

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

Regular Session  
Supervisor De Martini absent  
Pledge of Allegiance to the Flag

Tuesday

May 21, 2013

**Recessed to closed session at 5:30 p.m.** for Conference with Legal Counsel: Anticipated Litigation. One case. Government Code Section 54956.9 (d)(4).

**Reconvened at 6:30 p.m.** for Regular Session

A moment of silence was held for Public Works employee Charles Myer.

Commendations were presented to Margaret "Peg" Tafoya (District 1); Judy Ledermann (District 2); Rosemary Musino (District 3); Caren Burhams (District 4); and, Barbara Tosta (District 5) as the 2013 Stanislaus County Outstanding Senior Citizens of the Year in celebration of Older Americans Month.

The 2013 Stanislaus County Recycling Poster Contest winners received their awards.

Chris Cosner questioned why he cannot sell non-food items such as firewood at Woodward Reservoir this weekend.

Jerry McKibben, member of United Domestic Workers (UDW), asked the Board to rethink their position concerning a wage increase for In-Home Supportive Services (IHSS) Providers.

Alex Gonzales thanked the County for the Medically Indigent Adult (MIA) Program, which saved his brother's life. He stated that the IHSS Program also saves lives.

Suzy Watkins, recipient of IHSS, spoke regarding the need for the services she receives from her IHSS Provider. She also spoke regarding the importance of caring for people in their homes.

Maryellen McLaughlin, IHSS Provider, spoke regarding the volunteer hours she provides to those in her care in addition to the paid time. She noted the rising cost of living and spoke in support of a wage increase.

Monica Johnson, IHSS Provider, noted her mother passed away last Saturday. She noted the importance of the IHSS program and caring for individuals in their home.

Ricky McGill talked about his brother who died last October and spoke about the importance of the IHSS program.

Diana Gardner spoke regarding the wages for IHSS Providers, and the cut in provider hours. She also spoke in support of a wage increase.

Peter North stated that he has been a Caregiver for almost 10 years. He spoke about caring for those who cannot care for themselves. He stated that IHSS Providers are living below the standard of living.

Kim Spielman spoke regarding caring for her son who has cystic fibrosis. She asked the Board to consider giving IHSS Providers a raise.

Mike Loza from UDW spoke regarding the funding of the IHSS Program. He noted that wages received by IHSS Providers are spent in this community.

Withrow/O'Brien (4-0)(De Martini absent) Adopted the consent calendar

- \*A1a Approved the 05/10/2013 special meeting minutes
- \*A1b Approved the 05/14/2013 regular meeting minutes
- \*A2 Approved a commendation for Fire Warden-Assistant Director of Office of Emergency Services Gary Hinshaw upon his retirement from Stanislaus County 2012-242
- \*A3 Accepted the resignation of Coleen Sanguinetti from the Crows Landing Community Services District Board of Directors 2012-243
- \*B1 Approved the 2013-2014 Megabyte Automated Property Tax System Maintenance Agreement with Megabyte Systems, Inc.; and, authorized the CEO upon recommendation of the Assessor, Auditor-Controller and T/TC to sign the 2013-2014 Megabyte Automated Property Tax System Maintenance Agreement with Megabyte Systems, Inc. – Assessor 2013-244
- \*B2 Authorized the Project Manager to issue a Request for Statement of Qualifications to pre-qualify independent general contractors and specialized subcontractors for the Juvenile Justice Center Roofing and Heating, Ventilation and Air Conditioning Replacement Project for future consideration and award of a construction contract to an independent general contractor by the Board of Supervisors – CEO 2013-245
- \*B3 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1705/1707 Seattle Street, Modesto, California, CE No. 11-0113, as set forth in Attachment 1 of the agenda item – DER 2013-246
- \*B4 Approved the increase in the top of the salary band for the classification of Fire Warden/Assistant Director of OES from \$137,072 to \$150,779 and renamed the Classification to reflect the additional duties of Fire Chief retroactive to 04/20/2012 – CEO 2013-247
- \*B5 Approved the agreement between the Clerk Recorder- Registrar of Voters and the California Secretary of State in the amount of \$30,000 for the period of 07/01/02013 through 12/31/2014; approved the Registrar of Voters to expend funds and seek reimbursement from the Federal Help America Vote Action of 2002, Section 261 Grant for polling place accessibility, surveying, purchasing equipment, and training; and, approved the Registrar of Voters to sign the grant award agreement, including any extensions, or amendments, not to exceed the amount of the agreement – Clerk-Recorder 2013-248
- \*B6 Approval of the list of Independent and Personal Services Contractor Agreements between the Stanislaus County Health Services Agency and various contractors for FY 2013-2014; authorized the HSA Managing Director, or her designee, to sign the agreements noted in the agenda item; and, authorized the HSA Managing Director, or her designee, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 per agreement – HSA 2013-249
- \*B7 Amended the Hickman MAC bylaws making minor administrative changes and transitioning to a bi-monthly meeting schedule – CEO MAC-06-09 2013-250
- \*B8 Approved the agreements with service providers for mental health, alcohol & other drug, and ancillary services effective 07/01/2013 for FY 2013-2014; authorized the BHRS Director, or her designee, to sign the agreements for FY 2013-14 per the agenda item; authorized the BHRS Director, or her designee, to negotiate and sign amendments to all agreements per Attachment A, of the agenda item, to add services and payment for services up to \$75,0000

