

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

Regular Session

Tuesday

January 12, 2010

All Supervisors Present

Pledge of Allegiance to the Flag

O'Brien/Chiesa unan. **II.** Elected Supervisor Jeff Grover as the Chairman of the Board of Supervisors and Supervisor Dick Monteith as the Vice-Chairman of the Board of Supervisors for 2010

Debra Harper thanked the Board for the opportunity to speak and wished the Board a Happy New Year. She read two scriptures from the Bible.

Monteith/DeMartini unan. Adopted the consent calendar

- \*A1 Approved the minutes of 12/22/2009
- \*A2 Appointed Theodore Reimers to the Stanislaus County Planning Commission
- \*A3 Accepted the resignation of Richard Rose, Ed.D. from the Economic Development Action Committee
- \*A4 Declared vacancies on the Stanislaus County Community Health Center Board
- \*A5 Proclaimed the week of January 24, 2010 as Family Services Specialist Recognition Week
- \*A6 Approved the 2010 Stanislaus County Board of Supervisors Committee Assignments
- \*B1 Amended the Agricultural Advisory Board Bylaws making minor administrative changes – Ag Commissioner
- \*B2 Authorized the CEO to award a contract for the design and scoping phase for the Strategic Business Technology Data Center Improvements to Miller-Pezzoni and Associates, Inc. of Modesto, CA for the lump sum amount not to exceed \$99,200; authorized the Project Manager to issue a notice to proceed contingent upon receipt of proper insurance; and, authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the design phase including construction management, professional services, and other project related expenses as necessary to manage the project as long as the costs are within project budget as approved by the Board of Supervisors – CEO
- \*B3 Approved the final completion and acceptance of the emergency power system improvements at the Stanislaus County Honor Farm by Collins Electrical Company, Inc. of Modesto, CA; approved the final contract with Collins Electrical Company, Inc. as follows: original contract in the amount of \$273,716; total change orders in the amount of \$0; for a final contract cost of \$273,716; and, authorized the Project Manager, on behalf of the Board of Supervisors as the Awarding Authority, to sign the completion documents, record the Notices of Completion, release retention, and process all remaining close out activities for the above contracts and the project – CEO
- \*B4 Accepted the update on the status of the emergency repair to the 12<sup>th</sup> Street Office Building in accordance with Public Contract Code §2250 – CEO
- \*B5 Approved the annual evaluation of the Purchasing Card Program; and, approved annual revisions to the Stanislaus County Purchase Card Policy – GSA
- \*B6 Approved the amendment to the Stanislaus County Consulting Services Agreement between Stanislaus County and Arnerich Massena & Associates, Inc; and, authorized the GSA Director to sign the amendment and future revisions to the Scope of Services as necessary – Risk Management

