

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

Regular Session

Tuesday

June 27, 2000

All Supervisors Present

Pledge of Allegiance to the Flag

A Certificate of Appreciation was presented to Kris Stadelman, Director of Employment and Training Department upon her taking a position in another state.

Mary Whetstone, ASA representative, thanked the Board for opening the new area of the County's Animal Shelter. She spoke in support of the Department's budget, purchase of a van and other issues related to the Shelter.

Warren Brumley thanked the Board on the building of the park and requested that the County come up with a concise Nuisance Abatement Ordinance for handling abandoned vehicles and garbage cans that are left on the street.

Clifford Myer spoke on the upcoming fluoride issue and asked if the City of Modesto has the authority to fluoridate the water in the unincorporated areas.

David Geer spoke regarding the security officer who guards the Plaza area on the weekends and currently has no available bathroom facilities for his use.

Wayne Brown spoke against the formation of the Riverview Lighting District.

Supervisor Ray Simon introduced the County's summer intern Aurora Bizot from our Sister County Mayenne, France.

B/P unan. Adopted the consent calendar after removing from the agenda item *D-1 Approval of Request to Set a Public Hearing on August 8, 2000, at 9:25 a.m. and removed off the Consent Calendar item *B-5 Approval of Agreement Between the County of Stanislaus and Claims Management, Inc. as Third Party Administrator for the Workers' Compensation Claims Management Program – Risk Management

Approved minutes for 06/20/00

Declared the results of the Eastin Water District Formation election DW-18-2 2000-493

Reappointed Mickey Peabody to the Mental Health Board 2000-494

Reappointed Carol Davis and Lee Shearer to the Knights Ferry Cemetery District 2000-495

Reappointed William Christopher, Troyce Weese, and James Higgins to the Keyes Fire Protection District 2000-496

Reappointed Richard Silva, Brian Genzoli and Jack Wilkey to the Turlock Rural Fire Protection District 2000-497

Reappointed Leonard Mendonca and Jim Tavernas to the Denair Fire Protection District 2000-498

Reappointed Bill Beaty to the Mt. View Volunteer Fire District 2000-499

Reappointed Donald Hampton to the Woodland Avenue Fire Protection District 2000-500

Reappointed Marvin Thomas, Janet Carlson and Billie Taylor to the Commission on Aging
2000-501

Reappointed Diana Haile and Manuel Vierra to the West Stanislaus Fire Protection District
2000-502

Reappointed Phil Osterli, Rowe Barney and Jerry Boehme to the Agriculture Advisory Board
2000-503

Reappointed John Hertle and Roy Johnson to the East Stanislaus Resource Conservation
District
2000-504

Reappointed Kenni Freidman and Richard Holmer to the Economic Development Action
Committee
2000-505

Reappointed Venesse Metcalf and Laura Jett to the Equal Rights Commission
2000-506

Reappointed Robert Allaire to the Stanislaus Children's Council
2000-507

Reappointed Jeff Grover, Dick Haggerty, Kathy Halsey, Larry Hunter, Reagan Wilson,
Sylvester Aguilar, David Benn, Ross Briles, Dan Costa, John Evans, Jim Enochs, Pam
Fisher, Jeff Jue, Marvalene Hughes, Jerry Langum, Kirk Lindsey, Jim Mayol, Tom
VanGronigen, Ken Williams, Peter Johansen, Tom Kidd, Martin Peterson, John Souza,
Charline Speck, and John Fiscalini to the Workforce Investment Board
2000-508

Reappointed Linda Avedon, Claudia Epperson, Belinda Rolichcheck and Ecco Stotts to the
Stanislaus Child Care Planning Council
2000-509

Accepted the resignation of Dale Butler from the Mayor's Committee for the Employment of
Persons with Disabilities
2000-510

Appointed Chris Patterakis to the Airport Advisory Committee
2000-511

Authorized the Director of Behavioral Health and Recovery Services to accept Federal
Substance Abuse and Mental Health Services Administration Block Grant Funding for
the Dual Diagnosis Project for FY 2000/2001
2000-512

