

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

Regular and Special Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

June 18, 2013

**Recessed to closed session at 5:00 p.m** for Conference with Legal Counsel - Existing Litigation: Three cases: County of Stanislaus v. City of Modesto, Stanislaus County Superior Court Case No. 667396; City of Modesto v. County of Stanislaus, et al, Stanislaus County Superior Court Case No. 683887; Jose Martinez, et al. v. Timothy Wester, et al., United States District Court, Eastern District of California Case No. 1:13-CV-00320-LJO-SMS. Government Code Section 54956.9 (d)(1). Conference with Legal Counsel - Significant Exposure to Litigation: Multiple cases related to claims filed by the Cities of Ceres, Newman, Turlock and Waterford concerning calculation of the property tax administration fee. Government Code Section 54956.9 (d)(2).

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

A moment of silence was held for DER employee Bob Azevedo.

A commendation was presented to Fire Warden, Assistant Director of Emergency Services, and Interim Fire Chief of the Modesto Regional Fire Authority Gary Hinshaw upon his retirement.

A resolution was presented to Michelle Gill and Marci Boucher from the Society for the Handicapped proclaiming June 2013 as Disability Awareness Month.

Emiliano Mataka, from Valley Improvement Projects, spoke regarding environmental screening mapping tools that can identify communities affected by cumulative environmental impacts.

Thomas Helme spoke regarding the importance of utilizing the new environmental screening mapping tools that are available. He noted the amount of pollution in our county.

Bianca Lopez, also from Valley Improvement Projects, stated that the Central Valley is overburdened by pollution. She noted that the mapping tools could play a role in attracting funding for affected communities.

Rickey McGill spoke on behalf of In-Home Supportive Service (IHSS) Providers, and noted their valuable contribution to our community by caring for seniors and the disabled. He asked the Board for a 40 cent per hour wage increase.

John Mataka from the Grayson Neighborhood Council, asked what the procedure is for getting something on the Board's agenda. CEO Nino and Chairman Chiesa explained the process for scheduling a presentation on the Board of Supervisors' agenda.

Lawana Gadberry, IHSS Provider, spoke regarding her husband who is confined to his bed and requires 24-hour care. She noted that her husband is going to lose Provider hours in July, and she spoke regarding their financial difficulties in trying to make ends meet. She asked the Board to consider a wage increase for IHSS Providers.

Daniel Garcia spoke regarding the care he provides for his son who is mentally disabled. He noted that the Board proclaimed June 2013 as Disability Awareness Month at the beginning of this meeting, and that IHSS Providers care for many of the disabled individuals in this County. He spoke regarding the labor negotiations and in support of a wage increase.

Pamela Rhodes noted that she had a successful 20-year career with AT&T, and now she is a caregiver for her daughter that has autism. She requested an increase in wages for IHSS providers.

Maryellen McLaughlin stated that one of her clients has taken a turn for the worse, and she successfully advocated for 7-8 more Provider hours for her. However, this client's hours are decreasing by 8 hours starting 7/01/2013. She expressed her concern with the increased cost of living and her financial difficulties.

Jeanette Melgoza spoke regarding her mother who has lived and worked in Stanislaus County for over 50 years, and now has Alzheimer's and dementia. She noted that she had to stop her business to care for her mother. She spoke in support of a wage increase for IHSS Providers.

April Premo spoke regarding the history of discrimination against disabled people.

Janis Jones noted that she retired from a well-paying 25-year career with Kaiser Permanente. She now cares for her granddaughter who is disabled and cannot be left alone. She spoke regarding the importance of Home Care Providers, and asked the Board to please consider offering a living wage to the IHSS Providers.

Jasmin Rhodes noted the important services that caregivers provide to their clients. She asked the Board to consider giving IHSS Providers an increased wage.

Patricia Boyd talked about her years of experience as a caregiver and stated that she does it out of love for others. She noted that IHSS Providers do not receive gas mileage reimbursement, and they do not get paid when their clients are hospitalized. She expressed her financial concerns, and spoke in support of a wage increase.

Emerson Drake voiced concerns regarding the Modesto Chamber of Commerce's plans for the west side of Highway 99. He stated that campaign donation lists are not kept on file in the Clerk-Recorder's office after an elected official has retired, and noted that the City of Modesto puts their campaign donation lists online.

Monteith/Withrow unan. Adopted the consent calendar

\*A1 Approved the minutes of 06/11/2013

\*A2 Adopted and waived the second 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- 287

\*A3a Appointed Kathy Sniffen to the Stanislaus County Commission on Aging 2013-288

\*A3b Appointed Cliff Howse, Jr. to the Knights Ferry Municipal Advisory Council 2013-289

