



**BOARD OF SUPERVISORS**

**William O'Brien, 1<sup>st</sup> District**  
**Vito Chiesa, 2<sup>nd</sup> District**  
**Jeff Grover, 3<sup>rd</sup> District**  
**Dick Monteith, 4<sup>th</sup> District**  
**Jim DeMartini, 5<sup>th</sup> District**

1010 Tenth Street, Suite 6500, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4420

**AGENDA**

March 3, 2009

9:00 A.M.

Chambers – Basement Level  
1010 10<sup>th</sup> Street  
Modesto, California  
[www.stancounty.com/board/index.shtm](http://www.stancounty.com/board/index.shtm)

The Board of Supervisors welcomes you to its meetings which are regularly held each Tuesday, and your interest is encouraged and appreciated.

**PUBLIC COMMENT PERIOD:** Matters under the jurisdiction of the Board, and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Board for consideration. However, California law prohibits the Board from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Board of Supervisors. Any member of the public wishing to address the Board during the "Public Comment" period shall be permitted to be heard once for up to 5 minutes. Please complete a Public Comment Form and give it to the Clerk of the Board.

The agenda is divided into two sections:

**CONSENT CALENDAR:** These matters include routine financial and administrative actions and are identified with an asterisk (\*). All items on the consent calendar will be voted on as a single action at the beginning of the meeting under the section titled "Consent Calendar" without discussion. If you wish to discuss an item on the Consent Calendar, please notify the Clerk of the Board prior to the beginning of the meeting or you may speak about the item during Public Comment Period.

**REGULAR CALENDAR:** These items will be individually discussed and include all items not on the consent calendar, all public hearings and correspondence.

**ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA:** Please raise your hand or step to the podium at the time the item is announced by the Board Chairperson. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of 5 minutes unless the Chairperson of the Board grants a longer period of time.

**BOARD AGENDAS AND MINUTES:** Board agendas, Minutes, and copies of items to be considered by the Board of Supervisors are typically posted on the Internet on Friday afternoons preceding a Tuesday meeting at the following website: [www.stancounty.com/bos/agenda-minutes.shtm](http://www.stancounty.com/bos/agenda-minutes.shtm).

Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Clerk's office at 1010 10<sup>th</sup> Street, Suite 6700, Modesto, CA during normal business hours. Such documents are also available online, subject to staff's ability to post the documents before the meeting, at the following website [www.stancounty.com/bos/agenda-minutes.shtm](http://www.stancounty.com/bos/agenda-minutes.shtm).

**AUDIO/VIDEO BROADCAST:** All Board meetings are normally broadcast live and replayed on local cable television. A list of cable channels and broadcast times are available at the following website: [www.stancounty.com/board/broadcasting-schedule.shtm](http://www.stancounty.com/board/broadcasting-schedule.shtm). In addition, a live audio/video broadcast of this meeting can be heard/seen via the World Wide Web at: [www.stancounty.com/bos/board-video.shtm](http://www.stancounty.com/bos/board-video.shtm).

**NOTICE REGARDING NON-ENGLISH SPEAKERS:** Board of Supervisors meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

**REASONABLE ACCOMMODATIONS:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (209) 525-4494. Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

**I. Pledge of Allegiance to the Flag**

II. Presentation: Presentation to the Sheriff's Department from the Stanislaus County Advisory Board on Substance Abuse Programs

III. Public Comment Period

IV. Consent Calendar

V. Agenda Items

A. Miscellaneous

- \* 1. Approval of the Minutes for February 17, 2009 ([View Item](#))
- \* 2. Approval to Set a Public Hearing on March 24, 2009, at 9:15 a.m., to Consider an Appeal of the Planning Commission's Denial of Vesting Tentative Subdivision Map Application No. 2006-06 and Exception Application No. 2008-02 - Knights Ferry Overlook ([View Item](#))
- \* 3. Acceptance of Vacancy on the Hughson Fire Protection District Board of Directors ([View Item](#))
- \* 4. Acceptance of the Resignation of Margaret Randazzo from the Stanislaus Economic Development and Workforce Alliance ([View Item](#))
- \* 5. Approval of Appointment of Doug Humphreys and Bob Martina to the Stanislaus Economic Development and Workforce Alliance ([View Item](#))
- \* 6. Approval to Proclaim March 9 - 13, 2009 as Girl Scouting Builds Girls of Courage, Confidence and Character Who Make the World a Better Place" Week in Stanislaus County ([View Item](#))

