

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

Regular Session

Tuesday

January 31, 2012

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence for Stanislaus County Board of Supervisors employee Sandy Hopp.

The 2012 State of the County Address was given by Supervisor William O'Brien, Chairman of the Stanislaus County Board of Supervisors.

**Recessed at 9:43 a.m.**

**Reconvened at 9:52 a.m.**

Ty Wivell from the Stanislaus County Sheriff's Posse (SCSP) spoke regarding the 28<sup>th</sup> SCSP Charity Rodeo being held on 06/15/2012 and 06/16/2012. He noted that all proceeds will be donated to the FFA Chapters throughout Stanislaus County.

Carmen Morad, President of the Stanislaus County Chapter of the California Grand Juror's Association, gave a brief overview regarding the mission and purpose of this association.

Withrow/De Martini unan. Adopted the consent calendar

- \*A1 Approved the minutes of 01/24/2012
- \*A2 Appointed John Bettencourt to the Stanislaus County Assessment Appeals Board 2012-36
- \*A3 Proclaimed February 2012 as Grand Jury Awareness Month in Stanislaus County 2012-37
- \*B1 Authorized the Auditor-Controller to establish an interest bearing trust fund for each of the eleven successor agencies in Stanislaus County to record property taxes that would have been allocated to each Redevelopment Agency in the County had the Redevelopment Agency not been dissolved pursuant to ABx1 26 – Auditor-Controller 2012-38
- \*B2 Approved the rejection of all bids received for Bid Package #1 for the construction of Strategic Business Technology Data Center server room improvements at 3705 Oakdale Road, Modesto CA; approved the rejection of all bids received for Bid Package #2 for the data center infrastructure management system components items to furnish and equip the server room; authorized the Project Manager to issue a Request for Proposal (RFP) for the direct purchase of the back-up generator package on 02/02/2012, to receive and open the proposals on 03/01/2012, and return to the Board of Supervisors to recommend an award to the most responsible proposer; authorized the Project Manager to issue a RFP for the direct purchase of the data center infrastructure management system component package on 02/02/2012, to receive and open the proposals on 03/01/2012, and return to the Board of Supervisors to recommend an award to the most responsible proposer; and, authorized the Project Manager to take the routine actions necessary to manage the project including construction management, professional services, and other project related expenses as necessary to manage the project as long as the costs are within the Project Budget approved by the Board of Supervisors – CEO 2012-39

- \***B3** Approved the Shackelford Annexation Property Tax Revenue Exchange Agreement with the City of Modesto; authorized the CEO to execute the Shackelford Annexation Property Tax Revenue Exchange Agreement; authorized the CEO to negotiate and execute the Shackelford Landscape and Lighting District Transfer Agreement with the City of Modesto substantially in the form included with the agenda item; and, directed the CEO to commence the process to amend the bylaws of the South Modesto MAC boundaries and detach the Shackelford Annexation Area, upon approval of LAFCO – CEO  
C-6-J-4; DL-36-4 2012-40
- \***B4** Authorized HSA to restore funding to one Administrative Clerk III Position and unfund one vacant Administrative Clerk II position; and, amend the Salary and Position Allocation Resolution to reflect the recommended changes in the Staffing Impact section of the agenda item, effective with the start of the first pay period beginning after 01/31/2012 – HAS 2012-41
- \***B5** Approved a contract increase of \$150,000 for Renne Sloan Holtman Sakai, LLP, Public Law Group; and, approved a contract increase of \$500,000 for Porter Scott, A Professional Corporation for Legal Services – Risk Management 2012-42
- \***B6** Accepted the Stanislaus County Treasury Pool’s December 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 2012-43
- \***D1** Authorized Stanislaus County to serve as the Successor Housing Agency to the Stanislaus County Redevelopment Agency; directed the Chief Executive Office, County Counsel, Director of Planning and Community Development, and Auditor-Controller to take all steps necessary to serve as the Successor Housing Agency staff pursuant to the Redevelopment Dissolution Act (ABx1 26) and the California Supreme Court decision in the California Redevelopment Association v. Matosantos case, published on 12/29/2011; authorized the County Auditor-Controller to take all steps necessary to establish two (2) new interest bearing trust fund accounts for the Successor Housing Agency and the Successor Agency of the Stanislaus County Redevelopment Agency (RDA). The Successor Agency account shall serve as the “Redevelopment Obligation Retirement Fund” as required to be established by the Dissolution Act; and, reserved the right, in the event of future legislation or litigation, to modify, rescind, or alter this action, in whole or in part, or to take further action as may be required or desired to address such legislation or litigation – Planning 2012-44

**Recessed to sit as the Stanislaus County Redevelopment Agency at 9:56 a.m.**

Chiesa/Monteith unan. **9:05 am** Adopted the consent calendar

**9:05 am \*III-A** Approved the minutes of 09/13/2011

Kirk Ford, Executive Director of the Stanislaus County Redevelopment Agency, gave a presentation regarding the Twenty Years of Redevelopment in Stanislaus County.

