

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

November 8, 2011

The Chairman presented a proclamation declaring November as Adoptions and Permanency Awareness Month.

A commendation was presented to Chief Probation Officer Jerry Powers upon his leaving service from Stanislaus County.

John Mataka wanted to correct a statement that he made during the 11/01/2011 Board of Supervisors meeting regarding the number of people President Obama has deported during his administration. The correct number is 1 million, not 100. He also noted that over 400,000 people have been deported in 2011. He spoke regarding the public records request he made last week, and he awaits this information.

Emerson Drake encouraged everyone to vote today. 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.

De Martini/O'Brien unan. Adopted the consent calendar after removing from consent items ***B5** Approval to Execute Agreements to Support the County's Self Funded Employee Health Insurance Program with: Ascendant HealthCare for Clinical Data Management Services; Ascendant HealthCare for Memorialization of Management Services; Stanislaus County Partners in Health for Access to a Medical Provider Network and Management Services Related to the Medical Provider Network, and Caremark PCS Health, LLC for Pharmacy Benefit Management Services; and, ***E1** Approval of an Employment Agreement Between Stanislaus County and Monica Nino to Serve as Chief Executive Officer Effective 01/01/2012

***A1** Approved the minutes of 11/02/2011

***A2a** Adopted and waived the second reading of ordinance C.S. 1109 to Amend Title 11, §11.08.020, of the Stanislaus County Code, Amending a No Parking Zone on Tenaya Drive, Glenn Avenue, and Sequoia Street in Stanislaus County, Modesto, and Salida Areas – Public Works ORD-55-O-7 2011-668

***A2b** Adopted and waived the second reading of ordinance C.S. 1110 to Amend Title 11, §11.08.120, of the Stanislaus County Code, Amending a No Truck Parking Zone on Service Road in Stanislaus County, Ceres Area – Public Works ORD-55-O-8 2011-669

***A2c** Adopted and waived the second reading of ordinance C.S. 1111 to Amend Title 11, §11.08.020, of the Stanislaus County Code, Amending a No Parking Zone on Emerald Avenue in the Stanislaus County, Modesto Area – Public Works ORD-55-O-9 2011-670

***A3a** Appointed Todd Craven to the Orestimba Flood Control District Board of Directors 2011-671

***A3b** Appointed Dave Geer to the Local Task Force on Solid Waste Management 2011-672

- *A3c Appointed Mark Cacioppo to the Modesto City-County Airport Advisory Committee 2011-673
- *A4a Reappointed Francisco Diaz and Susan Stransky to the Monterey Park Tract Community Service District Board of Directors 2011-674
- *A4b Reappointed Helen P. Pulido, Lulu M. Polk and Maricela Vela to the Grayson Community Services District Board of Directors 2011-675
- *A4c Reappointed KarrieJo Cairns to the Empire Municipal Advisory Council 2011-676
- *A4d Reappointed Robert Woolley to the Hickman Municipal Advisory Council 2011-677
- *A4e Reappointed Eric Lee Feichter, Carla Doshas, Dolleen Haskell, and Jeremy Page to the Knights Ferry Municipal Advisory Council 2011-678
- *A4f Reappointed Karen Gorne to the Salida Municipal Advisory Council 2011-679
- *A4g Reappointed Hortencia Franco to the South Modesto Municipal Advisory Council 2011-680
- *A4h Reappointed Laura Anhalt to the Reclamation District 2091 Board of Directors 2011-681
- *A4i Reappointed Anthony Barkett and Joseph Barkett to the Wendt Ranch Reclamation District Board of Directors 2011-682
- *A5a Proclaimed 11/15/2011, as “America Recycles Day” in Stanislaus County 2011-683
- *A5b Proclaimed November 2011 as National Home Care Month in Stanislaus County 2011-684
- *B1 Authorized the Director of DER, or her designee, to sign the Orchard Tree Removal Program Agreement with PG&E Company; authorized the Director of DER or her designee, to sign the Incentive Payment Estimate Worksheet provided by PG&E; and, authorized the Chairman to sign the Agreement to modify the utility easement for the Interstate 5 Ranch property adjacent to the Fink Road Landfill, consistent with the sample document, Attachment A of the agenda item report, once it has been prepared by PG&E and transmitted to Stanislaus County following receipt of the signed Orchard Tree Removal Program – DER 2011-685
- *B2 Authorized the Director of DER, or her designee, to enter into and sign a grant agreement with the California Environmental Protection Agency for implementation of the California Electronic Reporting System for the Local Hazardous Materials Program; authorized the Director of DER, or her designee, to approve and sign any amendments to the grant agreement with the California Environmental Protection Agency for implementation of the California Electronic Reporting System for the Local Hazardous Materials Program; and, directed the Auditor-Controller to increase appropriations and estimated revenue per the Budget Journal form – DER 2011-686
- *B3 Approved a Master Agreement with Pride Industries of Rocklin, California for contract janitorial services; and, authorized the Purchasing Agent to sign the Master Agreement, project, and any subsequent amendments to the Master Agreement on behalf of the County – GSA 2011-687
- *B4 Approved a County-wide agreement with Telcion Communications Group of Turlock, California for the purchase of Cisco products and accessories; and, authorized GSA Director/Purchasing Agent to execute the County-wide agreement and any subsequent amendments to the County-wide agreement on behalf of the County during the term of the agreement – SBT 2011-688
- *B6 Approval of the Final Acceptance of the Phase III Tenant and Site Improvements at the Nick W. Blom Salida Regional Library by Menghetti Construction, Inc. of Modesto, California; approved the final acceptance and completion of the Phase III Tenant and Site Improvements at the Nick W. Blom Salida Regional Library by Menghetti Construction, Inc. of Modesto, California; approved the final contract with Menghetti Construction, Inc. of Modesto, California as follows: Original Contract for \$ 1,689,000; Change Orders for \$96,487 for a Total Contract amount of \$ 1,785,487; and, authorized the Chief Executive Officer, or his designee, on behalf of the Board of Supervisors as the Awarding Authority,