B. Chief Executive Office

- \* 1. Approval of the Stanislaus County Treasury Pool's January 2009 Monthly Investment Report-- Treasurer-Tax Collector ([View Item](#))
- \* 2. Approval to Accept the County of Stanislaus Treasury Oversight Committee's Annual Audit and Annual Certificates of Compliance, and Approval of Amendment to the Treasury Pool Investment Policy – Treasurer-Tax Collector ([View Item](#))
- \* 3. Approval of an Amendment to the Agreement with West Modesto King Kennedy Neighborhood Collaborative for Student Stipends at Mark Twain Junior High School – Behavioral Health and Recovery Services ([View Item](#))
- \* 4. Approval to Declare County Vehicle as Surplus and Authorize the Sale of Vehicle – General Services Agency ([View Item](#))
- \* 5. Approval of Substitution of the Painting Subcontractor for Greg Opinski Construction, Inc., for the Emergency Power and Fire Suppression System Improvements at the Sheriff's Operation Center and Public Safety Center Facilities – Chief Executive Office ([View Item](#))
- \* 6. Approval to Participate in the California Counties' Mental Health Authority, via a Joint Exercise of Powers Agreement – Behavioral Health and Recovery Services ([View Item](#))
- \* 7. Approval to Accept the 2007-2008 Annual Report for the General Services Agency ([View Item](#))
- \* 8. Approval to Increase the Sheriff's Operations Budget to Fund the Sole Source Procurement of an Aero Computer Moving Map System ([View Item](#))
- 9. Approval to Adjust the Clerk-Recorder - Elections Division Budget for Costs Associated with the Statewide Special Election on May 19, 2009 Funded from a Transfer from Appropriations for Contingencies of up to \$560,000 ([View Item](#))

C. Department of Public Works

- \* 1. Approval to Set a Public Hearing and Conduct a Ballot Procedure in Compliance with Proposition 218 on April 14, 2009 at 9:20 A.M. Regarding the Formation of the North McHenry #2 Lighting District and the Levy of a Specific Benefit Assessment ([View Item](#))
- \* 2. Approval to Accept the Offer of Dedication for a Public Utility Easement as Delineated on the Palmbrook Colony Map Located West of Turlock ([View Item](#))

D. Department of Planning and Community Development

- \* 1. Approval to Rescind a Portion of Williamson Act Contract No. 77-2827, all of Williamson Act Contract No. 78-3069, and a Portion of Williamson Act Contract No. 78-3333 (all located on N. Kilroy Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-16 – James J. and Norma N. Fernandez Family L.P., and Authorization for the Planning Director to Execute New Contracts ([View Item](#))
- \* 2. Approval of the Fiscal Year 2009-2010 Draft Annual Action Plan, that Includes the \$1,921,592 Community Development Block Grant (CDBG) Award; and \$109,694 Emergency Shelter Grant (ESG) Award; for a Total of \$2,031,286 for Fiscal Year 2009-2010, Open the 30-Day Public Comment Period; and Set a Public Hearing for April 14, 2009, at 9:15 a.m. to Close the Public Comment Period ([View Item](#))

E. County Counsel

- \* 1. Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Section 9.08.040 to Allow Persons to Collect Refuse in No More than Two Franchise Areas, and Approval of Conforming Changes to the Regulations for Collection of Refuse in the Unincorporated Area of Stanislaus County ([View Item](#))

VI. Scheduled Matters

- 9:25 a.m. Public Hearing to Consider the Formation of the Beard Industrial Lighting District and Conduct a Ballot Procedure and Levy of the Annual Assessment in Compliance with Proposition 218 ([View Item](#))

VII. Correspondence

1. This Board has received a letter from the Union Pacific Railroad regarding their plans to abandon and discontinue service on the McHenry Industrial Lead from Milepost 21.25 near Escalon to Milepost 26.43 near McHenry Avenue. ([View Item](#))  
(Recommendation: Refer to the Department of Public Works.)
2. This Board has received a letter from Trim Masters Corporation, Inc. regarding their plans to layoff 83 employees beginning on April 20, 2009, at its facility at 201 S. McClure Road in Modesto, CA per the Worker Adjustment and Retraining Notification (WARN) Act. ([View Item](#))  
(Recommendation: Refer to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance.)
3. This Board has received a letter from NI Industries, a TriMass Company, regarding their plans to layoff 8 employees on April 24, 2009, at its facility at 5300 Claus Road in Riverbank, CA per the Worker Adjustment and Retraining Notification (WARN) Act. ([View Item](#))  
(Recommendation: Refer to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance.)

4. This Board has received a notice from the California Fish and Game Commission regarding proposed regulatory action relating to Central Valley sport fishing. ([View Item](#))  
(Recommendation: Refer to the Fish and Wildlife Committee.)
5. This Board has received the following claims: Gregoria Lara; Debra Harper; Nina Powell and Doreatha Butler; Nicole Rachels; Maria Mendoza; Dawn Ken; Luz E. Sandoval; and, Carolyn Hider.  
(Recommendation: Acknowledge receipt of claims and refer to the Chief Executive Office - Risk Management Division.)

#### VIII. Board of Supervisors' Reports

#### IX. Legislative, Fiscal and Management Report – Chief Executive Officer

#### X. Announcements:

- A. Stanislaus County Board of Supervisors Planning Workshop  
8:00 a.m. – 3:00 p.m. on Friday, March 6, 2009  
Samaritan Village, 7700 Fox Road, Hughson, California

#### XI. Adjournment

- XII. Closed Session: Conference with Legal Counsel - Anticipated Litigation - One Case. Government Code Section 54956.9(c). Conference with Legal Counsel - Existing Litigation - Two Cases: Clark & Sullivan Builders, Inc. vs. County of Stanislaus, Stanislaus County Superior Court Case No. 612057; and City of Patterson v. Stanislaus County, et al, Fresno County Superior Court Case No. 08-CECG-02901. Government Code Section 54956.9 (a). Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: Stanislaus County Sheriff's Management Association. Government Code Section 54957.6.