



BOARD OF SUPERVISORS

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

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

AGENDA

November 24, 2009

9:00 A.M.

Chambers – Basement Level
1010 10th Street
Modesto, California
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.

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 10th 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.

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. 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.

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: Adopt a Pet – Department of Animal Services

III. Public Comment Period

IV. Consent Calendar

V. Agenda Items

A. Miscellaneous

- * 1. Approval of the Minutes for November 10, 2009 ([View Item](#))
- * 2. Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1067 to Amend Section 2.52.030 of the Stanislaus County Code Related to the Membership of the Stanislaus County Disaster Council – Office of Emergency Services ([View Item](#))
- * 3. Approval of Appointment of:
 - a. Pamela Cullors to the Stanislaus County Equal Rights Commission ([View Item](#))
 - b. Kristen Jasek-Rysdahl and Anita Rodriguez to the Stanislaus Child Development Local Planning Council ([View Item](#))
 - c. Kyle Hampton to the Economic Development Action Committee ([View Item](#))
- * 4. Approval of the 2010 Meeting Calendar for the Stanislaus County Board of Supervisors ([View Item](#))
- 5. Approval to Accept the Clerk-Recorder’s Certified Statement of the Results of the Consolidated District Election Held on Tuesday, November 3, 2009; and, Declare the Results ([View Item](#))

B. Chief Executive Office

- * 1. Approval to Accept the Auditor-Controller’s Report on Stanislaus County’s Revolving Funds as of June 30, 2009 – Auditor-Controller ([View Item](#))
- * 2. Approval to Award a Contract for Design and Engineering Services for Improvements at the Stanislaus County Honor Farm Waste Water Treatment Facility to Nolte Associates, Inc. of Manteca, California – Chief Executive Office ([View Item](#))
- * 3. Approval to Accept Update on Emergency Contract to Repair the 12th Street Office Building in Accordance with Public Contract Code Section 22050 – Chief Executive Office ([View Item](#))
- * 4. Approval to Make a Technical Budget Adjustment for the Sheriff’s Public Safety Center Emergency Power and Fire Suppression System Improvements Project – Chief Executive Office ([View Item](#))
- * 5. Approval to Authorize the Holiday Closure of County Operations at Tenth Street Place, Area Agency on Aging/Veterans’ Services and Cooperative Extension From Monday, December 28, 2009 Through Thursday, December 31, 2009 – Chief Executive Office ([View Item](#))
- * 6. Approval to Declare Equipment and Vehicles as Surplus and Authorize the Sale – General Services Agency ([View Item](#))
- * 7. Approval of Request from the City of Modesto for Use of the Courthouse Lawn on December 9, 2009 for their Annual Celebration of Lights Parade – Park and Recreation ([View Item](#))
- * 8. Approval of Request from the Mid-Valley Water Ski Club for Exclusive Use of the South Shore Boat Ramp at Modesto Reservoir for their 56th Annual Polar Bear Day on January 1, 2010 – Parks and Recreation ([View Item](#))
- * 9. Approval to Accept the Stanislaus County Treasury Pool’s October 2009 Monthly Investment Report – Treasurer-Tax Collector ([View Item](#))
- 10. Approval of the Community Services Agency Plan for Fraud Investigations and Program Integrity Efforts for the In-Home Supportive Services Program – Community Services Agency ([View Item](#))

C. Department of Public Works

- * 1. Approval to Consider and Adopt 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 David E. Snyder, et ux. (APN: 003-009-032, 10-Sta-219-KP 4.30, Parcel 15317) ([View Item](#))
- * 2. Approval to Consider and Adopt 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 Ernest D. Howard, Trustees, et ux. (APN: 003-009-018, 10-Sta-219-KP 4.50, Parcel 15319) ([View Item](#))
- * 3. Approval to Consider and Adopt 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 Savina Nessier, Trustee (APN: 046-006-002, 10-Sta-219-KP 5.20, Parcel 15321) ([View Item](#))
- * 4. Approval to Consider and Adopt 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 Deborah A. Darby, et al. (APN: 004-069-057, 10-Sta-219-KP 4.60, Parcel 15324) ([View Item](#))
- * 5. Approval to Consider and Adopt 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 Larry Kuzni, Trustees, et ux. (APN: 004-069-042, 10-Sta-219-KP 5.80, Parcel 15327) ([View Item](#))
- * 6. Approval to Consider and Adopt 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 Brian J. Fosnaugh (APN: 004-069-016, 10-Sta-219-KP 6.10, Parcel 15332) ([View Item](#))
- * 7. Approval to Consider and Adopt 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 James E. Bettencourt, et ux. (APN: 004-069-031, 10-Sta-219-KP 6.20, Parcel 15334) ([View Item](#))
- * 8. Approval to Consider and Adopt 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 Glen E. Dorrity, Trustee (APN: 004-069-033, 10-Sta-219-KP 6.20, Parcel 16090) ([View Item](#))