Approved the list of providers who are being credentialed by the Managed Care Division of
Stanislaus County Behavioral Health and Recovery Services as Behavioral Health Panel
Providers for National Health Plans and authorized the Chairman to sign the forms
2000-513

Authorized the Director of Behavioral Health and Recovery Services to accept the McKinney
Projects for Assistance in Transition from Homelessness Funding for FY 2000/2001
2000-514

Authorized a claim settlement with the Riverdale Park Tract Water District regarding the
District's well contamination as a result of the Flood of 1997
2000-515

Approved the agreement for the General Liability Claims Management Program between ESIS,
Inc. and the County of Stanislaus for the period 7/1/00 through 6/30/05 with fixed
claims fees for three years and fees subject to negotiation for the final two years if
mutually agreeable to both parties; authorized the CEO, or his Designee, to negotiate
claims fees for the final two years of the agreement if mutually agreeable to both
parties; and, authorized the Chairman to sign the agreement – Risk Management
2000-516

Approved Stanislaus County's participation in the California State Association of Counties
Excess Insurance Authority (CSAC-EIA) Property Program effective 7/1/00 and
authorized the Chairman to sign the CSAC-Excess Insurance Authority and Property
Program MOU – Risk Management
2000-517

Approved purchase of a Crown Victoria in the amount of \$25,000 Victim/Witness Grant Funds
and approved transfer of funds from Salaries, Account #50000 to Patrol Vehicle,
Account #84751 in fund number #1714 23210 – DA
2000-518

- Accepted the Annual Report of Substandard Housing and Code Enforcement activities in compliance with Section 17274 of the State of California Revenue and Taxation Code for 1999 – DER 2000-519
- Authorized the CEO to finalize and execute the agreements for the period 7/1/00 through 6/30/02 with the law firm of Grisez, Orenstein & Hertle, and Perry & Associates for the continued provision of legal representation of Indigent Defense Services which the Public Defender is unable to represent and authorized additional compensation not to exceed \$1,250 a month for each firm once additional Juvenile Services are provided and grant the CEO the authority to sign an amendment to the agreements during the term of the contracts 2000-520
- Approved replacing pumps and making improvements to the Storm Drainage System in CSA No. 10 – Salida and directed the Auditor-Controller to transfer funds from the CSA #10 – Storm Drainage Trust Fund 2000-521
- Approved a two-year extension of the term of the existing agreement for the performance of building inspection services between the City Of Ceres and Stanislaus County with certain modifications as set forth in Amendment #1 to the agreement; authorized the Chairman to execute Amendment # 1 to the agreement for the performance of building inspection services as submitted; and, authorized the Director of the Department of Public Works to approve extensions of the term of the agreement and modifications to the agreement as appropriate 2000-522
- Find that all subdivision improvements required for Vella Estates, Unit #6 by the Subdivision Improvement Agreement, executed by Anderson Homes, Inc. a California corporation and the Board on 4/20/99, have been constructed to the satisfaction of Stanislaus County and the said agreement was recorded 4/22/99, as Document #99-041072, Stanislaus County records; accepted all streets, avenues, roads, and the drainage system within Vella Estates, Unit No. 6 for maintenance by Stanislaus County; pursuant to Section 6499.7(A) of the Subdivision Map Act, authorized the release of Performance Bond #521107S that was issued by developers insurance company in the amount of \$330,000 for faithful performance of the Subdivision Improvement Agreement; and, pursuant to Section 66499.7(B) of the Subdivision Map Act, upon receipt of a Mechanic’s Lien Guarantee, authorized the release of Labor and Materials Bond #521107S that was issued by developers insurance company in the amount of \$330,000 for payment of Labor and Materials, the Mechanic’s Lien Guarantee must be dated a minimum of 35 days after the filing of the appropriate Notice of Completion, be in the amount of \$330,000, be prepared by a title company; be to the benefit of Stanislaus County, and state that there are no Liens of Record – Public Works 2000-523
- Approved request by the Rotary Club of Salida to hold a Town and Country Parade on County roads on 8/19/00 and authorized the Director of Public Works to issue a permit for the event 2000-524
- Accepted Mary Street between River Road and Charles Street for maintenance by Stanislaus County – Public Works 2000-525
- Approved the Planning Commission’s approval of Tentative Map Application No. 99-11 for Salida Gateway Commons 2000-526

