

- *B2 Accepted the Auditor-Controller's report on Stanislaus County's revolving funds as of 06/30/2013 – A/C 2013-498
- *B3 Approved an agreement for professional services with AECOM Technical Services, Inc., for land use, engineering, and environmental consultant services for the Crows Landing development project; and, authorized the County Purchasing Agent to sign the agreement and any amendments to the agreement – CEO 2013-499
- *B4 Approved the award of a construction contract for the Juvenile Justice Center Roofing and Heating, Ventilation and Air Conditioning Replacement Project located at 2215 Blue Gum Avenue in Modesto, to Acme Construction, Inc. of Modesto, California for the lump sum amount not to exceed \$2,431,000; authorized the Project Manager to issue a Notice to Proceed upon receipt of proper insurance and bonds; directed the Auditor-Controller to increase operating transfers out from the Juvenile Justice Center Roofing and Heating, Ventilation and Air Conditioning Replacement capital project fund by \$800,000, and decrease appropriations as outlined in the attached budget journal form; directed the Auditor-Controller to increase operating transfers into the Chief Executive Office County Facilities budget by \$800,000, and increase appropriations as outlined in the attached budget journal form; authorized the Project Manager to negotiate and sign contracts, work authorizations, and purchase orders for professional services needed in this phase of the project as long as they are within the approved project budget; and, authorized the Project Manager to negotiate and sign change order up to \$25,000, consistent with the County's Change Order Policy, as long as they are within the previously approved project budget – CEO 2013-500
- *B5 Accepted the report of multi-department contracts and agreements for the periods 07/01/2011 through 06/30/2012 and 07/01/2012 through 06/30/2013 – GSA 2013-501
- *B6 Approved a contract with Ascent Elevators Services, Inc. in the amount of \$156,000 for the modernization of two elevators at the Modesto Main Library and the CSA; and, authorized the County Purchasing Agent to execute the contract with Ascent Elevators Services, Inc., and to sign any necessary documents – GSA 2013-502
- *B7 Set a public hearing on 11/05/2013, at 9:10 a.m., pursuant to Section 1442.5 of the Health and Safety Code to consider: (a) the elimination of the direct provision of Pharmacy Services by HSA; (b) the elimination of the direct provision Oncology Services by HSA; (c) the establishment of eligibility policy which would cause individuals who are eligible for, but who fail to enroll in the "Covered California" Insurance Exchange program without good cause, to be ineligible for the Medically Indigent Adult Program; (d) the waiver of the proposed eligibility policy reflected in "c" herein, for the coverage year of Calendar Year 2014 only, to acknowledge this first year of the Exchange program availability and open enrollment period limitations as a transition year; and, (e) the reduction of the Medically Indigent Adult Program Dental Scope of Benefits to mirror the Medi-Cal program's dental benefits for adults – HSA 2013-503
- *B8 Authorized the Sheriff's Department to offer employment to Dr. Michael Atinsky as Director of Volunteer Services at Step 5 of the salary range – Sheriff 2013-504
- *B9 Approved the Stanislaus County District Attorney and Stanislaus County Sheriff's Department 2013-14 FY expenditure plans for the Supplemental Law Enforcement Services Fund (SLESF) – Sheriff 2013-505
- *B10 Approved the final acceptance and completion of the construction for the Honor Farm Jail Bed Replacement Project at the Public Safety Center with Diede Construction, Inc. of Lodi, California; approved the final contract with Diede Construction, Inc. of Lodi, California as follows: Original Contract in the amount of \$ 8,582,685 plus Change Orders in the amount of \$495,524 for a Total Contract cost of \$ 9,078,209; authorized the Project Manager, on behalf of the Board of Supervisors as the Awarding Authority, to sign the completion

documents, record the Notice of Completion, release retention less withholdings, and process all remaining close out activities for the above contract and the Honor Farm Jail Bed Replacement Project at the Public Safety Center; authorized the Chairman of the Board to send a letter of appreciation to Diede Construction, Inc. and Lionakis, Inc. for the successful completion of the new facility; authorized the Project Manager to issue a Notice Inviting Bids for construction of an arc flash safety blast wall for the existing Emergency Generator Farm at the Public Safety Center and to use funds available in the Project Budget for construction of the safety improvements; and, authorized the Project Manager to issue a Request for Proposals for the design and installation of domestic water backflow preventers at the Public Safety Center and return to the Board of Supervisors to recommend award of a contract for the work – CEO 2013-506