- \*A4 Accepted the resignation of Bergen Filgas and Ken Fitzgerald from the Stanislaus County Child Abuse Prevention Council 2013-290
- \*B1 Approved FY 2013-2014 renewal agreements for contracted program services for individuals and families receiving Temporary Aid to Needy Families (TANF), California Work Opportunities and Responsibility for Kids (CalWORKs), Child Welfare, and Adult Services for a total amount of \$4,754,829; and, authorized the Purchasing Agent to finalize and sign the agreements and any amendments not to exceed the contract amount – CSA 2013-291
- \*B2 Approved the grant from the Department of Insurance for the District Attorney’s Office Auto Insurance Fraud Program in the amount of \$205,209 for the period of 07/01/2013 through 06/30/2014; authorized the DA to sign the grant award agreement including any extension, or amendments upon receipt from the Department of Insurance; and, approved a formal resolution to be submitted to the Department of Insurance accepting the grant award – DA 2013-292
- \*B3 Approved increases to contracts with various legal and other service providers through the end of FY 2012-2013 – Risk Management 2013-293
- \*B4 Approved the Lease Agreement with Wags and Whiskers Rescue of Modesto, California, for the interim reuse of the Former Animal Shelter located at 2846 Finch Road, Modesto, California 95354, to provide animal rescue and adoption services, subject to the County rendering the Premises habitable using insurance proceeds from the pending vandalism claim; authorized the CEO, in coordination with County Counsel, to negotiate, finalize and execute an Amendment to the Memorandum of Understanding between the County of Stanislaus and the City of Modesto relating to Shelter Capital Costs and the Disposition of the Finch Road Animal Shelter; authorized the Project Manager, in coordination with Risk Management and Counsel, to negotiate and settle the insurance claim resulting from theft and vandalism at the Finch Road Facility; authorized the Project Manager to take all necessary actions, negotiate and sign contracts, work authorizations, and purchase orders for professional and construction services to perform repairs resulting from theft and vandalism at the Finch Road Facility; and, directed the Auditor-Controller to increase revenue and appropriations by \$53,939 from Insurance Proceeds in the Chief Executive Office County Facilities Budget to perform repairs to 2846 Finch Road, Modesto, California – CEO 2013-294
- \*B5 Approved a Professional Services Agreement with HOK of San Francisco, California to initiate design for the design-build construction of the Programs/Day Reporting Facility for a lump sum amount of \$287,500; authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to support the design phase as long as it is within the approved project budget; authorized the Project Manager to issue a Notice to Proceed to HOK contingent upon proper receipt of executed contracts and certificates of insurance; authorized the Project Manager to issue Amendment Two to the Professional Services Agreement with HOK for Project One (Maximum Security Housing Units) of the Public Safety Center Expansion project for additional services of medical equipment planning, food service planning, signage and neighborhood planning strategy required for the preparation of design-build bridging documents, in the lump sum amount of \$154,000; authorized the Project Manager to issue Amendment One to the Professional Services Agreement with HOK for Project Three (Intake, Release and Transportation Facilities) of the Public Safety Center Expansion project for additional services of signage required for the preparation of design-build bridging documents, in the lump sum amount of \$19,500; authorized the Project Manager to issue a Request for Proposals for Field Construction Management Services for Projects One and Three of the Public Safety Center Expansion; directed the Auditor Controller to increase appropriations and estimated revenue by

\$2,552,823 in the Jail Expansion Project budget to fund these next phases of work pursuant to the approved Project Plan as detailed in the Budget Journal form; directed the Auditor Controller to increase appropriations and estimated revenue by \$712,800 in the Intake, Release and Transportation Facilities Project budget to fund these next phases of work pursuant to the approved Project Plan as detailed in the Budget Journal form; approved the Jail Staffing Plan for Transition services necessary during the design and construction of the Stanislaus County Public Safety Center Expansion/Jail Construction Projects; amended the Salary and Position Allocation Resolution to add one Deputy Sheriff Custodial position as detailed in the Staffing Impact Section of this item, effective the start of the first pay period beginning after July 1, 2013; authorized the Project Manager to issue a Request for Proposals for expert consulting services for the planning for the decommissioning of the Honor Farm at 8224 W. Grayson Road, Modesto, California to return to the Board of Supervisors for final disposition decisions; and, authorized the Project Manager to plan and conduct appropriate public dedication ceremonies for the Honor Farm Jail Bed Replacement Project, currently under construction, with the ceremonies to occur on 09/10/2013 – CEO 2013-295

