alone equipment and component items needed to furnish and equipment the Server Room Project (including but not limited to, Uninterruptible Power Supply (UPS) package, equipment and environmental monitoring hardware and software, cabling, cable management, server racks, accessories, power distribution units, power cords, installation/setup), to set a due date of 12/07/2011 at 2:00 p.m.; to modify the bid date if necessary; to open and evaluate bids; and, to return to the Board of Supervisors to recommend an award to the lowest responsible bidder for the furnishings and equipment needed for the Project – CEO 2011-652
- \*B4** Approved the 2011 Equal Rights Commendations for Richard W. Robinson, CEO; Linda Marion, CSA Senior Software Developer; and, Raul Mendez, CEO Senior Management Consultant – CEO 2011-653
- \*B5** Authorized the Director of the DER and Parks and Recreation to apply for, accept, and enter into and sign the routine FY 2012-2013 State grant agreements and contracts outlined in the discussion section of the agenda item; authorized the Director of the DER and Parks and Recreation to approve and sign any amendments to the routine FY 2012-2013 State grant agreements and contracts outlined in the discussion section of this item; adopted a resolution authorizing the Director of DER to apply for a Waste Tire Cleanup and Amnesty Event Grant from the California Department of Resources Recycling and Recovery for FY 2012-2013 to promote the cleanup and recycling of waste tires; and, adopted a resolution to authorize the Director of DER to apply for a Waste Tire Enforcement Grant from the California Department of Resources Recycling and Recovery for FY 2012-2013 to promote the administration of a regional waste tire enforcement program – DER/Parks and Recreation 2011-654
- \*B6** Accepted the Stanislaus County Treasury Pool’s September 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 2011-655
- \*B7** Pursuant to Revenue and Taxation Code §3692(c), 3692(d), 3694 and 3698, and in accordance with Chapter 7 of Part 6 of Division 1 of the California Revenue and Taxation Code, the Board approved the sale of the tax-defaulted properties by sealed bid sale for the stated minimum bid price as described on the report, “List of Properties for Sealed Bid Sale” – T/TC 2011-656
- \*B8** Pursuant to California Revenue and Taxation Code §3694, approved the sale of the tax-defaulted properties for the minimum bid per the report “List of Properties for Delinquent Tax Sale” included with the agenda item; pursuant to Revenue and Taxation Code §369.58(c), approved re-offering the parcel which did not obtain the minimum bid at a price which is deemed appropriate by the T/TC; pursuant to Revenue and Taxation Code §202, Constitution Article XIII Section 3 and Federal Law, authorized the T/TC to exempt those parcels which are owned by the federal, state and local governments from the tax

- sale; and, pursuant to Revenue and Taxation Code §3698.8, authorized the T/TC to not pursue auction sale for the properties owned by the Housing Authority of the City of Riverbank because of legal issues – T/TC 2011-657
- \*C1 Finds that the Ordinance C.S. 1109 is not subject to the CEQA (Public Resources Code, Sections 2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1109 amending Title 11, Section 11.08.020, of the Stanislaus County Code, adding a No Parking Zone on Tenaya Drive, Glenn Avenue, and Sequoia Street in Stanislaus County, Modesto and Salida areas – PW ORD-55-O-7 2011-658
  - \*C2 Finds that the Ordinance C.S. 1110 is not subject to the CEQA (Public Resources Code, Sections 2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1110 amending Title 11, Section 11.08.120, of the Stanislaus County Code, adding a No Truck Parking Zone on Service Road in Stanislaus County, Ceres area – PW ORD-55-O-8 2011-659
  - \*C3 Finds that the Ordinance C.S. 1111 is not subject to the CEQA (Public Resources Code, Sections 2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1111 amending Title 11, Section 11.08.020, of the Stanislaus County Code, repealing five and adding one No Parking Zone on Emerald Avenue in the Stanislaus County, Modesto area – PW ORD-55-O-9 2011-660
  - \*C4 Awarded a contract for design engineering services to David Evans and Associates, Inc. of Roseville, California, in the amount of \$618,000 for the Kilburn Road Bridge over Orestimba Creek Replacement Project; authorized the Director of Public Works to execute a contract with David Evans and Associates, Inc., in the amount of \$618,000 and sign necessary documents; and, authorized the Director of Public Works to execute change orders in accordance with the Public Contract Code §20142 – PW 2011-661
  - \*D1 Finds that the conditions and contingencies of the Tentative Certificate of Cancellation for Williamson Act Contract No. 1975-2011, Garner, have been satisfied; and, directed the Clerk of the Board to execute and record the Certificate of Cancellation by 11/04/2011 – Planning 2011-662
  - \*E1 Adopted the resolution authorizing the lapsation of the La Grange Elementary School District and annexation into Roberts Ferry Union Elementary School District; and, authorized the Chairman to sign the resolution and County staff to take all actions necessary to implement the resolution – County Counsel 2011-663
  - \*E2 Adopted the resolution authorizing the transfer of territory from Modesto City Schools to Ceres Unified School District; and, authorized the Chairman to sign the resolution and County staff to take all actions necessary to implement the resolution – County Counsel 2011-664

