

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

Regular Session

Tuesday

November 2, 2010

All Supervisors Present

Pledge of Allegiance to the Flag

April Premo spoke regarding various law suits that are impacting the County's budget.

Richard Gaytan from the American GI Forum Modesto Chapter, spoke regarding the Uniformed Services Employment and Reemployment Rights Act (USERRA) and asked whether veteran preference rights are being protected during County layoffs.

Nate Ludlow touched on various topics concerning the County's budget including deferred compensation for managers, positions in the CEO's office, reforming welfare, and contacting the Board of Supervisors.

O'Brien/Monteith unan. Adopted the consent calendar

- \*A1 Approved the minutes of 10/26/2010
- \*A2a Appointed Supervisor Vito Chiesa as the Primary Member and Supervisor Jim DeMartini as the Alternate Member to the California State Association of Counties Board of Directors for 2011 2010-670
- \*A2b Appointed George Carr to the Stanislaus County Local Task Force on Solid Waste Management 2010-671
- \*A2c Appointed Juan Ramirez and Jeri Trainor to the Stanislaus Child Development Local Planning Council 2010-672
- \*A3a Accepted the resignation of Clay Vitus from the Keyes Fire Protection District Board of Directors 2010-673
- \*A3b Accepted the resignation of Robert "Mike" Fisher from the Stanislaus County Employees Retirement Board 2010-674
- \*A3c Accepted the resignation of Jeri Trainor from the Stanislaus County Child Abuse Prevention Council 2010-675
- \*A4 Declared a Vacancy on the Advisory Board on Substance Abuse Programs 2010-676
- \*A5a Commended Chief Gary Thompson upon his retirement from the Westport Fire Protection District 2010-677
- \*A5b Commended Odessa Johnson upon being named the 2010 Modesto Post 74 American Legion's Citizen of the Year 2010-678
- \*A5c Commended Duarte Nursery upon being honored as "Legends of Agriculture" by the Ag Hall of Fame 2010-679
- \*A6 Adopted the Amendment to the Conflict of Interest Code for the Modesto-Ceres Fire Protection Agency Joint Powers Authority 2010-680
- \*B1 Accepted the ninth update on the status of the Immediate Action Plan to secure the Men's Honor Farm in accordance with Public Contract Code §22050 for the abatement, demolition and clean-up of the destroyed barracks – CEO 2010-681
- \*B2 Approved the three-year agreement between CSA and the Sheriff's Office with the Family Justice Center Foundation for the Child Abuse Interview, Referral, and Evaluation (CAIRE) Center to be operated at the Family Justice Center (FJC) for the period of 07/01/2010 through 06/30/2013; authorized the CSA Director and the Sheriff or their

Designee to sign the agreement included in the agenda item and any subsequent amendments not to exceed the agreement amount; directed the Auditor-Controller to make the necessary adjustments to the CSA Budget, Program Services and Support and the Sheriff Department budget as detailed in the Budget Journal forms; and, authorized the relocation of the Child Abuse Interview, Referral, and Evaluation (CAIRE) Center to the Family Justice Center (FJC) – CSA 2010-682

**\*B3** Approved the request from the Foster and Adoption Care Team to have exclusive use of the Courthouse Lawn on Friday, 11/05/2010, beginning at 11:30 a.m. and ending at 4:00 p.m. during National Adoption Month for their Celebration of Adoption Event; directed the Foster and Adoption Care Team to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use, reservation fee, and the Courthouse Lawn fee – Parks and Recreation 2010-683

**\*C1** Awarded a contract in the amount of \$914,089.16 to Valley Peterbilt for the purchase of two Heavy Duty 2011 Water Trucks, two Heavy Duty 2011 Super Dumps, one Heavy Duty 2011 2-Axle Truck, and one Heavy Duty 2011 Transfer Set; and, authorized the Purchasing Agent/GSA Director to sign the contract with Valley Peterbilt – PW 2010-684

**\*C2** Authorized the purchase of one TYMCO Model 500x Regenerative Air Sweeper mounted on an International Cab Chassis in the amount of \$249,354.62; and, authorized the Purchasing Agent/GSA Director to purchase the equipment through the Houston-Galveston Area Council (HGAC) contract – PW 2010-685

**\*D1** Approved the finding that the City of Modesto's proposed sphere of influence expansion is logical and orderly; and, directed the Chief Executive Officer to notify the Local Agency Formation Commission of the County's agreement with the expansion request – Planning 2010-686

**Amended Item B4** Consideration and Approval of the First Quarter Financial Report for FY 2010-2011 and Related Actions, to take **two votes as follows:** 2010-687

**First Vote:** O'Brien/Monteith unan. Approved Staff Recommendations 1, 2, 3 and 5; (1) accepted the CEO's First Quarter Financial Report for FY 2010-2011; (2) authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the First Quarter Financial Report; (3) amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the First Quarter Financial Report, as outlined in the Staffing Impacts section as detailed in Attachment A of the agenda item to be effective with the start of the first pay period beginning after 11/06/2010; and, (5) approved contracts and/or agreements listed on Attachment B of the agenda item in cumulative amounts of \$100,000 or greater since 07/01/2003 – CEO

**Second Vote:** Grover/Chiesa unan. The Board **amended** Staff Recommendation No. 4 to strike the two filled positions in the Public Defender's budget from the proposed reduction-in-force, and approved reviewing these proposed reductions in the Public Defender's budget as part of the Mid-Year Budget Report in March 2011 (**this action also implicitly includes a conforming amendment to Staff Recommendation No. 3 to modify the Salary and Position Allocation Resolution to be consistent**); and, approved the reduction-in-force of three filled positions in the GSA budget effective 01/15/2011 – CEO

**Recessed at 10:58 a.m.**

**Reconvened at 11:08 a.m.**

O'Brien/DeMartini unan. **B5 Amended** the item and approved the reduction-in-force of 27 positions and authorized the Sheriff to proceed with the issuance of notices to the affected employees; and, directed the Sheriff and the CEO to re-examine all options and to return to the Board on 12/7/10 with recommendations – Sheriff

2010-688

**Corr 1** Referred to DER, the California Department of Public Health the Local Primary Agency Annual Evaluation Report for FY 2009-2010 for the Stanislaus County's Department of Environmental Resources to review the status of the small water system program.

**Corr 2** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Brian Korpiel; Julio C. Lopez; Nathan Kreshon; Nick Kleckner; and, Louis John Grubeck.

The CEO announced that there will be a Ribbon Cutting Ceremony for the Keyes Improvement Project on Saturday, 11/06/2010 at 11:00 a.m. at the Bonita Ranch Park, located at Lucinda and 10th Streets in Keyes, CA.

**Recessed to Sit as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 12:58 p.m.**

Chiesa/Monteith unan. **X** Approved the consent calendar

**X. \*II-A** Approved the minutes of 05/25/2010 and 10/26/2010

Adjourned to closed session as the IHSS Public Authority at 12:59 p.m. for conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organization: United Domestic Workers (UDW). Government Code §54957.6.

**Reconvened to sit as the Stanislaus County Board of Supervisors at 1:05 p.m.**

Adjourned to closed session at 1:06 p.m. for conference with Legal Counsel - Existing Litigation: Two cases: Committee Concerning Community Improvement, et al. vs. County of Stanislaus, et al., United States District Court, Eastern District California, Case No. SIV F 04-6121 LJO DLB; and, Pamela Lial. vs. County of Stanislaus, et al. United States District Court, Eastern District of California, Case No.1:09-cv-01039 LJO-GSA. Government Code §54956.9(a).

Adjourned at 1:28 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.)