- \*B6 Directed the Auditor-Controller to suspend the annual transfers from the Fink Road Landfill Enterprise Fund to the Fink Road Landfill Closure/Post-closure Fund for FY 2012-2013 and 2013-2014, and resume in FY 2014-2015 – DER 2013-296
- \*B7 Approved a municipal lease agreement with Genesee Finance and Leasing Corporation of Lakewood Colorado for acquisition of twenty-two county vehicles for FY 2012-2013 and any additional vehicles approved in Budget Year 2013-2014; and, authorized the Purchasing Agent to sign the Lease with Option to Purchase Agreement and related lease documents, together with any subsequent projects under the master agreement on behalf of the County – GSA 2013-297
- \*B8 Approved a Multi-Year Funding Strategy for the ongoing operations and maintenance of the Regional Water Safety Training Center, Empire Community Pool; authorized the Auditor-Controller, or her designee, to accept contributions and pledges outlined in the Multi-Year Funding Strategy, and to accept future contributions and pledges which are designated to be used for the ongoing operations and maintenance of the Regional Water Safety Center, Empire Community Pool; authorized the Director of Parks and Recreation, or her designee, to sign the Amended and Restated Agreement with the Stanislaus County Police Activities League relating to the maintenance and operations of the Regional Water Safety Training Center, Empire Community Pool for Special Youth and Recreational Swim Programs through Fiscal Year 2017-2018, with an option to extend the Agreement for two, one-year terms; approved the use of \$100,000 of seed funding from the Community Development Fund for the ongoing operations and maintenance of the Regional Water Safety Training Center, Empire Community Pool; directed the Auditor-Controller to deposit and transfer the contributions and pledges to the Regional Water Safety Training Center Maintenance and Operations Special Revenue Fund, as outlined in the budget journal; and, authorized the Chairman to thank and recognize the generosity of the donors in support of this community effort – CEO 2013-298
- \*B9 Authorized the Director of Parks and Recreation to accept various donations from Supervisor Jim De Martini and community volunteers for the Fairview Park Renovation Project – Parks and Recreation 2013-299
- \*B10 Authorized County staff to submit California State Association of Counties (CSAC) Challenge Award applications for the Community Services Agency/Valley Recovery Resources Project and for the Department of Child Support Services/Probation Department Project; and, authorized the CEO to finalize and submit the applications – CEO 2013-300

- \***B11** Approved the list of Independent Contractor Agreements between the Stanislaus County HSA and various contractors for FY 2012-2013; and, authorized the HSA Managing Director, or her designee to sign the agreements included in the agenda item; authorized the HSA Managing Director, her designee or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 – HSA 2013-301
- \***B12** Authorized the CEO and the Auditor-Controller, prior to year-end, to increase appropriations by \$242,627 in the CEO - General Fund Contribution to Other Programs budget, funded by a transfer from Appropriations for Contingencies; and, authorized the CEO and the Auditor-Controller, prior to year-end, to increase appropriations by \$3,000,000 in the CEO-Risk Management Division Medical Self-Insurance budget – CEO 2013-302
- \***B13** Approved an amendment to the agreement with Doctors Medical Center for Fee for Service Inpatient Psychiatric Services to extend the agreement one month, through 07/31/2013; and, authorized the BHRS Director, or her designee, to finalize and execute the an amendment for Fee for Service Inpatient Psychiatric Services with Doctors Medical Center of Modesto through 07/31/2013 – BHRS 2013-303
- \***C1** Approved the purchase agreement to acquire for road right-of-way for the Clairbel Road Widening Project, Parcel Owner K. Darpinian and Sons, Inc., a California Corporation (portion of APNs: 074-015-007, 074-015-010, and 074-015-015 (portion and access easement); authorized the Chairman of the Board to execute the agreement; directed the Director of Public Works to sign and cause to record the Grant Deed on behalf of Stanislaus County as authorized by Board Resolution No. 2011-141 executed on 03/08/2011 – PW 2013-304

Withrow/De Martini unan. **6:35 pm** Conducted a public hearing to consider adjustments to the Stanislaus County franchise maximum rates for solid waste collection services; and, approved the proposed adjustments to the Stanislaus County Franchise Maximum rates for solid waste collection services in Franchise Areas 1, 2, 3, and 4 – DER 2013-306

Monteith/Withrow unan. **B14** Accepted the First Annual Veterans Advisory Commission’s Report; directed the Commission to develop, with County staff, options for implementation of a Facility Plan, seeking financial partnerships, grants and additional opportunities for collaboration and return to the Board of Supervisors in the Fall of 2013 with additional recommendations; and, seek the Board’s continued support of the Stanislaus County Veterans Advisory Commission – CEO 2013-305

**Corr 1** Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding Stanislaus County’s Fiscal Year 2013 funding allocations for housing, community and economic development activities, and assistance for low- and moderate-income persons and special populations.

**Corr 2** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Justin Don Norwood; Jack Allen Smith; and, Cassandra Lynne Costa.

The CEO reported that both sides of the State legislature passed a \$96.3 billion main budget bill last Friday. However, the Governor has not signed this bill yet. State Legislators began taking up the more than 20 budget trailer bills on Friday as well. A full analysis regarding the budget will be forthcoming from our State lobbyist. CEO Nino noted that SB 80 (Healthcare Reform) has not been acted upon yet, but it appears that it contains elements that the County agreed upon with CSAC and Administration. In regards to Healthcare Realignment, the State has estimated that the 2013-2014 amount for County healthcare savings at roughly \$300 million, as set forth in the May Revision. CSAC is working on how this amount would be gathered from the counties with a start date of 1/1/2014. Stanislaus County falls

into the 60/40 split option, and under this proposal our County would retain 40 percent of the sum of their total 1991 Healthcare Realignment and the other statutorily determined public health Maintenance of Effort (MOE). In an effort to reduce the impact to counties with large historic MOEs, the amount counted in the formula is capped at the group average or 25.9 percent.

Adjourned at 8:45 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.)