to sign the completion documents, record the Notices of Completion, release retention, and process all remaining close out activities for the above contracts and the project – CEO
2011-689

***C1** Finds that the territory more particularly described in Exhibit “A” (legal description and map) is owned by the proponents and that their ownership represents 100% of the total assessed valuation of said territory; 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 Lighting District; finds that Stanislaus County Code, §20.56.210 (Street Lights), requires the installation of street lights to county standards in areas designated as residential, commercial and industrial on the land use element of the General Plan; finds that the subdivider/developer was required to install street lights per Condition of Approval No. 26 for their General Plan Amendment Application No. 2005-09, Community Plan Amendment Application No. 2005-02, Rezone Application No. 2005-09, and Tentative Map Application No. 2005-05 for Park View Estates; finds that, pursuant to Streets and Highways Code §19056, territory owned by a subdivider that comes under the terms of a county ordinance requiring the installation of a street lighting system (i.e. Stanislaus County Code, §20.56.210 Streetlights) shall be exempt from Streets and Highway Code requirements for petition, notice, hearing, and election requirements; finds that the annexation will not produce a change in assessment methodology for the Salida Highway Lighting District and that parcels in the new territory shall be subject to that pre-existing methodology; finds that the assessment formula for the Salida Highway Lighting District is sufficient to adequately assess the annexed parcels for the cost of services received; approved the annexation of the Park View Estates into the Salida Highway Lighting District; declared that all services being provided by the Salida Highway Lighting District will be extended fully to the territory included in the Park View Estates annexation and that said services shall commence with the start of the 2012-2013 Budget Year; ordered that Assessor Parcel Number (APN) 136-028-091 and its subsequent subdivided parcel numbers shall be added to the Budget Year 2012-2013 annual assessments; directed the Department of Public Works to forward a certified copy of the resolution ordering the annexation, and all other required documents, along with the processing fee to the State Board of Equalization; and, directed the Clerk of the Board to send a certified copy of the resolution ordering the annexation to the following offices: the Department of Public Works, Assessor, Elections, Auditor-Controller, and the Clerk Recorder – PW

DL-3-B-20 2011-690

***C2** Pursuant to Street and Highway Codes 8334(a) and 8335: finds based on the reasons stated in this report, that the portion of Rancheria Drive lying at the end of cul-de-sac, described herein, is not required for street and highway purposes; finds the in-place public utility facilities will be protected by an easement retained for their benefit; and, adopted the attached resolution vacating that portion of Rancheria Drive lying at the end of cul-de-sac – PW