- per agreement, budget permitting, throughout FY 2013-14; and, authorized the BHRS Director, or her designee, to negotiate and sign amendments to all agreements per Attachment B, of the agenda item, to add services and payment for services up to \$25,0000 per agreement, budget permitting, throughout FY 2013-14 – BHRS 2013-251
- \*B9** Approved the adjustment the GSA 12th Street Office Building in the amount of \$3,500 for various maintenance costs exposures outlined in the report; and, directed the Auditor-Controller to increase appropriations in the amount of \$3,500 per the budget journal – GSA 2013-252
- \*B10** Set a public hearing on 06/18/2013, at 6:35 p.m., to consider adjustments to the Stanislaus County Franchise Maximum Rates for Solid Waste Collection Services – DER 2013-253
- \*B11** Approved the replacement of one canine in the Sheriff’s Department Canine Unit – Sheriff 2013-254
- \*C1** Approved a Professional Design Services Master Agreement with Caltrop Corporation to provide on-call construction management services for various Public Works Department projects through 05/21/2016 at an amount not to exceed \$750,000; authorized the Public Works Director to sign the agreement; and, authorized the Public Works Director to sign future amendments during the life of the agreement and within the approved compensation limits – PW 2013-255
- \*C2** Pursuant to Street and Highway Code 8334(a & b), the Board finds that the undeveloped access, fire access and public utility easements located adjacent to Mariposa Road, north of Finch Road and south of Yosemite Boulevard are not required for street and highway purposes; finds the undeveloped access, fire access and public utility easements have not been utilized and that there are no requests to retain the easements by the utility companies or the local fire district; and, adopted a resolution vacating the access and public utility easements located adjacent to Mariposa Road as shown on Volume 53, of Parcel Maps, at Page 36, Stanislaus County records – PW 2013-256
- \*C3** Pursuant to Street and Highway Codes 8334(a), 8335, and 8340, finds that a portion of an undeveloped alley located east of South 9th Street and south of Hosmer Road, lying northwest of the City of Ceres is not required for street and highway purposes; finds a public utility easement will be retained for the benefit of AT&T for their in-place public utility facilities; and, adopted a resolution vacating that portion of the alley lying in Block 3525 of the Hosmer Tract as described in Exhibits “A” and “B” – PW 2013-257
- \*D1** Rescinded Williamson Act Contract No. 71-0106 (portion of) and 2006-0016, located on Swanson and Blue Gum Roads, in the Hickman Area; approved a new contract pursuant to Minor Lot Line Adjustment 2012-19, Short Ranch/Antonio Alberto; and authorized the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment 2012-19; approved and established the following findings: (a) the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265; (b) there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands

subject to a contract or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan – Planning 2013-258

O'Brien/Monteith (4-0)(De Martini absent) **C4** Adopted a Resolution of Necessity to acquire real property or interest in real property by eminent domain for the Claribel Road Widening Project (Parcel Owners John Gonzalez and Suki Gonzalez, APN 074-014-008); finds that the public interest and necessity require the proposed project; finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds that the subject property described in the resolution is necessary for the proposed project and the 0.32 acre remnant is an uneconomic remnant and remainder, which the County is authorized to acquire by eminent domain pursuant to Code of Civil Procedure sections 1240.150 and 1240.410; finds that the offer required by Section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired; and, authorized County Counsel to initiate eminent domain proceedings to acquire the subject property – PW 2013-259

**Corr 1** Referred to the Department of Public Works, Department of Environmental Resources and Agricultural Commissioner and Sealer of Weights and Measures, four letters from the State Water Resources Control Board regarding Petition for Temporary Change to Transfer Water among various water districts.

**Corr 2** Acknowledged receipt and refer to the CEO, reports concerning the Projected Budget for Fiscal Year 2013-2014; Leases, Prices, Concessions, Fees; and, the Schedule for the 2013-2014 Season from Gallo Center for the Arts.

**Corr 3** Acknowledged receipt of claim and referred to the CEO-Risk Management Division the following claim: Tammi Miller.

Supervisor Monteith reported that last Thursday he and his wife attended a graduation for foster children who completed the Independent Living Skills Program. He noted that approximately 27 students graduated from high school, and 15 graduates are going on to college or vocational school. He commended the work that they are doing.

The CEO reported that the Governor released his May Revised Budget last Tuesday. The State Controller reported cash collections ahead of budget by \$4.5 billion, but the Governor is budgeting only \$2.8 billion due as a result of the economic slowdown, federal sequester, and expiration of the 2% payroll tax deduction. CEO Nino gave an update regarding Public Safety Realignment and noted that the projected \$77 million in realignment grown funds are now projected only to be \$45 million. She reported that the Governor is proposing to take \$300 million from counties in FY 2013/2014, as a result from health care reform and the State taking over the counties' indigent health programs. The Chairman, CEO, HSA Managing Director, and other county staff are participating in a consortium made up of 12 counties with similar health care systems regarding this issue. The State has proposed a shift of some human services to counties by 2016 in anticipation of health care realignment. The Legislature expects to have the State Budget done on time by 06/15/2013. Stanislaus County's Proposed Budget will be considered by the Board on 06/11/2013. At the federal level, the Senate passed their version of the Water Resources Development Act. It appears this bill may be delayed in the House, which could be beneficial to the Orestimba Creek's flood control project in allowing time to finalize the Chief's Report.

Chairman Chiesa also spoke regarding health care reform and noted his concerns that the 12 counties consortium that have a similar health platform are being left out of the conversation.

The Chairman announced that there will be a dedication ceremony for the Stanislaus County Juvenile Commitment Center on 06/07/2013 at 1:00 p.m. at 2215-A Blue Gum Avenue in Modesto.

Adjourned at 8:08 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.)