Monteith/Withrow unan. **9:05 am VII-A** Adopted the proposed amended Enforceable Obligation Payment Schedule (EOPS) in compliance with ABx1 26; directed the Executive Director to take all actions required by the Redevelopment Agency Dissolution Act (ABx1 26) including, but not limited to, posting the amended EOPS on the Stanislaus County Redevelopment Agency's website, and transmitting the EOPS to the Stanislaus County Auditor-Controller, the State Controller, and the State Department of

Finance; and, reserved the right, in the event of future legislation or litigation, to modify, rescind, or alter this action, in whole or in part, or to take further action as may be required or desired to address such legislation or litigation – Redevelopment Agency 2012-45

**Reconvened to sit as the Stanislaus County Board of Supervisors at 10:15 a.m.**

**Corr 1** Referred to the Department of Public Works, a letter from the California Energy Commission (EECDG) regarding the completion of projects using the Energy Efficiency and Conservation Block Grant program funded by the American Recovery and Reinvestment Act (ARRA).

**Corr 2** Referred to the Department of Planning and Community Development, a letter from the United States Department of the Interior regarding the study they are conducting to determine if the Knight's Ferry Bridge in Stanislaus County qualifies to be a National Historic Landmark.

**Corr 3** Acknowledged receipt of the Comprehensive Annual Financial Report of the Stanislaus County Employees' Retirement Association for the Fiscal Years Ended 06/30/2011 and 2010.

**Corr 4** Acknowledged receipt of "The Face of Child Support in California 2012-2013" booklet from the Child Support Directors Association of California.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ashley N. Sandoval; Andrew R. Brown; Kelly L. Mattos; Landyn J. Brown; Kailey L. Brown; Elisa B. Brown; Breanna T. Brown; and, Louis Ruvalcaba.

Supervisor De Martini spoke regarding agenda item \*B3 concerning the annexation of the Shackelford neighborhood into the City of Modesto. He noted that this small community has benefited from the Stanislaus County Redevelopment Agency that is being dissolved. There has been approximately \$9 million spent on this community installing sewer systems, sidewalks and storm drains, and it is now scheduled for annexation, which was the goal. This community is a good example of what the Redevelopment Agency has done, and it is a shame that the State has dissolved redevelopment agencies before we could get to the Parklawn community.

Supervisor Chiesa reported that he attended a recent San Joaquin Rail Committee meeting, and noted that there has been 15 straight months of record ridership. They are going to be adding a car to each of the trains to address the increased ridership. They are looking at ways to close the passenger rail gap between Bakersfield and Los Angeles. As gas prices continue to climb, he anticipates that we will see a continued increase in train ridership. This is the only rail line in the nation that has seen this kind of growth.

The CEO reported that the State is asking to defer payment for February and March to April 2012 for local governments. These deferrals will primarily impact our drug MediCal, along with foster care, adoptions, welfare, and adult protective services. On 01/24/2012, the U.S. District Court ruled that the State cannot reduce the 10% proposed for MediCal doctors, along with ambulance services, and other providers. The Court also blocked cuts to hospital based nursing units and pharmacies. The California Teachers Association has officially backed Governor Brown's November tax initiatives. The California Supreme Court ruled that the State Senate maps drawn for the citizens redistricting commission will be used in this year's election. She reported that Congressmen Cardoza, Denham and Costa have authored a letter to the U.S. Army Corps of Engineers to support fully funding the 2012 budget for the Orestimba Creek Flood Control Project. Congressman Cardoza also authored a letter on the County's behalf in support of a federal grant for the Center for Medicare and Medicaid Services.

Supervisor Withrow asked how many County dollars will be deferred by the State for February and March. David Jones, Director of Legislative Affairs, responded that the recoupment portion will be \$1.7 million, and the deferrals will total \$2.1 million.

The Chairman announced that there will be a public reception for CEO Monica Nino today from 2:30 p.m. to 4:30 p.m. at the Kirk Lindsey Center, 1020 10th Street, Suite 102, Modesto, CA.

Adjourned to closed session at 10:26 a.m. for Conference with Legal Counsel - Existing Litigation: Three Cases: Rachel Prescott, et al v. County of Stanislaus, et al, United States District Court, Eastern District of California, Case Number 1:10-CV-00592-JLT; Daniel Kreshon, et al. v. Edward Northard, et al, Stanislaus County Superior Court, Case Number 662676; Lilliana Chaparro v. Natalie L. Diaz, et al, Stanislaus County Superior Court, Case Number 652132; Horacio Martinez, et al. v. State of California, et al., Stanislaus County Superior Court, Case Number 617051; Cardoza Family Partnership, L.P. v. Diana Soranno, et al., Stanislaus County Superior Court, Case Number 663449. Government Code §54956.9 (a). Conference with Legal Counsel - Anticipated Litigation: Two Cases. Government Code §54956.9 (c).

**Closed Session Announcement:** Monteith/Withrow unan. Authorized County staff to initiate legal proceedings against Clark & Sullivan Builders, Inc. to seek repair of defective construction at the Gallo Center for the Arts and to enforce warranties related to the waterproofing 2012-47

**Closed Session Announcement:** Chiesa/De Martini unan. Authorized County staff to join with other counties in California to initiate legal proceedings against the State of the California related to directives issued by the Department of Health Care Services and the Department of Mental Health that require counties to pay for ancillary health care services provided to patients residing in Institutions for Mental Diseases 2012-46

Adjourned at 12:30 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.)