

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

Regular Session

Tuesday

June 10, 2014

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held for CSA employee Aimee Adonis.

Chairman De Martini spoke about the Adopt a Pet program and Stanislaus Animal Services staff presented a cat and dog that are eligible for adoption.

Lynn Quijda-Vaughn from the Society for Disabilities accepted the resolution proclaiming June 2014 as Disability Awareness Month.

Dave Geer voiced his concerns regarding the Common Core State Standards for schools. He noted that the tide is turning nationally and that a few states have dropped Common Core. He also spoke in support of Lydia Gutierrez who is running for State Superintendent of Public Instruction.

Carmen Sabatino voiced various concerns regarding the former U.S. Attorney Larry Brown and the District Attorney's office.

Georgiana McDonald thanked the County for allowing the Sports Car Club of America (SCCA) to hold events at the former Crows Landing Air Facility. She noted that this weekend's event was a success, and that they have three more events scheduled for this summer. She also voiced concerns regarding the Common Core Curriculum in schools.

Katherine Borges congratulated Supervisors Withrow and Monteith upon their re-election. She thanked the Board for their support of Salida and provided a copy of the June 2014 Salida MAC Newsletter.

Withrow/Monteith unan. Adopted the consent calendar

- *A1 Approved the minutes of 05/20/2014
- *A2 Adopted and waived the second reading of Ordinance C.S. 1150 relating to the duties and powers of the CEO ORD-55-S-10 2014-258
- *A3 Appointed Martha J. Martin to the Commission on Aging 2014-259
- *A4 Proclaimed the week of 06/23/2014 - 06/27/2014 as Family Services Specialist Recognition Week 2014-260
- *A5 Approved request from the City of Patterson to consolidate their Municipal Election with the Tuesday, 11/04/2014 Gubernatorial General Election 2014-261
- *A6 Approved request from the City of Waterford to consolidate their Municipal Election with the Tuesday, 11/04/2014 Gubernatorial General Election 2014-262
- *A7 Approved the amendment to the COI Code for the Modesto-Ceres Fire Protection Agency Joint Powers Authority 2014-263
- *A8 Appointed Jack M. Escobar to the West Stanislaus Resource Conservation District Board of Directors 2014-264

- *B1 Designated CSA as the entity to assist County jail inmates to submit applications under the Health Insurance Affordable Care Program consistent with Federal Requirements – CEO
2014-265
- *B2 Approved the increase of General Assistance grants by 5% effective 07/01/2014 in accordance with Welfare and Institutions Code Section 17001.5 – CSA
2014-266
- *B3 Considered and accepted the Stanislaus Child Development Local Planning Council 2014-2015 Priorities Report – CSA
2014-267
- *B4 Awarded a contract to RFI Enterprises, Inc. for security improvements at 917 Oakdale Road, Modesto (Co. Center III); 800 Scenic Drive, Modesto (BHRS); 3800 Cornucopia Way, Modesto (Harvest Hall); and, 251 E. Hackett Road, Modesto (CSA); authorized the Purchasing Agent to execute the contract with RFI Enterprises, Inc. and to sign any necessary documents on behalf of the County; and, authorized the Purchasing Agent to execute change orders in accordance with Public Contract Code, Section 20142 – GSA
2014-268
- *B5 Authorized the Sheriff to submit a grant application to the California State Parks, Off-Highway Motor Vehicle (OHV) Recreation Division grant program for increased Law Enforcement services at Frank Raines Regional Park and La Grange Park in Stanislaus County; adopted the Resolution to apply for the California State Parks, Off-Highway Vehicle Grant; authorized the Sheriff and Auditor-Controller to accept the funding from the California State Parks, Off-Highway Motor Vehicle (OHV) Recreation Division and to establish appropriations and estimated revenue in the Sheriff Operations budget up to \$193,718, when the final award amount is known; and, authorized the Sheriff to sign and administer the California State Parks, Off-Highway Motor Vehicle (OHV) Recreation Division Grants and Cooperative Agreements Program for the Project Performance Period if awarded – Sheriff
2014-269
- *B6 Accepted the Stanislaus County Treasury Pool’s April 2014 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 has been 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
2014-270
- *B7 Approved the discharge of accountability of 5,460 accounts of the Treasurer-Tax Collector for the departmental and cities accounts (as listed on the attachment to the agenda item) which are uncollectible and have been previously assigned to the Revenue Recovery Division to collect in the amount of \$3,591,240.38; and, authorized the Treasurer-Tax Collector to take all necessary and appropriate action to discharge the accountability of accounts – T/TC
2014-271
- *B8 Authorized the Auditor’s Office to issue checks totaling \$247,262.61 for excess proceeds submitted in accordance with Revenue and Taxation Code Section 4675 – T/TC
2014-272
- *B9 Adopted the plans, specifications, and working details for the Geer Road Landfill Gas Collection and Control System Expansion Project; directed DER to send the Notice Inviting Bids, electronically and by mail to trade journals and newspaper advertisement as required by law; authorized the Director of DER, or her designee, to oversee the public works of improvements associated with the Geer Road Landfill Gas Collection and Control System Expansion Project; and, directed the Clerk of the Board to publish the Invitation to Bidders (Contractors) for the Project as required by law and set the deadline for submission of the bids as 07/16/2014, at 2:00 p.m. – DER
2014-273