B/P (4-0)(Simon abstained) Approved agreement between the County of Stanislaus and Claims Management, Inc. as Third Party Administrator for the Workers’ Compensation Claims Management Program from 7/1/00 through 6/30/03, renewable for two additional years at a fee mutually agreeable

to both parties; authorized the CEO, or his Designee, to negotiate claim fees for FY 2003-04 and 2004-05; and, authorized the Chairman to sign the agreement – Risk Management 2000-527

M/S unan. Authorized the Director to accept Federal Substance Abuse and Mental Health Services Administration Block Grant funding for the Interagency System of Care for Children Project for FY 2000/2001– Behavioral Health and Recovery Services 2000-528

M/B unan. Approved acceptance of five contract renewals with the California Department of Education for the Administration of the Child Care and Development Block Grants and authorized the Director of CSA, or his Assistant Director Designee, to sign these contracts and any amendments not to exceed the total contract amount of \$9,917,485 2000-529

M/P unan. Accepted the Modesto Irrigation District update on water related issues – DER 2000-530

B/S unan. Approved not placing an initiative on the ballot prohibiting fluoridation – County Counsel 2000-531

S/B unan. Find that the Notice of the Public Hearing was given pursuant to Government Code Section 53753(b), Streets and Highways Code Section 22552, and Streets and Highways Code Section 22588; conducted the public hearing to receive comments regarding: a) the formation of the Riverview Landscape and Lighting District, b) the proposed formula for calculating the amount of the annual assessment, and c) the levy of the Annual Assessment to pay for the street lighting service; the Clerk announced that a majority protest was not filed and the ballot passed (Ballots received: 47 in support and 15 in protest) regarding the formula for calculating the annual assessment and the levy of the annual assessment to pay for street lighting service; the Board excluded Staff Recommendation #3, as the ballot passed and the assessment formula was approved by the landowners; found that all of the parcels within the Riverview Landscape and Lighting District will receive equal benefit from the formation of the district; formed the Riverview Landscape and Lighting District and confirmed the boundary of the district as being those described on exhibits “A” and “B”, which are made a part hereof; directed the Department of Public Works to file the formation with the California State Board of Equalization; ordered the installation of street lights; confirmed and approved the formula for calculating the amount of the annual assessment that will be used to pay for street lighting service; set the 2000/2001 annual assessment at \$28.96 per parcel, the parcels subject to the annual assessment are shown on exhibit “C”, which is made a part hereof; authorized the Auditor-Controller to add the annual assessment to the 2000/2001 Tax Roll; and, made the Engineer’s Report a part of the record of this proceeding DL-38-3 2000-532

B/M unan. Find that the Notice of the Public Hearing was given pursuant to Government Code Section 53753(b), Streets and Highways Code Section 22552, and Streets and Highways Code Section 22588; conducted the public hearing to receive comments regarding the FY 2000/2001 Annual Assessments and the assessment ballot process for the proposed new formula for calculating the amount of the Annual Assessment for County Service Area #10 – Salida; the Clerk announced that the ballot failed (Ballots received: 357.68 in support and 473.82 in protest); after conducting the public hearing, the Board excluded Staff Recommendation #4 as a simple majority of the assessment ballots received protested the new formula for calculating the annual assessment; set the 2000/2001 Annual Assessment as shown on Exhibit “A” which is made a part hereof; and, authorized the Auditor-Controller to add the annual assessment to the 2000/2001 Tax Roll; and, made the Engineer’s Report a part of the record of this proceeding 2000-533

Recessed at 10:26 a.m.