- \*B7 Set a public hearing for 02/02/2010, at 9:20 a.m., to adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Fink Road Landfill In-Fill Project – DER
- \*B8 Approved the reappointment of Attorney Michael G. Loeffler, Steve Benak, M.D., and Betty King, R.N. to the Indigent Health Care Program (IHCP) fair hearing panel for the period of 01/01/2010 through 12/31/2012; and, appointed Debbie Lewis, R.N. as an alternate nurse panel member to the Indigent Health Care Program (IHCP) fair hearing panel for a three (3) year term beginning 01/01/2010 and ending 12/31/2012 – HSA
- \*B9 Approved the submission by the HSA of an application for funding to the California Department of Public Health, Office of Family Planning, for the Teen Pregnancy Prevention Community Challenge Grant (CCG) Program (Request for Application RFA 10-95001) for the period beginning 07/01/2010 and ending 06/30/2015; and, authorized the HSA Managing Director, or her Designee, to sign the agreement, and any amendments thereafter, and accept the funds, if awarded – HSA
- \*B10 Approved awarding a contract for professional architectural design services for the development of plans and specifications for the construction of a new Juvenile Commitment Facility to Lionakis of Sacramento, CA for the lump sum amount not to exceed \$1,867,336 for the first phase of design; authorized the Project Manager to issue a Notice to Proceed with schematic design, contingent upon receipt of proper insurance and bonds; and, authorized the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the schematic design phase including construction management, professional services, and other project related costs consistent with the previously approved project budget – CEO
- \*C1 Approved the purchase agreement to acquire road right-of-way easement for the Las Palmas Avenue at Sycamore Avenue Intersection Project (Parcel Owner Manuel Romero, APN: 048-003-048); authorized the Chairman of the Board to execute the agreement; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$21,916, payable to Chicago Title Company, for the purchase amount of \$20,416 and \$1,500 for estimated escrow fees and title insurance – PW
- \*C2 Pursuant to the Street and Highway Code §8334, finds that the 20-foot access road located within the south half of the westerly 20 feet of Lot 14 of the Subdivision Map for Carmichael Colony, described herein, is not required for street or highway purposes; and, adopted a resolution to summarily vacate the 20-foot access road located within the south half of the westerly 20 feet of Lot 14 of the Subdivision Map for Carmichael Colony – PW
- \*C3 Finds that Ordinance C.S. 1069 is not subject to CEQA (Public Resources Code, §2100 et. seq.); introduced and waived the first reading of Ordinance C.S. 1069 amending Title 11, §11.04.060 of the Stanislaus County Code, amending a speed zone on Las Palmas Avenue in the Patterson area – PW
- \*C4 Adopted a resolution of necessity to acquire real property or interest in real property by eminent domain for the State Route 219 widening project, parcel owner Carl S. Boyett, Co-Trustee, et al., for APN: 046-010-026, and made the findings contained therein – PW
- \*C5 Adopted a resolution of necessity to acquire real property or interest in real property by eminent domain for the State Route 219 widening project, parcel owner Helder Garcia, et ux., for APN: 004-069-034, and made the findings contained therein – PW
- \*C6 Adopted a resolution of necessity to acquire real property or interest in real property by eminent domain for the State Route 219 widening project, parcel owner Oscar Rudolph Wedegaertner Trustee, et ux., for APN: 046-006-005 and APN: 046-006-006, and made the findings contained therein – PW

- \***C7** Adopted a resolution of necessity to acquire real property or interest in real property by eminent domain for the State Route 219 widening project, parcel owner Raman S. Essa, et al, for APN: 046-069-066, and made the findings contained therein – PW
- \***C8** Adopted a resolution of necessity to acquire real property or interest in real property by eminent domain for the State Route 219 widening project, parcel owner Modesto Irrigation District, for APN: 046-006-007, and made the findings contained therein – PW

O'Brien/DeMartini unan. **B11** Approved the Annual Progress Report for the Stanislaus County Employee Mentor Program; and, presented a resolution acknowledging January 2010 as Mentoring Awareness Month in Stanislaus County consistent with the National Mentor Month Distinction – CEO

Chiesa/O'Brien unan. **B12** Approved the temporary suspension of the Peace Officer Standards and Training (POST) basic law enforcement academy training in the intensive (full-time student) format at the Ray Simon Training Center; approved the unfunding of three vacant full-time Deputy Sheriff positions and one Account Clerk III position in the Ray Simon Training Center budget as outlined in the Staffing Impacts section of the agenda item effective 02/13/10; approved the transfer of two filled full-time positions from the Ray Simon Training Center budget to the Operations budget as outlined in the Staffing Impacts section of the agenda item effective 02/13/10; amended the Salary and Position Allocation Resolution to reflect the changes as outlined in the Staffing Impacts section of the agenda item; and, authorized the Auditor-Controller to decrease appropriations and estimated revenue in the amount of \$275,000 in the Ray Simon Training Center Budget as detailed in the budget journal form – Sheriff

Monteith/O'Brien unan. **C9** Adopted a resolution supporting the findings of the California Statewide Local Streets and Roads Needs Assessment – PW

**Corr 1** Referred to the Department of Environmental Resources, Department of Public Works and the Agricultural Commissioner/Sealer of Weights and Measures, a notice from the Central Valley Regional Water Quality Control Board regarding the Issue Paper on Drinking Water Supply and Public Health Related Issues Proposed NPDES Permit Renewal for Sacramento Regional County Sanitation District Sacramento Regional Wastewater Treatment Plant.

