



**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**

December 8, 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. Moment of Silence for Bette Belle Smith

- III. Presentation: Red Ribbon Week 2009 Best Decorated School Contest:  
**1st Place Winners:** Patterson High School, Waterford Middle School and Sinclear Elementary School  
**2nd Place Winners:** Hughson High School, Glick Middle School and Hughson Elementary School and Fox Road Elementary School  
**3rd Place Winners:** Ceres High School, Daniel Savage Middle School and La Grange Elementary School

IV. Public Comment Period

V. Consent Calendar

VI. Agenda Items

A. Miscellaneous

- \* 1. Approval of the Minutes for November 24, 2009 ([View Item](#))
- \* 2. Approval to Declare a Vacancy on the Commission on Aging ([View Item](#))
- \* 3. Approval to Declare a Vacancy on the Stanislaus Child Development Local Planning Council ([View Item](#))

B. Chief Executive Office

- \* 1. Approval of the Closure of Animal Services on Various Days in 2010 and on January 1<sup>st</sup> in 2011 – Animal Services ([View Item](#))
- \* 2. Approval of the Closure of the Stanislaus County Library on Various Days in 2010 and on January 1<sup>st</sup> in 2011 – Library ([View Item](#))
- \* 3. Approval of Total Appropriations/Budgetary Limit for Annual Appropriations of Tax Revenues for Fiscal Year 2009-2010 in Accordance with the Provisions of Proposition 4 and Proposition 111 – Auditor Controller ([View Item](#))
- \* 4. Approval of Agreements with Various Providers of Mental Health, Alcohol and Other Drug, and Ancillary Services – Behavioral Health and Recovery Services ([View Item](#))
- \* 5. Approval to Increase the Contract with the Law Firm of Liebert, Cassidy and Whitmore for Fiscal Year 2009-2010 – Risk Management ([View Item](#))
- \* 6. Approval to Amend the Contract for Professional Services with the Harley Ellis Devereaux Corporation for the Facility Programming and Planning Phase of the Sheriff-Coroner Facility – Chief Executive Office ([View Item](#))
- \* 7. 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](#))
- \* 8. Approval to Authorize the Department of Environmental Resources to Collect Electronic Reporting Surcharge, on Behalf of the State of California, for the Unified Hazardous Waste and Materials Management Regulatory Program, Effective July 1, 2009 until July 1, 2012 as Required by the California Health and Safety Code – Environmental Resources ([View Item](#))
- \* 9. Approval to Authorize the Department of Environmental Resources (DER) to Collect an Annual Fee, on Behalf of the State of California, Assessed on the Owners of Public Swimming Pools, Effective January 1, 2010 until January 1, 2014, as Required by the California Health and Safety Code – Environmental Resources ([View Item](#))
- \* 10. Approval of the Fiscal Year 2009-2010 Contract Amendments with the California Department of Education (CDE) for the Administration of the Child Care and Development Block Grant – Community Services Agency ([View Item](#))

