

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

Regular Session

Tuesday

December 6, 2011

All Supervisors Present

Pledge of Allegiance to the Flag

The Red Ribbon Week 2011 Best Decorated School Contest Awards were presented to: 1st place winners: Virginia Parks Elementary School; Evelyn P. Hanshaw Middle School; and, Orestimba High School; 2nd place winners: Fox Road Elementary School; Emilie J. Ross Middle School; and, Ceres High School; and, 3rd place winners: Capistrano Elementary School; Roosevelt Junior High School; and, Grace M. Davis High School.

Richard Gayton voiced concerns regarding the County's policy concerning automatic resignations, and noted that he filed an Equal Opportunity Complaint on behalf of his client. He asked the Board to review this portion of the Personnel Manual. CEO Robinson reported that the complaint was received this morning, and that an investigation will take place regarding this matter.

Withdraw/De Martini unan. Adopted the consent calendar

- *A1 Approved the minutes of 11/15/2011
- *A2 Accepted the Clerk-Recorder's Certified Statement of the results of the Consolidated District Election held Tuesday, 11/08/2011, and declared the results – Elections 2011-717
- *A3 Declared a vacancy on the Commission on Aging 2011-718
- *A4 Appointed Rod Butler to the Stanislaus County Emergency Medical Services Committee 2011-719
- *A5 Accepted the resignation of Rick Fritzemeier from the Stanislaus Economic Development and Workforce Alliance Youth Advisory Council 2011-720
- *A6 Accepted the resignation of Thomas Morris from the El Solyo Water District Board of Directors 2011-721
- *B1 Authorized the Director of AAA/Veteran Services to sign the Older Americans Act (OAA) Senior Employment Contract TV-1112-30 and any amendments to the contract with the California Department of Aging for FY 2011-2012 – Aging & Veterans Services 2011-722
- *B2 Introduced and waived the first reading of Ordinance C.S. 1112 amending provisions of Stanislaus County Code Chapter 2.36 making administrative changes governing the County Safety Board, and Chapter 2.60 related to the County Safety Program; and, adopted the Safety Board Membership once the ordinance changes are finalized and approved – CEO ORD-55-O-10, 2011-723
- *B3 Authorized a voluntary ten percent salary deduction for the County's Elected Auditor-Controller in addition to the five percent salary deduction taken by County employees effective 01/01/2012 through 06/30/2012; authorized a voluntary nine percent salary deduction for the County's Elected Auditor-Controller in addition to the six percent salary deduction taken by County employees effective 07/01/2012 through 12/31/2012; and, authorized the Auditor-Controller to waive the annual car allowance of \$4,800 effective 01/01/2012 through 12/31/2012 – CEO 2011-724
- *B4 Approved an increase in appropriations by \$10,000 for the Grand Jury to hire a private law firm for a civil contempt proceeding; authorized the transfer of \$10,000 from

- Appropriations for Contingencies by 4/5 vote of the Board; and, directed the Auditor-Controller to increase appropriation per the Budget Journal form – CEO 2011-725
- *B5 Accepted the Stanislaus County Treasury Pool’s October 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 2011-726
 - *B6 Accepted the Report of the Annual Inspection/Evaluation of the Local Jail/Detention Facilities pursuant to Section 101045 of the State of California Health and Safety Code – DER 2011-727
 - *B7 Declared the listed County vehicles and equipment as surplus and authorized these assets to be auctioned; and, directed the Auditor-Controller to deposit all receipts from the sale of these assets in to departmental accounts as appropriate to the fixed asset location of the asset – GSA 2011-728
 - *B8 Approved the list of Independent Contractor Agreements between the Stanislaus County Health Services Agency and various contractors for FY 2011-2012; authorized the HSA Managing Director, or her designee to sign the agreements; and, authorized the HSA Managing, or her designee or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 – HAS 2011-729
 - *B9 Approved a contract with Mountain Valley Emergency Medical Services Agency to administer local emergency medical services for Budget Year 2012-2013; authorized the Managing Director HSA, or her designee to negotiate and execute the agreement; and, approved amended Bylaws of the Emergency Medical Services Committee – HAS
BD-19-B-13 2011-730
 - *B10 Authorized the use of up to \$11,679 of Fire Warden’s Public Facilities Fees (PFF) to fund a portion of the cost to construct training props needed to attain Rescue Systems-2 (RS2) certification for the Regional Fire Training Center; and, directed the Auditor-Controller to increase appropriations and estimated revenue by \$11,679 in the County Fire Service Fund as detailed in the budget journal – OES/Fire Warden BM-64-I-10 2011-731
 - *B11 Accepted the schematic design as prepared by Lionakis, Inc. and authorize the Project Team, working with the Design Team, to complete the design for construction of the Honor Farm Replacement facility for future Board of Supervisors consideration; approved to issue a Request for Statement of Qualifications (RFSOQ) for the Pre-Qualification of General Contractors for the Honor Farm Jail Beds Replacement Project; authorized staff to advertise Statement of Qualifications in local newspapers and builder’s exchanges; adopted a Formal Appeal Process for Pre-Qualification of Contractors for Capital Projects pursuant to Public Contract Code Section 20101(d); and, directed the Auditor-Controller to increase appropriations and estimated revenue \$948,243 in the Capital Project fund, as detailed in the attached Budget Journal form from insurance proceeds for the Honor Farm fire replacement beds – CEO 2011-732
 - *C1 Authorized the Director of Public Works to sign and submit the application for the renewal of the General Lease Agreement with the California State Lands Commission for the Hickman Road Bridge over the Tuolumne River – PW 2011-733
 - *D1 Set a public hearing for 12/20/2011, at 6:35 p.m. to consider the Planning Commission’s recommendation for approval of General Plan Amendment No. 2011-01, Revised Agricultural Buffers, a request to revise Appendix “A”: Stanislaus County Buffer and Setback Guidelines of the Stanislaus County Agricultural Element; and, authorized the Clerk of the Board to publish the public hearing notice as required by law – Planning 2011-734