**Corr 2** Referred to the Fish and Wildlife Committee, a notice of proposed emergency regulatory action relating to the incidental take of Pacific fisher from the California State Fish and Game Commission.

**Corr 3** Referred to the Chief Executive Office, the Sheriff, and the District Attorney, *Jail Population Management: Elected Officials' Guide to Pretrial Services* from the National Association of Counties (NACo) and the Pretrial Justice Institute (PJI).

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Kerry (Sonja) Gilbert; Kenneth Evitt; Denise Nelson; Eric G. LaJoure; Daniel Farris; Johnny Delatorre (aka Juan); Kathryn S. North; and, George M. Morrison.

Supervisor DeMartini commented on the Governor's California State of the State address, in which the Governor stated that California is not receiving its fair share from the Federal government. Supervisor DeMartini noted that Stanislaus County receives only 11% of its share of property tax from the State.

The CEO provided a brief summary of the Governor's proposed 2010/2011 State Budget. He reported that overall there is a \$19.9 billion shortfall through 07/01/2011 (which includes 6.6 billion in our current year and \$13.3 billion in FY10/11), and the Governor proposed a three prong approach: \$8.5 billion in cuts, \$4.5 billion in shifts/new revenues, and \$6.9 billion in federal funding. The Governor's proposal

includes no tax increases, funding for the May 2009 Statewide Special Election and funding for education, but is silent on the Williamson Act. The cuts proposed include \$8.5 billion for health and human services, employee compensation and prisons. The proposed cut to prisons is \$1.8 billion, which will significantly impact our county jails. Also proposed is a reduction of \$750 million in the General Fund for the implementation of strategies to reduce Med-Cal costs. IHHS will see a reduction of \$77.9 million in FY 09/10 and \$872.6 million in FY 10/11. Department of Corrections and Rehabilitation Medical Services Program will see an \$811 million reduction. The \$4.5 billion in shifts/new revenues includes redirecting Proposition 10 and Proposition 63 revenues (this will require a ballot initiative), increased revenue from oil drilling, and transportation funding swaps as follows: Proposition 10 reduction of \$550 million; CSA reduction of \$452 million (substituted with Proposition 63 funding for a portion of the early traumatic screening program); cigarette and tobacco surtax savings of \$36 million by using one time Proposition 99 reserves; reduction of \$42.7 million in General Fund substituted with federal Title XX funds for TANF programs; reduction of \$240 million for Children's Health Coverage; Property tax shift of \$350 million for trial court costs, a 4.8% statewide surcharge on residential and commercial property insurance to benefit the State's emergency response capabilities; and, funding State parks from Tranquillon Ridge Oil Revenues. The Proposed State Budget includes \$6.9 billion in federal funds. If these funds do not materialize, it is anticipated that there will be increased reductions in our Medicaid program, elimination of Calworks program, no local funding for Proposition 63, reduction of Medi-Cal eligibility to minimum allowed under federal law, reducing state employees salaries, eliminating the IHHS program, eliminating the non-required inmate rehabilitation programs, eliminating the healthy family programs, no funding for enrollment growth at UCs and CSUs, and the reduction or elimination of various other programs and services. Without \$6.9 billion in federal funds, our entire safety net system would cease to exist as a State supported system. However, the local government responsibilities under California Welfare and Institutions Code §17000 and other related safety net provisions would continue to exist and our responsibilities would not go away with the lack of funding.

Adjourned to closed session at 9:53 a.m. for conference with Legal Counsel - Significant Exposure to Litigation: One Case. Government Code §54956.9(b).

**Closed Session Announcement:** DeMartini/Monteith unan. The Board authorized County Counsel to take all reasonable and necessary action for Stanislaus County to join the Stanislaus County Employees' Retirement Association in defending the lawsuit Michael O'Neal, et al. vs. Stanislaus County Employees' Retirement Association (Stanislaus County Superior Court, Case No. 648469)

Adjourned at 11:02 a.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.)