



**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**

**September 15, 2009**

**Special Meeting**  
**5:30 P.M.**

**Regular Meeting**  
**6:30 P.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.

**Special Meeting**  
**5:30 P.M.**

- I. Closed Session: Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: California Nurses' Association (CNA); Stanislaus County Employees Association (SCEA)/AFSCME Local 10; Service Employees' International Union (SEIU), Local 521; Committee of Interns and Residents (CAIR/CIR); County Attorneys' Association (CAA); Deputy Sheriffs' Association (DSA); Stanislaus County Sheriffs Supervisors' Association (SCSSA); Stanislaus County Deputy Probation Officers' Association; Stanislaus Regional Emergency Dispatchers' Association; Stanislaus County Group Supervisors' Association; Stanislaus County Sheriff Management Association; Stanislaus County District Attorney Investigators' Association; Stanislaus Sworn Deputy Association (SSDA); and, United Domestic Workers (UDW). Government Code Section 54957.6.

**Regular Meeting**  
**6:30 P.M.**

II. Pledge of Allegiance to the Flag

III. Public Comment Period

IV. Consent Calendar

V. Agenda Items

A. Miscellaneous

- \* 1. Approval of the Minutes for September 1, 2009 ([View Item](#))
- \* 2. Approval to Set a Public Hearing on October 6, 2009, at 9:15 a.m., to Consider an Appeal of the Planning Commission's Denial of Use Permit Application No. 2008-26 - Eastlake Baseball Complex ([View Item](#))
- \* 3. Approval of Appointment of:
  - a. Rebecca Robinson to the Stanislaus Child Development Local Planning Council ([View Item](#))
  - b. Raynold Kablanow to the Hazardous Waste Management Advisory Committee ([View Item](#))
  - c. Carla Doshas to the Knights Ferry Municipal Advisory Council ([View Item](#))
- \* 4. Approval of Appointment In-Lieu of Election Where No Candidates Filed for the Reclamation District #2091 (Chase) Board of Directors ([View Item](#))
- \* 5. Approval of Appointments In-Lieu of Election of Fred Beltran and Steve Arnaudo and a Vacancy to the Oak Flat Water District Board of Directors ([View Item](#))
- \* 6. Approval of Appointments In-Lieu of Election:
  - a. Ray Gene Veldhuis and Mark Hodges to the Sand Creek Flood Control District Board of Directors ([View Item](#))
  - b. Armelin De Souza and Albert M. Mendes, Jr. to the Reclamation District #2063 (Carpenter) Board of Directors ([View Item](#))
  - c. Michael Berg to the Wendt Ranch Reclamation District Board of Directors ([View Item](#))
  - d. Bill Koster, Peter Lucich and Thomas W. Dompe to the Del Puerto Water District Board of Directors ([View Item](#))
  - e. James Crecelius, David Long and Tim Johnson to the Eastside Water District Board of Directors ([View Item](#))

