

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

Regular Session

Tuesday

June 11, 2013

All Supervisors Present

Pledge of Allegiance to the Flag

Chris Cosner spoke regarding his experience having an ice cream concession at Woodward Reservoir over the Memorial Day weekend under a pilot program.

Monteith/Withrow unan. Adopted the consent calendar after removing from consent items ***B14** Approval to Use Criminal Justice Facilities Funds to Partially Fund the Purchase of the 2013 Aerial Photo of Stanislaus County for the County Geographic Information System (GIS); and, ***C1** Approval to Adopt Plans and Specifications for the Salida Sidewalk Repair Project, and Set Bid Opening Date

***A1** Approved the minutes of 05/21/2013

***A2** Adopted and waived the second reading of Ordinance C.S. 1128 amending existing fees for the Department of Public Works Engineering Division – PW ORD-55-Q-7 2013-260

***A3** Amended the 2013 Stanislaus County Board of Supervisors Committee Assignments
2013-261

***A4** Proclaimed June 2013 as Disability Awareness Month 2013-262

***A5** Consolidated the General Municipal Election for the City of Ceres with the Consolidated District Election (UDEL) on 11/05/2013 2013-263

***A6** Accepted the resignation of Farrell Jackson as the Stanislaus County representative to the Oversight Board of the Successor Agency for the City of Oakdale 2013-264

***B1** Authorized the Director of the Alliance Worknet, or his designee to receive and expend PY 2013-2014 Workforce Investment Act (WIA) funds in accordance with the approved Stanislaus County Strategic Five-Year Local Plan; authorized the Director of the Alliance Worknet to sign all WIA-related sub-grant agreements, and any modifications or adjustments as required by the State of California; authorized the Director of the Alliance Worknet, or his designee to receive and expend PY 2013-2014 contracted StanWORKS funds as authorized by the Director of CSA; and, authorized the Director of the Alliance Worknet, or his designee to enter into and sign agreements and contracts to expend PY 2013-2014 WIA funds and contracted StanWORKS funds – Alliance Worknet
2013-265

***B2** Approved contracting with certified accounting firm of Brown Armstrong CPAs to conduct the annual County audit for FY ending 06/30/2013; approved contracting with certified accounting firm of Brown Armstrong CPAs to conduct the City/County Capital Improvement and Financing Agency audit, the Treasury Oversight Compliance audit and the Treasury Endowment Fund audit for FY ending 06/30/2013; and, authorized the Purchasing Agent to sign the final master agreement and any amendments within the contracted amount – Auditor-Controller 2013-266

***B3** Approved the amendment to the multi-year agreement between BHRS and the State of California for the provision of alcohol and other drug services for FYs 2010-2011; 2011-2012; and, 2012-2013 to extend the agreement through 06/30/2014; authorized the BHRS Director, or her designee, to sign the amendment to the agreement; and, authorized the BHRS Director, or her designee, to sign additional amendments to the agreement through 06/30/2014 – BHRS 2013-267