- \* 11. Approval to Accept the Report of Multi-Department Contracts and Agreements for the Period July 2008 through June 2009 – General Services Agency ([View Item](#))
- \* 12. Approval for the Health Services Agency to Submit an Application to the California Department of Public Health (CDPH) for Funding Allocation of \$865,376 Under the 2009-2010 Centers for Disease Control (CDC) Public Health Emergency Response (H1N1) Phase III – Health Services Agency ([View Item](#))
- \* 13. Approval of Professional and Independent Contractor Agreements in Excess of \$100,000 Between the Stanislaus County Health Services Agency and Various Contractors for Fiscal Year 2009-2010 for the Provision of Health Care Services and Public Health Mandates – Health Services Agency ([View Item](#))
- \* 14. Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Chapter 9.90 Relating to the Stanislaus County Community Health Center Board – Health Services Agency ([View Item](#))
- \* 15. Approval to Enter Into an Agreement with the Court Appointed Special Advocates (CASA) to Provide Use of a Portion of Hall of Records and to Vacate the 801 11th Street Third Floor – Chief Executive Office ([View Item](#))
- 16. Consideration of the Economic Development Bank Project Recommendations from the City/County Advisory Committee and the Stanislaus Economic Development and Workforce Alliance Board and Approval of Project Funding for the 2009-2010 Fiscal Year Fund Cycle in an Amount Not to Exceed \$400,000 – Chief Executive Office ([View Item](#))
- 17. Authorization to Enter Into a Twelve Month Exclusive Right to Negotiate Agreement with JKB Energy for a Long-Term Farming and Potential Solar Farm Lease on County-Owned Land Adjacent to the Fink Road Landfill; Authorization for the Director of Environmental Resources to Negotiate and Enter Into a Contract with M.A. Garcia Agrilabor, Inc. for Farm Management Services for the 345 Acre Almond Orchard During the Negotiation Period and Related Actions – Chief Executive Office ([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 Jake Van Duyn, Trustee, et al. (APN: 046-006-001 and 078-016-027, 10-Sta-219-KP 4.80, Parcel 15320) ([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 Raymond U. Alessi, et al. (APN: 046-006-031 and 046-006-032, 10-Sta-219-KP 5.40/5.50, Parcel 15322; 15322-01-01; 15325) ([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 Roman Catholic Welfare Corporation of Stockton, a California Public Benefit Corporation (APN: 046-001-001, 10-Sta-219-KP 6.40, Parcel 15330) ([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 K. Darpinian & Sons, Inc., a California Corporation (APN: 074-015-015, 10-Sta-219-KP 7.86, Parcel 16107) ([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 Dale H. Batey, et ux. (APN: 004-069-032, 10-Sta-219-KP 6.10, Parcel 15333) ([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 Kathryn A. Pelucca, et al. (APN: 004-071-008, 10-Sta-219-KP 6.50, Parcel 15336) ([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 Oasis Investments, a California Limited Partnership, et al. (APN: 004-094-010, 10-Sta-219-KP 7.80, Parcel 15349) ([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 William E. Mussman III, et al. (APN: 074-015-003, 10-Sta-219-KP 7.86, Parcel 15654-1A, 1B) ([View Item](#))
- \* 9. 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 Landmark Baptist Church of Modesto, California (APN: 046-006-008, 10-Sta-219-KP 6.20, Parcel 16091) ([View Item](#))
- \* 10. 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 Celia V. Pedota, Trustee (APN: 004-065-006, 10-Sta-219-KP 7.82, Parcel 16099-1A) ([View Item](#))
- \* 11. Approval to Adopt the Results of the Proposition 218 Ballot Procedure Held on November 24, 2009 for County Service Area 27-Empire ([View Item](#))

#### D. Department of Planning and Community Development

#### E. County Counsel

### VII. Scheduled Matters

- 9:15 a.m. Public Hearing to Consider Adopting a Negative Declaration for the ConAgra Application for Permit to Operate a Food Processing By-product Use Site – Environmental Resources ([View Item](#))

### VIII. Correspondence

1. This Board has received a copy of the San Joaquin Valley Integrated Regional Water Management Plan Framework prepared by the San Joaquin Valley Water Policy Working Group and the Water Plan Advisory Committee.  
(Recommendation: Refer to the Agricultural Commissioner-Sealer of Weights and Measures and Chief Executive Officer.) ([View Item](#))
2. This Board has received a letter from the Kindred Hospital Modesto regarding the permanent closing of their Hospital, located at 730 17<sup>th</sup> Street in Modesto on Friday, January 29, 2010, per the Worker Adjustment and Retraining Notification (WARN) Act.  
(Recommendation: Refer to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance.) ([View Item](#))

3. This Board has received the following claims: Thomas Robinson; Howard Earl Bagby; Debra L. Harper; Thomas Cabral (resubmitted from 10/27/09); Lola Ham; Alton W. Ham Jr.; Suzie Ham; Destin Montana; and, Aimee Ham.  
(Recommendation: Acknowledge receipt of claims and refer to the Chief Executive Office  
- Risk Management Division.)

IX. Board of Supervisors' Reports

X. Legislative, Fiscal and Management Report – Chief Executive Officer

XI. 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

XII. Adjournment