O'Brien/Withrow unan. **B12** Approved the County Registrar of Voters to provide election services to the City of Modesto to conduct a mayoral run-off election on 02/07/2012; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$250,000 as detailed in the budget journal – Clerk-Recorder 2011-735

O'Brien/Chiesa unan. **B13** Adopted the County's recommended Final Capital Improvement Plan (CIP) for FY 2011-2012 now that the Stanislaus County Planning Commission has found it in conformance with the County's General Plan – CEO 2011-736

Corr 1 Referred to the DER, a letter from the California Department of Toxic Substances Control regarding the property at 1425 La Loma Avenue in Modesto, CA.

Corr 2 Referred to the CEO and BHRS, a letter from Doctors Medical Center regarding the operating hours for intake of patients at Doctors Behavioral Health Center.

Corr 3 Referred to the Planning, a letter from the California Department of Conservation regarding the Turlock Irrigation District's intention to acquire Williamson Act preserve land for the Hughson-Grayson 115kV Transmission Line in Stanislaus County.

Corr 4 Referred to the Public Works, a notice of public informational meeting on Wednesday, 12/07/2011, at the Mark Twain Junior High School from 6:30 p.m. to 8:00 p.m. regarding the State Route 132 West Freeway/Expressway.

Corr 5 Acknowledged receipt of the 2011 Williams Report for Stanislaus County Schools from the Stanislaus County Office of Education.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: George Conway Patterson (amended claim); Karl Geletich III, Citizens for Constitutional Government; Ladean Burnett; Maria Machuca, Jorge Galvan, Robert Galvan, Maria Galvan, Rafael Galvan, Maria Gutierrez, Jose Galvan, Jr.; Dawn Ortiz; Ernestina Nunes; Tristen Nunes; Brooke Nunes; Bailey Nunes; Esmeralda Coronado; and, Michael Don Summers.

Supervisor De Martini spoke regarding Agenda Item *D-1, and noted that the revision to the Ag Element buffers and setbacks was a needed adjustment. He reported that the privately funded revitalization of Larid Park started last week, and by spring it will have a new sprinkler system and new trees. He reminded everyone that property taxes are due on Monday, 12/12/2011.

Supervisor Chiesa reported that he, Supervisor De Martini, Supervisor Withrow, Christine Ferraro Tallman, Clerk of the Board, and Monica Nino, Assistant Executive Officer attended the CSAC Conference in San Francisco last week.

The CEO reported that the second half of December will be an important time, as the State will determine if additional budget cuts will need to be made. He noted that a number of legal challenges have already been filed. He is fairly confident that the revenue anticipated by the State is coming in significantly short of expectations. The County will have a better idea of the situation after 12/15/2011. The Governor has filed a voter initiative for a ½ cent sales tax, and higher income taxes for those making over \$250,000.00 per year and joint filers over \$500,000.00. It is estimated that this initiative would raise over \$7 billion annually for five years.

Adjourned to closed session at 9:53 a.m. for Closed Session: Conference with Legal Counsel - Existing Litigation: One Case: Nicholas Honchariw. County of Stanislaus, Stanislaus County Superior Court Case No. 642200. Government Code Section 54956.9 (a). Conference with Legal Counsel - Anticipated Litigation: One Case. Government Code Section 54956.9 (c).

Adjourned at 11:00 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.)