- *B4 Approved the County to act as the applicant and lead agency and move forward with California Environmental Quality Act (CEQA) compliance for the Crows Landing project; approved the preparation and publication of a RFP for Land Use, Engineering, and Environmental Consultant Services for the Crows Landing project; approved the use of Economic Development Bank fund balance for the environmental analysis, not to exceed \$685,000; approved the establishment of an Ad Hoc Review Committee consisting of Supervisors Monteith and De Martini and County staff, to meet quarterly to oversee this phase of the planning process; and, directed the Auditor-Controller to make the necessary adjustments per the financial transaction sheet – CEO 2013-268
- *B5 Approved the award of three-year agreements by CSA for the provision of services for Family Resource Centers to Aspiranet (Turlock), Center for Human Services (Ceres, West County and East County), Parent Resource Center (Modesto), and Sierra Vista Child and Family Services (North Modesto and Hughson); and, authorized the Director of CSA, or her Assistant Director designee, to finalize and execute the agreements and any amendments, not to exceed the agreement amounts as detailed in the agenda item – CSA 2013-269
- *B6 Approved the agreement with Aspiranet for the provision of transitional housing and employment services for Transitional Housing Program Plus participants in an amount not to exceed \$327,303; approved the agreement with Aspiranet for the provision of employment services for Non-Minor dependents (NMD) participating in Extended Foster Care After 18 program in an amount not to exceed \$30,000; and, authorized the Purchasing Agent to sign the agreements and any amendments, not to exceed the agreement total amount of \$357,303 – CSA 2013-270
- *B7 Approved the award of an agreement for Employment Services to International Rescue Committee, Inc., for the contract period of 07/01/2013 through 06/30/2016, in an amount not to exceed a total of \$600,000, there is also an option to extend the contract through 09/30/2017; and, authorized the Purchasing Agent to sign the agreement and any amendments, not to exceed the agreement amount of \$600,00 – CSA 2013-271
- *B8 Authorized the GSA Purchasing Division to issue a RFP on behalf of HSA for the provision of Nutrition Education and Obesity Prevention Programs to low-income Stanislaus County residents for the contract period of 10/01/2013 through 09/30/2016 – HSA 2013-272
- *B9 Approved the Master Agreement and MOU with State Department of Health for the AIDS Drug Assistance Program services for the term of 07/01/2012 through 06/30/2015; and, authorized the HSA Managing Director, or her designee to sign and execute the contract, MOU, and any amendments – HSA 2013-273
- *B10 Authorized the Chief Probation Officer to apply for and accept the Juvenile Accountability Block Grant from the Board of State and Community Corrections and to sign all necessary documents related to the Grant including all contracts; approved a resolution as required by the Board of State and Community Corrections authorizing the Chief Probation Officer to apply for and accept the Juvenile Accountability Block Grant; and, authorized the Auditor-Controller to increase appropriations and estimated revenue by \$28,866 as detailed in the Budget Journal – Probation 2013-274
- *B11 Approved the 2013 Agreement Between the 38th Agricultural Association – Stanislaus County Fair Board and Stanislaus County for the Sheriff to provide security at the Fair; and, authorized the CEO to sign the agreement on behalf of the County – Sheriff 2013-275
- *B12 Approved the contract amendment and extension for inmate telephone equipment and related services for Global Tel*Link (GTL); and, authorized the Sheriff to sign the contract amendment and associated documents with GTL – Sheriff 2013-276

- ***B13** Accepted the Stanislaus County Treasury Pool’s April 2013 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 that the report has been reviewed and accepted – T/TC 2013-277
- ***B15** Introduced and waived of the first reading of Ordinance C.S. 1133 to adjust the distribution allocation of Civil Filing Fees to the Stanislaus County Law Library – CEO
ORD-55-R-2 2013-278
- ***C2** Adopted the Plans and Specifications for upgrades to the Frank Raines Regional Park Water Filtration System, Phase 1; directed the Department of Public Works to set the bid opening date and time; and, directed the Public Works Department to publish and mail the notice inviting bids to trade journals as required by law – PW 2013-279
- ***D1** Rescinded a Portion of Williamson Act Contracts No. 71-0466, 72-1144, and 2003-4523, located on State Route 4, east of the San Joaquin County line and west of Milton Road, in the Farmington area; approved a new contract pursuant to Minor Lot Line Adjustment PLN2013-0003, R & D Wagner Trust, and authorized the Director of Planning and Community Development to execute a new contract; approved and established the following findings: (a) the new contract 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 2013-280
- ***D2** Rescinded a portion of Williamson Act Contracts No. 71-0389 and 72-0692, located on Warnerville Road, north of Tim Bell Road, in the Oakdale area, approved new contracts pursuant to Minor Lot Line Adjustment 2012-18, Sperry/Perry/HillviewRanch/Grohl, and authorized the Director of Planning and Community Development to execute new contracts; approved and established the following findings: (a) the new contract 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 2013-281

O'Brien/Monteith unan. ***B14** Approved the use of \$7,200 of Criminal Justice Facilities fund as partial funding for the purchase of the 2013 Aerial Photo of Stanislaus County for GIS; and, authorized the Auditor-Controller to increase appropriations in the Criminal Justice Facilities Fund budget in the amount of \$7,200, and the Public Works Administration budget in the amount of \$58,500, per the financial transaction sheet; and **amended** the item to direct the Director of Public Works to include in future contracts with the cities within Stanislaus County a contribution towards updated aerial photos of the County for GIS services – PW 2013-282

Withrow/De Martini unan. ***C1** Adopted the Plans and Specifications for the Salida Sidewalk Repair Project; directed the Department of Public Works to set the bid opening date and time; and, directed the Public Works Department to publish and mail the notice inviting bids to trade journals as required by law
– PW 2013-283