Reconvened at 10:39 a.m.

B/S unan. Conducted a public hearing to receive comments regarding the proposed formula for calculation and levy of Annual Assessments to pay for Street Lighting Services for Crows Landing Road Lighting District in compliance with Proposition 218; authorized the Clerk of the Board of Supervisors to tabulate and announce the ballot results no later than five working days after the public hearing; the Clerk announced that the ballot passed (41 in support; 17 in protest; 9 abstained) with the Assessment Formula approved by the landowners; and, after conducting the public hearing the Board approved the new assessment, as approved by the landowners, and authorized the Auditor-Controller to levy the new assessment 2000-534

P/M unan. Conducted a public hearing to receive comments regarding the proposed formula for calculation and levy of Annual Assessments to pay for Street Lighting Services for Empire Lighting District in compliance with Proposition 218; authorized the Clerk of the Board of Supervisors to tabulate and announce the ballot results no later than five working days after the public hearing; the Clerk announced that the ballot passed (113 in support; 83 in protest; 10 abstained) with the Assessment Formula approved by the landowners; and, after conducting the public hearing the Board approved the new assessment, as approved by the landowners, and authorized the Auditor-Controller to levy the new assessment 2000-535

B/S unan. Conducted a public hearing to receive comments regarding the proposed formula for calculation and levy of Annual Assessments to pay for Street Lighting Services for Fairview Tract Lighting District in compliance with Proposition 218; authorized the Clerk of the Board of Supervisors to tabulate and announce the ballot results no later than five working days after the public hearing; the Clerk announced that the ballot passed (34 in support; 9 in protest; 1 abstained) with the Assessment Formula approved by the landowners; and, after conducting the public hearing the Board approved the new assessment, as approved by the landowners, and authorized the Auditor-Controller to levy the new assessment 2000-536

B/S unan. Conducted a public hearing to receive comments regarding the proposed formula for calculation and levy of Annual Assessments to pay for Street Lighting Services for Monterey Park Lighting District in compliance with Proposition 218; authorized the Clerk of the Board of Supervisors to tabulate and announce the ballot results no later than five working days after the public hearing; the Clerk announced that the ballot passed (5 in support and 0 in protest) with the Assessment Formula approved by the landowners; and, after conducting the public hearing the Board approved the new assessment, as approved by the landowners, and authorized the Auditor-Controller to levy the new assessment 2000-537

S/B unan. Conducted a public hearing to receive comments regarding the proposed formula for calculation and levy of Annual Assessments to pay for Street Lighting Services for Olympic Tract Lighting District in compliance with Proposition 218; authorized the Clerk of the Board of Supervisors to tabulate and announce the ballot results no later than five working days after the public hearing; the Clerk announced that the ballot passed (33 in support; 24 in protest; 2 abstained) with the Assessment Formula approved by the landowners; and, after conducting the public hearing the Board approved the new assessment, as approved by the landowners, and authorized the Auditor-Controller to levy the new assessment 2000-538

P/M unan. Conducted a public hearing to receive comments regarding the proposed formula for calculation and levy of Annual Assessments to pay for Street Lighting Services for Reich Lighting District in compliance with Proposition 218; authorized the Clerk of the Board of Supervisors to tabulate and announce the ballot results no later than five working days after the public hearing; the Clerk announced that the ballot failed (2 in support; 3 in protest) and the Assessment Formula was denied by the landowners; and, after conducting the public hearing, the Board approved the landowners' vote (2-3) to adopt and maintain the existing assessment (\$4.28) and directed staff to work with the City of Riverbank to complete annexation of district. 2000-539