D. Department of Planning and Community Development

- * 1. Approval to Accept a CalHome Program Grant from the California Department of Housing and Community Development for Owner-Occupied Housing Rehabilitation Assistance and Related Actions ([View Item](#))

E. County Counsel

VI. Scheduled Matters

- 9:15 a.m. Public Hearing to Consider the Formation of County Service Area 27-Empire and Conduct a Ballot Procedure in Compliance with Proposition 218, and Consent to the Waiver of Conducting Authority Proceedings for Formation of County Service Area 27-Empire – Public Works ([View Item](#))

9:20 a.m. Public Hearing to Approve the Stanislaus County District Attorney and Stanislaus County Sheriff's Department Expenditure Plans for the State Supplemental Law Enforcement Services Fund (SLESF) ([View Item](#))

VII. Correspondence

1. This Board has received a copy of the Consolidated Financial Statements for Central Valley Center for the Arts, Inc. and subsidiaries, for fiscal year ending June 30, 2009 from the Gallo Center for the Arts.
(Recommendation: Acknowledge receipt of the report.) ([View Item](#))
2. This Board has received a copy of the 2009 Williams Report for Stanislaus County Schools from the Stanislaus County Office of Education.
(Recommendation: Acknowledge receipt of the report.) ([View Item](#))
3. This Board has received a notice from the State Fish and Game Commission regarding the Proposed Emergency Regulatory Action relating to incidental take of California tiger salamander.
(Recommendation: Refer to the Agricultural Commissioner-Sealer of Weights and Measures and the Department of Planning and Community Development.) ([View Item](#))
4. This Board has received a Notice of a Public Workshop and California Environmental Quality Act Scoping Meeting regarding the evaluation of potential dedesignation of Municipal and Domestic Supply Beneficial Use for Powell Slough and an unnamed tributary to Powell Slough, Colusa County, from the Central Valley Regional Water Quality Control Board.
(Recommendation: Refer to the Department of Planning and Community Development, the Department of Public Works, and the Environmental Review Committee.) ([View Item](#))
5. This Board has received a Notification of Project Receiving Environmental Review from the San Francisco Planning Department for the Rehabilitation of the Existing San Joaquin Pipelines Portions of Tuolumne, Stanislaus, and San Joaquin Counties, including the Cities of Riverbank and Modesto.
(Recommendation: Refer to the Department of Planning and Community Development, the Department of Public Works, and the Environmental Review Committee.) ([View Item](#))
6. This Board has received a news release from the U.S. Bureau of Reclamation regarding the extension of the public review and comment period of the Draft Environmental Assessment/Finding of No Significant Impact (EA/FONSI) for the proposed 2-Gates Fish Protection Demonstration Project relating to the delta smelt and other sensitive aquatic species from entrainment in Central Valley Project (CVC) and State Water Project (SWP) export pumps.
(Recommendation: Refer to the Agricultural Commissioner-Sealer of Weights and Measures.) ([View Item](#))
7. This Board has received a letter from the California Department of Finance regarding Chapter 21, Statutes of 2009, which requires redevelopment agencies to transfer a portion of property tax revenues to K-12 schools during the 2009-2010 fiscal year via the Supplemental Educational Revenue Augmentation Funds (SERAF).
(Recommendation: Refer to the Stanislaus County Redevelopment Agency and the Auditor-Controller.) ([View Item](#))

8. This Board has received the following claims: Kim C. Quinones; Sonya Wright Gilbert; Thomas Vincent; Deborah Kay Hicks; Gerald Fischer; Linda Bohnet; Karen Cadinha; and, Keith Ryan Walker.
(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. Groundbreaking Ceremony for the New Animal Services Facility
Tuesday, December 8, 2009 at 1:30 p.m.
Crows Landing Road and Cornucopia Way
Modesto, CA

XI. Adjournment

XII. Closed Session: Conference with Legal Counsel - Anticipated Litigation: One Case. Government Code Section 54956.9 (c).