O'Brien/Monteith unan. **9:05 am** Approved Staff Recommendations Nos. 1-10 and 12-13, denied Staff Recommendation No. 11, and **amended** the item to add Staff Recommendations Nos. 14-16 as follows: (1) accepted the Recommended Proposed Budget for Budget Year 2013-2014 from the CEO; (2) conducted the public hearing to receive public comment and input on the proposed spending plan; (3) adopted the Recommended Proposed Budget for Budget Year 2013-2014 as amended by the Board; (4) authorized the CEO and the Auditor-Controller to make the necessary technical adjustments to implement the approved Recommended Proposed Budget; (5) authorized the use of \$2,736,297 in Mandated Match Contingency for the CSA Public Economic Assistance budget; (6) authorized the Auditor-Controller, as part of the year-end close, to move an additional \$185,000 of unencumbered/unexpended Salaries and Benefits and Services and Supplies savings into a Fixed Asset account in the Clerk-Recorder budget to be carried over into Budget Year 2013-2014 for an upcoming capital improvement remodel project; (7) approved the modification of StanWORKs Customer Service Center hours in CSA from Monday through Friday, 8:00 a.m. – 5:00 p.m. to Monday through Friday, 8:00 a.m. – 6:00 p.m. and 8:00 a.m. to 5:00 p.m. on Saturdays, and during the Covered California's open enrollment period of October through March, approved the StanWORKS Customer Service Center to extend its hours of operation to 8:00 a.m. to 8:00 p.m. Monday through Saturday; (8) amended the Salary and Position Allocation Resolution to reflect the recommended changes for the 2013-2014 Recommended Proposed Budget, (as outlined in the Staffing Impacts section of the agenda item and detailed in Attachment A) to be effective with the start of the first pay period beginning after 07/01/2013; (9) approved contracts and/or agreements listed on Attachment B of the agenda item in cumulative amounts of \$100,000 or greater since 07/01/2011, and authorized the GSA Director/Purchasing Agent to sign; (10) authorized the CEO to re-hire Linda Downs, upon her retirement as Assistant Director in the BHRs Office to an extra help Manager position immediately following her retirement from County service on 07/02/2013, and prior to the 180 day sit out period as required under the Public Pension Reform Act to assist in the completion of the Psychiatric Health Facility; (11) denied a 3.75% on 07/01/2013 and 3.75% on 01/01/2014 adjustment to the Board of Supervisors' compensation in accordance with the Stanislaus County Ordinance Code Subsection D of Section 2.04.030; (12) approved the CEO's updated Countywide office closure schedule per attachment D of the agenda item; (13) directed the CEO to prepare the Recommended Final Budget; set the public hearing for consideration of the Final Budget on 09/10/2013 at 9:05 a.m. and, if necessary, continue to 09/11/2013 and 09/12/2013, at 9:00 a.m.; (14) approved the Court Security budget and the County Court Funding budget and directed staff to use any negotiation, legislative, or legal remedy possible to reduce

the County's general fund obligation to the Courts and direct that money to Sheriff's operations; (15) eliminated from the Recommended Proposed Budget the \$128,000 General Fund contribution for the Public Works Engineering division for non-road related survey and engineering services; and, (16) directed staff to re-evaluate the allocation of funds to General Fund departments for services provided to other General Fund departments where it does not clearly identify where the purpose of the expense resides – CEO 2013-286

Recessed at 11:22 a.m.

Reconvened at 11:28 a.m.

Withdraw/De Martini unan. **B16** Adopted the FY 2013-2014 Mental Health Services Act (MHSA) Annual Plan; authorized the BHRS Director to sign and submit the FY 2013-2014 MHSA Annual Plan to the Mental Health Services Oversight and Accountability Commission; authorized the Auditor-Controller to sign the Annual Plan certifying that the fiscal requirements on the certification form have been met; approved the agreements with the Center for Collective Wisdom and Turning Point Community Programs, Inc. to provide Innovation Projects; and, authorized the BHRS Director, or her designee, to sign the agreements discussed in this agenda item, and any amendments to add services and payment for services up to \$75,000 per agreement, budget permitting, throughout Budget Year 2013-2014 – BHRS 2013-284

Monteith/Withdraw unan. **C3** Approved the FY 2013-2014 Transit Transportation Development Act Claim in the amount of \$6,551,269; and, authorized the Director of Public Works to execute and submit the claim to the Stanislaus Council of Governments (StanCOG) – PW 2013-285

Corr 1 Referred to the Department of Public Works, DER and Agricultural Commissioner and Sealer of Weights and Measures, three notices from the State Water Resources Control Board regarding Petition for Temporary Change Involving the Transfer of Water within various water districts.

Corr 2 Referred to the Auditor-Controller, a letter from the Stanislaus Consolidated Fire District requesting dry- period financing for FY 2013-2014.