- f. James W. Lopes and Steve McManis to the El Solyo Water District Board of Directors ([View Item](#))
  - g. Allison S. Fahey, Anita Moran Slicton and Wayne McCurley to the Rock Creek Water District Board of Directors ([View Item](#))
  - h. Guillermo Marrero, Bryan Domyan, Carmen Kearney, Ruby Beltran and Douglas Kearney to the Western Hills Water District Board of Directors ([View Item](#))
  - \* 7. Approval to Proclaim:
    - a. September 20-26, 2009, as Fall Prevention Awareness Week in Stanislaus County ([View Item](#))
    - b. September 15 through October 15, 2009, as National Hispanic Heritage Month in Stanislaus County ([View Item](#))
    - c. October 3 through 15, 2009, as Binational Health Week in Stanislaus County ([View Item](#))
- B. Chief Executive Office**
- \* 1. Approval of Internal Audit Division's Audit Schedule for the Period July 2009 to June 2010 – Auditor-Controller ([View Item](#))
  - \* 2. Approval of the Closure of the Stanislaus County Library on December 24, 2009 – Library ([View Item](#))
  - \* 3. Consideration and Approval of Response to the 2008-2009 Stanislaus County Civil Grand Jury Final Report – Chief Executive Office ([View Item](#))
  - \* 4. Approval to Accept the Report of Multi-Department Contracts and Agreements for the Period July 2007 through June 2008 – General Services Agency ([View Item](#))
  - \* 5. Adoption of the County's Final Capital Improvement Plan (CIP) for Fiscal Year 2009-2010 now that the Stanislaus County Planning Commission has Found it in Conformance with the County's General Plan – Chief Executive Office ([View Item](#))
  - \* 6. Approval to Amend and Extend the Agreement with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc., for Environmental Monitoring, Testing, and Reporting Services, at the Fink Road and Geer Road Landfills, and for Operations, Maintenance, and Monitoring Services at the Geer Road Landfill – Environmental Resources ([View Item](#))
  - \* 7. Approval of the Negative Declaration and Mitigation Monitoring Plan for the Heron Point Boat Launching Facility Project – Parks and Recreation ([View Item](#))
  - \* 8. Approval to Use Community Development Funds for Garbage Disposal Fees Associated with the Airport Neighborhood Cleanup Event – Chief Executive Office ([View Item](#))
  - \* 9. Approval of a Sole-Source Purchase of Portable Radios for Local Law Enforcement and the Fire Service with Homeland Security Grant Funding – Office of Emergency Services ([View Item](#))
  - 10. Approval to Accept a Donation from the Stanislaus County Farm Bureau, a Non-Profit Organization, for Purchase of Surveillance Equipment – Sheriff ([View Item](#))
- C. Department of Public Works**
- \* 1. Approval of Amendment No. 1 to the Professional Design Services Agreement with Rajappan & Meyer Consulting Engineers, to Perform Additional Engineering and Environmental Studies as Part of the Project Approval and Environmental Document (PA&ED) Phase of the Kiernan Avenue Interchange Project ([View Item](#))
  - \* 2. Approval to Set a Public Hearing and Conduct a Ballot Procedure in Compliance with Proposition 218 on November 3, 2009 at 9:15 A.M. Regarding the Formation of the Marshall Avenue Lighting District and the Levy of a Specific Benefit Assessment ([View Item](#))

- \* 3. Approval to Adopt a Resolution Initiating Proceedings for the Formation of County Service Area 27-Empire ([View Item](#))

D. Department of Planning and Community Development

E. County Counsel

## VI. Scheduled Matters

- 6:35 p.m. Public Hearing to Consider the Adoption of the Fiscal Year 2009-2010 Final Budget and Related Actions. This Public Hearing may be continued to the following days if needed: September 16, 2009 and September 17, 2009, at 9:00 a.m. ([View Item](#))

## VII. Correspondence

1. This Board has received a letter from the State Water Resources Control Board regarding an order approving a petition for temporary change to authorize the transfer of up to 667 acre-feet of water from the City of Sacramento to the 2009 Drought Water Bank. ([View Item](#))  
(Recommendation: Refer to the Agricultural Commissioner and Sealer of Weights and Measures.)
2. This Board has received a letter from the California Emergency Management Agency regarding the U.S. Department of Agriculture's granting of a Secretarial disaster designation for the primary County of Tuolumne and Stanislaus County as a contiguous county due to the agricultural losses caused by the freeze that occurred April 15, 2009. ([View Item](#))  
(Recommendation: Refer to the Agricultural Commissioner and Sealer of Weights and Measures, and the Office of Emergency Services-CEO.)
3. This Board has received the following claims: Modesto Irrigation District; Suzan Younan; Bata Younan; Heather Heiman c/o Gordon Allred, Arnold Law Firm; Lilliana Marie Chaparro; Jacob, Albert, and Lois Cicairos, Paul Cipriano; and, Richard Cano.  
(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. Adjournment