- ***B10** Approved the 2014 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 2014-274
- ***C1** Adopted the Plans and Specifications for the Stanislaus County 2014 Chip Seal Program (Asphalt Rejuvenation Emulsion); approved the conditional award of the contract in the amount of \$1,271,700.00 to Telfer Oil Company, of Martinez, CA for the Stanislaus 2014 Chip Seal Program (Asphalt Rejuvenation Emulsion), subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Telfer Oil Company, for \$1,271,700.00 and sign necessary documents; and, authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, Section 20142 – PW 2014-275
- ***C2** Approved the U.S. Department of the Interior Bureau of Reclamation (USBR) Temporary Construction Permit (TCP) for the Pete Miller Road Bridge over the Delta-Mendota Canal Seismic Retrofit Project; and, authorized the Director of Public Works to execute the TCP for the Pete Miller Road Bridge over Delta-Mendota Canal Seismic Retrofit Project – PW 2014-276

Chiesa/O'Brien unan. **B11** Approved the dissolution of the Modesto Regional Fire Authority (MRFA) effective Midnight on 06/30/2014, in accordance with the terms of the Joint Powers Agreement; directed the Stanislaus County Board of Supervisors' representative on the Modesto Regional Fire Authority to support the dissolution of MRFA; approved the Memorandum of Understanding included as Attachment B between the County, City of Modesto and Salida Fire Protection District to serve as the basic understanding and direction of the dissolution of the Modesto Regional Fire Authority regarding the transition of fire and emergency services (to include human resources, fiscal, assets and liabilities) from MRFA to the member agencies, effective 07/01/2014; authorized the Chairman of the Board of Supervisors to sign the Memorandum of Understanding with the City of Modesto and Salida Fire Protection District; directed the CEO - Office of Emergency Services/Fire Warden to continue to pursue further collaborative efficiency improvements with fire and emergency services providers; authorized the CEO, or his designee, to sign and enter into agreements with the City of Modesto for: (a) agreement to provide certain Less than County-Wide Fire Services between City and County for the provision of Fire Investigations Services (Attachment C); (b) **amended the item** to substitute the agreement (Attachment D) for interim Information Technology Services between the County and the City of Modesto and approved the substituted agreement; and, (c) agreement for use of County vehicles (Attachment E); approved the interim 2014-2015 operating budget as described in the Fiscal Impact section of the report, for the Office of Emergency Services/Fire Warden and County Fire Service Fund; amended the Salary and Position Allocation Resolution to add positions as reflected in the Staffing Impact section and Attachment F of this item, effective 07/01/2014; authorized the transfer of sick and vacation accruals and other related actions for MRFA employees accepting County employment on or before 07/01/2014, as detailed in the Staffing Impact section of the agenda item; and, authorized the Fire Warden to appoint three Fire Prevention Specialists II at step five of the band at a salary of \$28.38 per hour – CEO
J-06-4 2014-277

Chiesa/Withdraw unan. **9:05 a.m. Amended** the item to remove Staff Recommendation No. 7 regarding Board of Supervisors' compensation from consideration at this time; **amended** Staff Recommendation No. 5 to change the effective date for the hourly rate increase for the Clerical/Community Aide to 07/01/2014; approved Staff Recommendations Nos. 1-6 and 8 as follows: (1) accepted the Recommended Proposed Budget for Budget Year 2014-2015 from the CEO; (2) conducted the scheduled public hearing to receive public comment and input on the proposed spending plan; (3) adopted the Recommended Proposed Budget for Budget Year 2014-2015 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) amended the Salary and Position Allocation Resolution to reflect the recommended changes for the 2014-2015 Recommended Proposed Budget as outlined in the Staffing Impacts section of this report, to be effective with the start of the first pay period beginning after 07/01/2014, except for the Clerical/Community Aide hourly rate increase which will be effective on 07/01/2014; (6) approved contracts and/or agreements listed on Attachment B of the agenda item in cumulative amounts of \$100,000 or greater since 07/01/2012, and authorized the Chairman, the GSA Director/Purchasing Agent or Department Head to sign; and, (8) directed the CEO to prepare the Recommended Final Budget and set the public hearing for consideration of the Final Budget on 09/16/2014 at 6:35 p.m. and, if necessary, continue to 09/17/2014 and 09/18/2014, at 9:00 a.m. – CEO
2014-279

Withdraw/Chiesa unan. **B12** Accepted the recommendations of the Stanislaus County Water Advisory Committee in the form of a Countywide Groundwater Management Action Plan; and, directed staff to implement Countywide Groundwater Management Action Plan – DER
2014-278