Corr 3 Referred to the CEO and the Agricultural Commissioner and Sealer of Weights and Measures, a letter from the Stanislaus County Agricultural Advisory Board seeking direction regarding the development of an ordinance combating walnut theft.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Maria S. Rico; Gerald Tuft Stewart; Ignacio D. Valle and Kaye M. Ramirez; Gevargiz Shansoff; Jason Wade Snow; Katrina Thomas; Tann Bunthyrith; and, Donna Chesko.

The CEO reported that she attended the Stanford Law School Session on Public Safety Realignment. She noted that Matt Cate, CSAC Executive Director, the California Director of Finance, and representatives from Los Angeles and Bay area counties were also present. She reported that Stanislaus County staff continues to remain engaged with public safety realignment.

Recessed to sit as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 12: 26 p.m.

Monteith/DeMartini unan. **IX.** Approved the consent calendar

IX. *II-A Approved the minutes of 03/12/2013 and 05/14/2013

Allen Bruce, IHSS Provider, spoke regarding his 86 year client. He noted that IHSS Providers spend their wages in this community, and that it is cost effective to keep people in their homes.

Chuck Walker, Sr. from the California Alliance for Retired Americans spoke regarding the County's labor negotiations with the United Domestic Works (UDW) representing IHSS Providers.

Jerry McKibben spoke in support of a wage increase for IHSS Providers. He noted that they have not had a raise in three years.

Christine Rector stated that she has been a care-giver for 35 years, and she spoke of the need for home care providers.

Tony Madrigal spoke in support of a wage increase for the IHSS Providers. He noted that caring for individuals in their homes helps to keep neighborhoods safe.

Manuela Gaytan noted that she cares for her disabled 35 year old son. She explained the amount of time and care that is needed to care for her son every day.

Kim Sponeman stated that she has taken care of her son who has cystic fibrosis for 14 years, and when he is hospitalized she does not receive a paycheck. She asked the Board to consider giving them a wage increase.

Frank Johnson spoke regarding the car accident that left him disabled, and that accidents can happen to anyone. He spoke regarding the importance of the IHSS program, which enabled him to return home after his accident. His care-giver cooked, cleaned, and provided personal care for him while he recovered.

Tim Robertson, from the UDW, spoke on behalf of the home care providers. He stated that they are a good financial investment when compared to the cost of institutional health care.

Maryellen McLaughlin, IHSS Provider, voiced concerns regarding the medical, dental and vision health plan for IHSS workers, and noted that they do not receive sick pay.

Maggie Mejia spoke regarding the need for Home-Care Providers. She spoke of the importance of IHSS Program and in support of a wage increase.

Allison Dobbs, Respiratory Therapist, spoke regarding the expense of skilled nursing facilities as compared to the IHSS program. She asked the Board to consider giving IHSS Providers a wage increase.

Juan Melgoza also spoke in support of a wage increase for IHSS Providers. He stated that his grandmother has Alzheimer's and she needs full time care.

Evelyn Harmon noted that she gave up her full time job to take care of her friend, and now lives on \$500 a month. She stated that they are State workers but are not paid like State workers.

Kadou Xiong spoke on behalf of Patricia Hughes, who is disabled due to a car accident. She asked the Board to consider giving a raise to the IHSS Providers.

Mike Loza noted that some of the IHSS providers were unable to appear today or had to leave early to care for their clients. He spoke regarding the labor negotiations with the County.

Chairman Chiesa noted that the County will continue to participate in the labor negotiations with the UDW and he spoke regarding the County's Budget.

Reconvened to sit as the Stanislaus County Board of Supervisors at 1:21 p.m.

Recessed to closed session at 1:21 p.m. for Conference with Legal Counsel - Existing Litigation: One Case: Dennis Wallace vs. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 663764; Government Code Section 54956.9(d)(1). Conference with Legal Counsel - Significant Exposure to Litigation: One matter related to the case Irina Engert, et al. v. Stanislaus County, et al., United States District Court, Eastern District of California Case No. 1:13-CV-00126-LJO-BAM. Government Code Section 54956.9 (d)(2).

Supervisor O'Brien absent at 1:40 p.m.

Adjourned as the Stanislaus County Board of Supervisors at 1:45 p.m.

Reconvened to sit as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 1:45 p.m.

Recessed to closed session at 1:45 p.m. for Conference with Labor Negotiator: Agency Negotiator: Monica Nino and Jody Hayes. Labor Organization: United Domestic Workers. Government Code Section 54957.6.

Adjourned as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 1:55 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.)