- *C1 Approved the Contribution Agreement between the County of Stanislaus and City of Patterson for the Project Approval and Environmental Document (PA&ED) phase of the Sperry Road Interchange project; and, authorized the Chairman of the Board to sign the Contribution Agreement between the County and the City of Patterson for the PA&ED phase of the project – PW C-4-B-02 2013-507
- *C2 Approved the purchase agreement to acquire road right-of-way for the Claribel Road Widening Project, parcel owner Irrevocable Bavaro Family Trust 04/07/1992, and Revocable Bavaro Survivors Trust 04/07/1992 (APN: 082-006-004 portion); and, authorized the Chairman of the Board to execute the purchase agreement; and, authorized 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 2013-508
- *C3 Approved the purchase agreement to acquire road right-of-way for the Claribel Road Widening Project, parcel owner The Fugett Living Trust 10/01/90 (APN: 074-014-010 portion); and, authorized the Chairman of the Board to execute the agreement; and, authorized 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 2013-509
- *D1 Finds that Ordinance C.S. 1137 is exempt under the provision of CEQA pursuant to State Guidelines Section 15061(b)(3); introduced and waived the first reading of Ordinance C.S. 1137 amending Title 16 of the Stanislaus County Code, and adopting by reference the California Code of Regulations Title 24, 2013 Edition, of the California Building Code; set a public hearing on 11/05/2013 at 9:05 a. m. to waive the second reading and adopt the ordinance; and, authorized the Clerk of the Board to publish notice of hearing as required by Government Code Sections 50022.6, 6066 and to publish the ordinance in accordance with Government Code Section 25124(b) – Planning ORD-55-R-6 2013-510

O'Brien/Monteith unan. **B11** Approved the filing of a Notice of Exemption finding that the proposed project is exempt under provisions of CEQA pursuant to State Guidelines Section 15061(b)(3); approved the Stanislaus County Jail Needs Assessment 2013 Update prepared by Crout Criminal Justice Consulting, LLC; approved the use of \$445,000 in Public Facility Fees, as recommended by the Public Facilities Fees Committee and Capital Facilities Committee, along with the \$4 million previously authorized by the Board of Supervisors, bringing the total commitment for County funds to \$4,445,000. These funds are to be used solely as match for the Adult Local Criminal Justice Facilities Construction Financing Program (SB 1022) to match the requested \$40,000,000 in State Lease Revenue Bond Financing with the State of California Board of State and Community Corrections and the Department of Corrections and Rehabilitation; approved the use of Public Facility Fees, as recommended by the Public Facilities Fees Committee and Capital Facilities Committee, including the additional commitment of up to \$250,000 in Public Facility Fees for ineligible project costs; authorized the designation of the Chief

Operations Officer as the Project Manager; and authorize the Project Manager to finalize and submit the application pursuant to the Adult Local Criminal Justice Facilities Construction Financing Program (SB 1022) to the State of California Board of State and Community Corrections and the Department of Corrections and Rehabilitation for \$40,000,000 funded through State Lease Revenue Bond Financing; approved the formal Board of Supervisors Resolution required by the State for submission of the application; directed the Auditor Controller to establish an interest bearing Capital Project Fund for the SB 1022 Adult Local Criminal Justice Facilities Construction Financing Program for the Re-Entry and Enhanced Alternatives to Custody Training (REACT) Center Project; directed the Auditor Controller to increase other operating transfers out appropriations in the amount of \$4,000,000 in the Chief Executive Office-Plant Acquisition Budget and to increase operating transfers in the amount of \$4,000,000 to the SB 1022 Adult Local Criminal Justice Facilities Capital Project Fund; directed the Auditor Controller to increase other operating transfers out in the amount of \$445,000 in Fund 6402 Public Facilities Fees-Jails; increase operating transfers in the amount of \$445,000 in the SB 1022 Adult Local Criminal Justice Facilities Capital Project Fund; and, authorized the Project Manager to issue a Request for Proposals for professional architectural design services and return to the Board of Supervisors to recommend an award when appropriate upon award of the State funding – CEO 2013-511

County Counsel determined that Supervisors O'Brien, Chiesa, Withrow, and De Martini have disqualifying conflicts of interest with **D-2** because they all own agricultural property under Williamson Act contract or qualified to be under contract. Therefore, in order to establish a quorum to consider this matter, the Board invoked the rule of necessity and drew lots to determine which two Supervisors would participate in the decision. Supervisors Chiesa and De Martini drew long straws and thus participated in the decision.