S/B unan. Conducted a public hearing to receive comments regarding the proposed formula for calculation and levy of Annual Assessments to pay for Street Lighting Services for Richland Tract Lighting District in compliance with Proposition 218; authorized the Clerk of the Board of Supervisors to tabulate and announce the ballot results no later than five working days after the public hearing; the Clerk announced that the ballot passed (20 in support; 6 in protest; 3 abstained) with the Assessment Formula approved by the landowners; and, after conducting the public hearing the Board approved the new assessment, as approved by the landowners, and authorized the Auditor-Controller to levy the new assessment 2000-540

B/S unan. Conducted a public hearing to receive comments regarding the proposed formula for calculation and levy of Annual Assessments to pay for Street Lighting Services for Salida Lighting District in compliance with Proposition 218; authorized the Clerk of the Board of Supervisors to tabulate and announce the ballot results no later than five working days after the public hearing; the Clerk announced that the ballot failed (376 in support; 495 in protest; 4 abstained) and the Assessment Formula was denied by the landowners; and, after conducting the public hearing, the Board approved the landowners' vote (376 - 495) to adopt and maintain the existing assessment (\$10.12) and directed staff to provide alternatives to adjust service level to prior years funding level 2000-541

S/B unan. Conducted a public hearing to receive comments regarding the proposed formula for calculation and levy of Annual Assessments to pay for Street Lighting Services for Sylvan Village No. 2 Lighting District in compliance with Proposition 218; authorized the Clerk of the Board of Supervisors to tabulate and announce the ballot results no later than five working days after the public hearing; the Clerk announced the ballot passed (18 in support; 1 in protest; 1 abstained) with the Assessment Formula approved by the landowners; and, after conducting the public hearing, the Board approved the new assessment, as approved by the landowners, and authorized the Auditor-Controller to levy the new assessment 2000-542

B/P unan. Received the recommended FY 2000-2001 Proposed Budget from the CEO and held the scheduled public hearing to receive public comments and input on the Proposed Spending Plan; directed and approved any changes the Board may wish to make to the recommended Proposed

Budget; authorized the CEO and the Auditor-Controller to make the necessary technical adjustments to implement the approved Proposed Budget; directed the CEO and the Auditor-Controller to prepare the Proposed Budget Document in accordance with State law and submit to the State Controller; amended the Salary and Position Allocation resolution to reflect the new positions, position deletions and classification changes as recommended in the Proposed Budget per Attachment "A" effective 7/1/00; directed the CEO to prepare the Final Budget to be considered and scheduled for public hearing on 9/12/00; and, approved Board of Supervisors' salary increase of 1.16% effective 7/1/00 2000-543

S/B unan. Accepted a copy of the Final Report, Part Fifteen, for the City of Modesto Water and Sewer Taxes from Stanislaus County 1999-2000 Civil Grand Jury 2000-544

Referred to County Counsel a letter, video, and news release from the Citizens For Safe Water regarding the fluoridation of Modesto's drinking water

Acknowledged receipt of claims and referred to the CEO-Risk Management the following claims: Salvador Palmer; Robert Cassata; Lausandra Caetano; and, Ronda Howse

Adjourned to Closed Session at 12:49 p.m. for a Conference with Legal Counsel – Existing Litigation: Antonia Rodriquez and Luis Vargas and Esperanza Rodriquez by her Guardian Ad Litem, Antonia Rodriquez vs. County of Stanislaus Medical Center, Doctors Medical Center, Felino Pacual, D.O., Jose Rodriquez, M.D., Randy Winter, M.D. and Does 1 Through 50. Case No. 148369 - Superior Court. Government Code Section 54954.5(c). Irene Amaya and Natalie Amaya, a minor, by Efrain Amaya her Guardian Ad Litem vs. James Leslie Fuller, Thomas Austin Bright, II, County of Stanislaus and Does 1-25. Case No. 182500 - Stanislaus County Superior Court. Government Code Section 54954.5(c)

Adjourned at 1:00 p.m.

ATTESTED: REAGAN M. WILSON, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: CHRISTINE FERRARO TALLMAN, Clerk to 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.)