Removed from the agenda and continued to 07/01/2014, item **B13** Approval of the Community Corrections Partnership Plan for Phase 4 of the 2011 Public Safety Realignment for Budget Year 2014-2015 and Other Realignment Related Actions – Probation
2014-282

Monteith/Chiesa unan. **Authorization for an Item Too Late for the Agenda** – Authorized adding an Item Too Late for the Agenda regarding declaring a local emergency; pursuant to Government Code Section 54952.2(b)(2), the Board finds that (a) there is a need to take immediate action to declare an emergency in accordance with Public Contract Code Sections 20134 and 22050 for emergency repairs at the Gallo Center for the Arts, Inc. due to flooding; and, (b) the need for action came to the attention of the County on Monday, 06/09/2014, after the Board agenda was posted on Friday, 06/06/2014 – CEO
2014-280

O'Brien/Withdraw unan. **Item Too Late for the Agenda** – Declared an Emergency in accordance with Public Contract Code Section 22050 to contract for emergency repairs at the Gallo Center for the Arts, Inc.; approved Staff's recommendation to act in accordance with the Public Contract Code Section 20134 and 22050 in order to make the immediate repairs required at the Gallo Center for the Arts, Inc.; finds that (a) that the damages occurred at the Gallo Center for the Arts, Inc. as a result of a water leak that occurred in the concession area adjacent to the Mary Stewart Rogers Theater; (b) that the repair is necessary to permit the continued conduct of essential County operations or services; and (c) that the emergency will not allow for a delay that would result if the project were competitively bid, and that the action to immediately repair the building on an emergency basis is necessary; acknowledged and ratified the immediate restoration actions already taken to mitigate the flooding that occurred performed by Coit Restoration Services of Modesto, California and Belfor USA Group, Inc. of Modesto, California; directed the Chief Operations Officer to serve as Project Manager for all aspects of this construction project; authorized the Project Manager to negotiate and execute an agreement with Belfor USA Group, Inc. to complete the emergency abatement, demolition and clean-up of the site completely at the expense of the County's Insurer, an approved contractor of the County's insurer; authorized the Project Manager to order any action appropriate to repair the water damage, and to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let a contract; required the Chief Executive Office to report to the Board on the status of the emergency project at its next regularly scheduled meeting and every 14 days thereafter, as required by the Public Contract Code until the repairs are completed; directed the CEO, or his designee, to make the claims regarding the Gallo Center for the Arts incident and damages to all applicable insurers; and, acknowledged that time is of the essence, as the Gallo Center for the Arts, Inc. has several major events calendared that require immediate action be taken to mitigate the damage and

perform the required repairs, and minimize business interruption to the non-profit operator of the Center
– CEO 2014-281

Corr 1 Referred to the Auditor-Controller, a letter from the Oakdale Fire Protection District requesting dry-period financing for FY 2014-15.

Corr 2 Referred to Planning, the Scoping Report for the San Luis Transmission Project from the Western Area Power Administration regarding the San Luis Transmission Line Proposed Project and Alternative Corridors.

Corr 3 Referred to DER; Department of Public Works; and, Agricultural Commissioner and Sealer of Weights and Measures, five letters regarding Petitions to Transfer Water from and to various Water Districts where the water will flow through Stanislaus County through the canal systems.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: EAN Holdings LLC; Jimmy Eugene Stockton; Doctors Medical Center of Modesto, Inc.; Brandon Boulter; Nathan Wayne Chinchio; Maribel Rivera; Princy Lakhanpal M.D.; Clifton Williams Jr.; Scott Turpin; and, Scott A Francek.

Supervisor O'Brien reported that he observed the 06/03/2014 election, and was pleased with how transparent the count was. He noted that the Clerk-Recorder and her staff did an excellent job.

CEO Risen congratulated Supervisors Withrow and Monteith upon their re-election. He announced that Diane McDonnell is the new County Librarian. He reported that the State Budget is in Conference Committee and there are some key issues with Cap and Trade, early childhood education, and debate over State revenue. Unfortunately, it appears the \$100 million for reimbursement to counties is not included in the current package, but perhaps can still be negotiated.

Adjourned to closed session at 12:07 for Conference with Labor Negotiator - Agency Negotiators: Stan Risen, Nancy Bronstein and Jody Hayes. Labor Organizations: California Nurses' Association (CNA); Stanislaus County Employees Association (SCEA)/AFSCME Local 10; Service Employees' International Union (SEIU), Local 521; County Attorneys' Association (CAA); Deputy Sheriffs' Association (DSA); Stanislaus County Sheriffs Supervisors' Association (SCSSA); Stanislaus County Deputy Probation Officers' Association (SCDPOA); Stanislaus Regional Emergency Dispatchers' Association (SREDA); Stanislaus County Probation Corrections Officers' Association (SCPCOA); Stanislaus County Sheriff Management Association (SCSMA); Stanislaus County District Attorney Investigators' Association (SCDAIA); and, Stanislaus Sworn Deputy Association (SSDA). Government Code Section 54957.6.

Adjourned at 1:20 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.)