

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

Regular Session

Tuesday

March 5, 2013

All Supervisors Present

Pledge of Allegiance to the Flag

Bob Dittman spoke regarding the success and importance of the Empire Community Pool. He voiced the need for future funding for the pool and water safety programs, and asked the County for assistance in identifying funding. He noted that there will be a fund raiser in June 2013.

Emerson Drake thanked the Board for their support of Salida, and voiced concerns regarding the City of Modesto related to the possible annexation of Salida.

O'Brien/Withdraw unan. Adopted the consent calendar after removing from consent item *E-1 Approval to Deny the Request from the City of Riverbank to Allow the County Elections Official to Conduct a Special Election on June 4, 2013 to Fill a Vacant City Council Position

*A1 Approved the minutes of 02/26/2013

*A2a Accepted the resignation of Mark Cacioppo from the Modesto City-County Airport Advisory Committee 2013-87

*A2b Accepted the resignation of Leah Silvestre, Cam Quach, Karen Servas, and Vicki Fontana from the Stanislaus County Child Abuse Prevention Council 2013-88

*A3 Accepted the appointment of Steven Pittson to the Del Puerto Health Care District Board of Directors 2013-89

*A4 Proclaimed 03/31- 04/06/2013 as Safety Seat Checkup Week 2013-90

*A5 Amended the Conflict of Interest Code for the Stanislaus Child Development Local Planning Council 2013-91

*B1 Adopted a resolution authorizing the Director of DER to apply for, enter into and sign the Waste Tire Amnesty Grant from the California Department of Resources Recycling and Recovery for FYs 2013-2014 and 2014-2015 – DER 2013-92

*B2 Awarded a contract for testing of milk samples for the Milk and Dairy Inspection Division of DER, to Silliker Laboratories Inc., Salida, CA, in the amount not to exceed \$240,000 over a five year period; authorized the Director of DER, or her designee, to execute a contract with Silliker Laboratories Inc., for five years; and, authorized the Director of DER, or her designee, to sign any amendments to the agreement within the specified contract amount – DER 2013-93

*B3 Adopted the retirement contribution rates based on the actuarial assumptions for FY 2013-14 as recommended by the Board of Retirement; and, directed the Auditor-Controller to change the employer and employee retirement contribution rates for the FY 2013-14 in accordance with the actuarial valuation of 06/30/2012 on the payroll check date of 08/07/2013 – StanCERA 2013-94

*B4 Approved a resolution approving the Facility Sublease, ratifying prior actions taken concerning documentation for the Juvenile Commitment Center, and authorizing the Project Manager/COO to complete all remaining actions necessary and execute all documents on behalf of the Board for the Lease-Revenue Bond Sale for financing the construction of the Juvenile Commitment Center (SB81) Project – CEO 2013-95

***D1** Opened the 30-day public comment period to consider approval of the FY 2013-2014 Annual Action Plan (AAP) and set a Public Hearing for 04/16/2013 at 6:35 p.m. to close the public comment period and consider approval of the Fiscal Year 2013-2014 Annual Action Plan (AAP) – Planning 2013-96

Monteith/O'Brien (3-0)(Withrow and De Martini opposed) ***E1** Finds that by City of Riverbank Resolution No. 2013-004 adopted on 02/11/2013, as amended by Resolution No. 2013-004-A adopted 02/20/2013, the City of Riverbank called for a special election to be held on 06/04/2013, which is less than 114 days from the call of the special election as required by Government Code Section 36512; declined the request from the City of Riverbank to allow the County Elections Official to conduct a special election on 06/04/2013 because the call for election does not comply with applicable law requiring the special election to be called not less than 114 days from the call of the special election; directed staff to notify the City of Riverbank that the County declines the request to conduct the City's special election, and to assist the City to hold and conduct an election that fully complies with applicable law; and, **amended** the item to add that the County will be cooperative of any requests of the Superior Court – County Counsel C-1-B-6 2013-97

Recessed at 10:30 a.m.

Reconvened at 10:35 a.m.

O'Brien/Withrow unan. **9:05 am** Conducted a public hearing pursuant to Section 1442.5 of the Health and Safety Code; and, approved the adjustments to the methodology used to establish the Medically Indigent Adult program's Income Limit for the Hardship Eligibility category from an aggregate limits by age bands as set forth in Table 1, effective 04/01/2013 – HAS 2013-99

Supervisor De Martini left at 11:53 a.m.

O'Brien/Withrow (4-0)(De Martini absent). **B5** Accepted the CEO's Mid-Year Financial Report for FY 2012-2013; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the Mid-Year Financial Report; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the Mid-Year Financial Report, as outlined in the Staffing Impacts section of the report and detailed in the attachment B of the report to be effective the start of 03/09/2013 pay period, or as otherwise noted; authorized the CEO to re-hire Jim Kwartz, upon his retirement as Senior Management Consultant in the CEO Department to an extra help Accountant position immediately following his retirement from County Service on 03/29/2013, and prior to the 180 day sit out period as required under the Public Pension Reform Act; and, approved contracts and/or agreements list in Attachment C of the report in cumulative amounts of \$100,000 or greater since 07/01/2010; and, **amended** the item to add that no additional vehicles will be purchased until the vehicle policy is completed – CEO 2013-98

Supervisor De Martini returned at 12:03 p.m.

Corr 1 Referred to County Counsel, an appeal to reverse the declined protest on the Request for Proposal No. 12-67 MP for concessionaire at Woodward Reservoir from Chris Cosner.

Corr 2 Referred to DER, a letter from the East Side Mosquito Abatement District regarding a notice of intent to apply pesticides within the District's boundaries from March 1, 2013 through November 30, 2013 as necessary.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ann & Ronnie Jon Engert and Adrianna Sandoval & Esperanza Gandarilla.

The CEO reported that health care reform is heating up at the State level, and CSAC has not taken a formal position yet. On the federal side, sequestration went into effect last Friday with impacts at the local level unknown at this point. The expectation is that discretionary grant programs will be impacted as a result of the 7-9% cuts. She noted that Social Security, Veterans Affairs program, and a number of low-income assistance programs are exempt from the cuts. CEO Nino reported that on a positive side the Violence Act (AWA) passed House last week. AWA grant funds are currently utilized to support the non-profit Stanislaus Family Justice Center.

Adjourned at 12:06 p.m. as the Stanislaus County Board of Supervisors

Reconvened to sit as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 12:06 p.m.

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

X. *II-A Approved the minutes of 10/11/2011

Kathy Harris spoke in support of the IHSS program and stated that the pay scale for IHSS providers in the valley is low.

Diana Reese, home health care provider, spoke regarding the importance of the IHSS program and she requested a pay raise.

Lidia Rodriguez noted that she has been an IHSS provider for 10 years and she cares for her son and two other clients. She stated that IHSS providers have not had a raise since 2009.

Adjourned to closed session at 12:11 p.m. for Conference with Labor Negotiator - Agency Negotiators: Monica Nino and Jody Hayes. Labor Organization: United Domestic Workers of America (UDW). Government Code Section 54957.6

Adjourned as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 1:40 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.)