2011-691

***D1** Authorized the Director of Planning and Community Development to purchase computer equipment to be used for the implementation of the new one-stop permitting Accela software; and directed the Auditor-Controller to transfer appropriations in the Building Permits budget as detailed on the attached financial transaction form – Planning

2011-692

Chiesa/Withrow (4-0)(O'Brien abstained) ***B5** Approval to execute agreements to support the County's Self Funded Employee Health Insurance Program with: Ascendant HealthCare for Clinical Data

Management Services; Ascendant HealthCare for memorialization of Management Services; Stanislaus County Partners in Health for access to a Medical Provider Network and Management Services related to the Medical Provider Network, and Caremark PCS Health, LLC for Pharmacy Benefit Management Services; authorized the CEO to negotiate, finalize and sign a three-year agreement between the County and Ascendant HealthCare for the provision of Clinical Data Management Services for the Stanislaus County employee health insurance program; authorized the CEO to negotiate, finalize and sign a three-year agreement between the County and Ascendant HealthCare for the memorialization of management services related to the Stanislaus County employee health insurance program; authorized the CEO to negotiate, finalize and sign a three-year agreement between the County and Stanislaus County Partners in Health (a nonprofit mutual benefit corporation) for provider network access and management services related to the provider network for the employee health insurance program; and, authorized the CEO to negotiate, finalize and sign a three-year agreement between the County and CVS Caremark (Caremark PCS Health, LLC) for Prescription Benefit Management contract – CEO 2011-693

Withdraw/O'Brien unan. *E1 Approved an Employment Agreement between Stanislaus County and Monica Nino to serve as the CEO effective 01/01/2012; and, authorized the Auditor-Controller to implement the terms of the Employment Agreement between Stanislaus County and Monica Nino to serve as the CEO effective 01/01/2012 – County Counsel 2011-694

O'Brien/Withdraw unan. B7 Approved agreements with the following employee organizations to implement a six percent (6%) permanent salary deduction effective 07/01/2012: Stanislaus Sworn Deputies Association; Stanislaus County Deputy Probation Officers' Association; Stanislaus Probation Correction Officers' Association; Stanislaus Regional Emergency Dispatchers' Association; Stanislaus County Sheriff Supervisors' Association; Stanislaus County Sheriff Management Association; and, Stanislaus County District Attorney Investigators' Association; authorized the extension of the expiration date of the current MOU between the County of Stanislaus and the following labor organizations from 06/30/2012 to 06/30/2014: Stanislaus Sworn Deputies Association; Stanislaus County Deputy Probation Officers' Association; Stanislaus County Probation Correction Officers' Association; Stanislaus Regional Emergency Dispatchers' Association; Stanislaus County Sheriff Supervisors' Association; Stanislaus County Sheriff Management Association; and, Stanislaus County District Attorney Investigators' Association; authorized the implementation of a six percent (6%) permanent salary deduction for unrepresented Management and Confidential employees and all Elected Officials effective 07/01/2012; authorized the implementation of an additional four percent (4%) salary deduction for the Sheriff Coroner effective 07/01/2012 through 06/30/2014; authorized the CEO, or designee, and all parties to sign the agreements; and, authorized the CEO and County Auditor-Controller to implement all terms and conditions of the approved agreements in compliance with applicable State and Federal laws – CEO 2011-695

Corr 1 Referred to DER, a notice of availability of the Draft Program EIR for the Delta Plan is available for review between 11/04/2011 and 01/03/2012.

Corr 2 Acknowledged receipt of the Annual Financial Report from the Stanislaus County Law Library.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: City of Ceres; Wayne Provost; and, Tiffany Bush.

Supervisor Chiesa wished Chief Probation Officer Jerry Powers the best of luck in Los Angeles. He noted that Chief Powers has done a great job and has left the County in a better position.

CEO Robinson congratulated Monica Nino upon her appointment as the new CEO starting in January 2012.

The CEO announced that there will be a Board Retreat on 11/10/2011 at the Martin Peterson Event at 720 12th Street, Modesto from 9:00 a.m. until 3:00 p.m.

Adjourned at 9:40 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.)