Chiesa/O'Brien unan. **B9** Accepted a Children and Families Commission Presentation on 2010-2011 Activities – Children and Families Commission 2011-665

Withdraw/O'Brien unan. **B10** Accept the CEO's First Quarter Financial Report for FY 2011-2012; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the First Quarter Financial Report; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the First Quarter Financial Report, as outlined in the Staffing Impacts section of this report and detailed in Attachment B to be effective the start of the 11/05/2011 pay period; approved the reduction-in-force of one filled position in the Board of Supervisors Division budget effective 12/31/2011; and, approved contracts and/or agreements listed on Attachment C in cumulative amounts of \$100,000 or greater since 07/01/2009 – CEO 2011-666

**Corr 1** Referred to the Fish and Wildlife Committee, a notice from the California Department of Fish and Game regarding proposed regulatory action relating to the Shared Habitat Alliance for Recreational Enhancement (SHARE) program.

**Corr 2** Referred to the Fish and Wildlife Committee, a notice from the Fish and Game Commission regarding the Public Use of Department of Fish and Game Lands.

**Corr 3** Referred to the DER, a letter from the East Side Mosquito Abatement District regarding a notice of intent to apply pesticides within the District's boundaries from 03/01/2011 through 11/30/2011 as necessary.

**Corr 4** Referred to the DER, a copy of the Fire/Life Safety Inspection Report for the Stanislaus County Juvenile Hall at 2215 Blue Gum Avenue, Modesto, CA, from the Modesto Regional Fire Authority.

**Corr 5** Accepted the resignation letter from Chief Probation Officer Jerry Powers. The Board thanked him for his service to Stanislaus County, and wished him well as he assumes his new position as the Chief Probation Officer of Los Angeles County.

**Corr 6** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: George Conway Patterson (amended) and Dean Hasten.

Adjourned to closed session at 10:07 a.m. for Closed Session: Public Employee Appointment: Title: Chief Executive Officer. Government Code §54957(b). Conference with Labor Negotiator: Agency Negotiator: Richard Robinson. Labor Organizations: California Nurses' Association (CNA); Stanislaus County Employees Association (SCEA)/AFSCME Local 10; Service Employees' International Union (SEIU), Local 521; County Attorneys' Association (CAA); Deputy Sheriffs' Association (DSA); Stanislaus County Sheriffs Supervisors' Association (SCSSA); Stanislaus County Deputy Probation Officers' Association; Stanislaus Regional Emergency Dispatchers' Association; Stanislaus County Probation Corrections Officer's Association (SCPCOA); Stanislaus County Sheriff Management Association; Stanislaus County District Attorney Investigators' Association; and, Stanislaus Sworn Deputy Association (SSDA). Government Code §54957.6.

Adjourned at 12:18 p.m.

**Closed Session Announcement:** Chiesa/O'Brien (3-2)(Withrow and De Martini opposed) Appointed Monica Nino as the CEO for the County of Stanislaus effective 01/01/2012; and, authorized County Counsel to negotiate an employment agreement with Ms. Nino for approval by the Stanislaus County Board of Supervisors. 2011-667

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.)