De Martini/Monteith (3-0)(O'Brien and Withrow abstained) **D2** Finds the County received less than one-half of the foregone property tax revenue pursuant to Government Code Section 16142(e) for the 2013-2014 FY; approved the implementation of AB 1265 (Formerly SB 862) to maintain Williamson Act Contracts including a reduction of property tax benefits by ten percent and a related reduction of the term of the contracts to nine years, to be effective for calendar year 2014; directed the Assessor, A/C, Treasurer-Tax Collector, and Director of Planning and Community Development to take all necessary steps to implement AB 1265 for the 2014-2015 FY including, but not limited to, making the appropriate modifications to all affected properties assessed values, modifying tax bills to reflect the assessment changes and supplemental fees associated with the reduced tax benefit, and recording any necessary notices; and, directed the County's CEO to determine pursuant to Government Code Section 16142(e), or as it may be amended, whether payment for the previous FY is less than one-half or exceeds one-half of the foregone general fund property tax revenue and, if it is less than one-half, direct the Assessor, A/C, Treasurer-Tax Collector, and Director of Planning and Community Development to take all necessary steps to implement AB 1265, or any legislation extending AB 1265, for FY 2014-2015 and beyond – Planning 2013-512

Corr 1 Acknowledged receipt of the Stanislaus County Law Library Annual Report for the FY ending June 30, 2013.

Corr 2 Acknowledged receipt of the California State Board of Equalization's 2011-12 Annual Report and their publication: "Taxes and Fees Administered by the California State Board of Equalization 2011-12".

Corr 3 Referred to the Chief Executive Office and the Department of Environmental Resources, a letter from State Senator Alex Padilla requesting support of Senate Bill 405 regarding the phase out of single-use plastic bags in California.

Corr 4 Referred to the Chief Executive Office - Office of Emergency Services and to the Stanislaus Economic Development and Workforce Alliance, a letter from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration's declaration of primary and contiguous counties as disaster areas due to the Rim Fire, which began on 08/17/2013, and continuing.

Corr 5 Referred to the Fish and Wildlife Committee, a letter from the Department of Fish and Wildlife regarding the Draft Environmental Impact Report for the proposed Salmon conservation and research facility and related management actions on the San Joaquin River 1.1 miles downstream of the Friant Dam.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Tim K. Boone; Praveen Singh; Steven Cuellar; Miguel Angel Cruz; and, Janessa Avila.

Supervisor De Martini reported that the West Side Health Care Task Force will hold their 4th annual Biggest Loser (weight loss) Contest on Thursday, 10/17/2013 at noon at the Patterson Unified School District's Administration Building.

Supervisor Withrow reported that he and the DA sent a letter to the Administrative Office of the Courts (AOC) expressing concerns regarding the selection process for the new courthouse site in Modesto and support for the I Street site as opposed to the 10th Street location. Supervisor Withrow is concerned with the lack of transparency and the lack of the county involvement in this process.

Supervisor O'Brien noted that the County tried to get involved with the courthouse selection process and was informed by the Courts that the County would not be allowed to participate.

Chairman Chiesa reported that he and Interim CEO Risen have been meeting regularly with the Courts. He noted that the choice has been made by the AOC, and he expressed the need for a new courthouse. He stated that the courts are worried that this funding may disappear.

Interim CEO Risen reported that today the Supreme Court rejected Governor Brown's appeal regarding State prison overcrowding and has been ordered to release 10,000 inmates by 01/27/2014. The Governor had over 805 bills on his desk this year, and he signed all but 96, which he vetoed. At the federal level, Congress is still working on a compromise regarding raising the debt ceiling. He reported that the County is okay in regards to the federal shutdown, provided it does not continue for more than another couple of weeks.

Adjourned at 8:03 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.)