

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

Regular Session

Tuesday

December 5, 2000

All Supervisors Present

Pledge of Allegiance to the Flag

Observed a moment of silence in memory of former District 2 Supervisor John B. Melugin, who served on the Board between 1953-1956.

Cheryl Gully, Director of the Western Office of the Child Welfare League of America (CWLA) presented an Honorable Mention Award to Chairman Caruso.

Velma Moore from the Stanislaus Foster Parent Association presented awards to four CSA Social Workers: Steve Walker, Ellene Stammeler, Dawn Costa, and Richard Mahaney.

Miguel Donoso spoke about the Care Newsletter being presented in Spanish as well as English.

Rocky C. Sanderson spoke regarding a personnel issue.

John Mataka expressed his concerns regarding the burning of medical waste.

Grace Cox spoke about the cleanup of the toxic waste at the Westley tire fire site and the need for improved communication with the community regarding the cleanup efforts and the health effects. She also expressed her support for Herlinda Gonzales as a possible candidate for appointment to the Children and Families First Commission.

Miguel Donoso spoke about the issues of equal rights and equal employment opportunities within Stanislaus County.

S/P unan. Adopted the consent calendar

Approved the minutes of 11/21/00

Proclaimed 12/00 as Drunk and Drugged Driving Prevention Month in Stanislaus County

2000-942

Approved the use of the Courthouse electricity for the Modesto Bee Parade of Lights on Saturday,
12/9/00

2000-943

Approved a 36 month agreement with the State Department of Corrections for the provision of counseling and intervention services for sex offender parolees, and authorized the Director, or his Designee, to sign the agreement with the State Department of Corrections – Behavioral Health and Recovery Services

2000-944

Declared County vehicle 96-50 as surplus equipment and authorized the vehicle to be turned over to the Farmers' Insurance Group in exchange for the sum of \$8,376.32; directed the Auditor-Controller to deposit the sum of \$8,376.32 from the sale of this vehicle into Fleet Services Account #46000, Sale of Fixed Assets; and, directed the Auditor-Controller to adjust appropriations and estimated revenues in Fleet Services Account #84750, Garage Vehicles, and Revenue Accounts #46000 and #36400, for the sale of fixed assets and other revenue adjustments – CEO/Fleet Services

2000-945

- Approved the recognition of a bargaining unit for Sergeants in accordance with Employee Relations Ordinance 3.68.190; established a separate bargaining unit for the Sergeant classification; amended the Salary and Position Allocation Resolution to change the bargaining unit for the Sergeant classification; and, authorized the CEO/Personnel Director to commence bargaining with the newly recognized bargaining unit 2000-946
- Approved and authorized the Chairman and the CEO to sign the Annual Equal Rights Commitment Statement 2000-947
- Approved and authorized the CEO to sign a fifteen-year lease with the City of Ceres for the development of a Tot Lot at the Stanislaus Recovery Center – CEO 2000-948
- Approved Amendment #1 to the agreement with O’Brien Kreitzberg for Construction Management Services for the Stanislaus County Recovery Center Project for additional services not to exceed \$29,000, and authorized the CEO to sign the amendment on behalf of the Board – CEO 2000-949
- Appointed Patricia Alcaraz to the Workforce Investment Board (WIB) Youth Advisory Council (YAC) as the Housing Authority of Stanislaus County representative; and, appointed John McDonnell to the WIB as the State Department of Rehabilitation representative to serve a term ending 6/30/02 – DET 2000-950
- Adopted the recommendations of the Nuisance Abatement Hearing Board regarding Abatement Hearing #2000-08 for property located at 1513 Imperial Avenue, Modesto – DER 2000-951
- Approved the Description of Proposed Expenditure of California Healthcare for Indigents Program (CHIP) Funds for FY 2000/01, and authorized the HSA Managing Director, or her Designee, to sign the Description of Proposed Expenditure Certification 2000-952
- Authorized the Stanislaus County Library to apply for grant funds from the California Arts Council 2000-953
- Approved the closure of the Modesto Library on Sunday, 12/24/00 2000-954
- Amended the Salary and Position Allocation Resolution to add one Sergeant and one Deputy Sheriff-Coroner, and directed the Auditor-Controller to increase appropriations and estimated revenues – Sheriff 2000-955
- Accepted the Stanislaus County Treasury Pool’s 9/00 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector’s Office and reviewed for conformity with State law and local investment policy by the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman to sign that the report has been reviewed and accepted 2000-956
- Adopted a resolution to summarily vacate a portion of an alley, located in block 4080 and block 4081 of the Wheatley Tract near the City of Modesto – PW 2000-957
- Approved a Purchase Agreement to acquire road right of way on Carpenter Road two miles north of Crows Landing Road; authorized the Chairman to execute the agreement; authorized the Auditor-Controller to increase appropriations by \$1,150 in the project account; and, authorized the Auditor-Controller to issue a warrant for the purchase amount of \$1,150 payable to Beverly W. Matson – PW 2000-958
- Approved the filing and recording of the final map of Olive Ranch Estates Subdivision, Phase 1, as presented; approved the Subdivision Improvement Agreement for Olive Ranch Estates Subdivision, Phase 1; find that the final map is in substantial compliance with the previously approved tentative map; find that Stanislaus County has adopted a specific plan covering the area proposed to be included within the final map; find that the final map, together with the provisions for its design and improvement, is consistent with the specific plan for the area; reject all Roads, highways, Avenues, alleys, courts, ways, Lanes, places, etc; and, authorized the Chairman to sign the final map and the Subdivision Improvement Agreement – PW 2000-959

Approved the installation of stop signs for traffic control, under the authorization granted to local authorities in Vehicle Code §21354, at the following locations: Service Road at Washington Road; Parkdale Drive at Riverdale Avenue; Beverly Drive at Ohio Avenue; Wild Oak Drive at Oak Knoll Avenue; Windgate Drive at Sperry Road; Zeering Road at Lester Road; Gates Road at Beckwith Road; Mary Street at Wilson Street; Mary Street at Laird Street; Mary Street at Smith Street; Grayson Road at the South Extension of Laird Street; Sam Avenue at Leo Avenue; Vito Avenue at Leo Avenue; Essex Lane at Selby Lane; Fairington Lane at Bartley Lane; Fairington Lane at Cranford Lane; Bartley Lane at Fallon Lane; and, Cranford Lane at Fallon Lane – PW 2000-960
Set a public hearing for Rezone Application #2000-16 - Zandra Soots for 1/9/01 at 9:25 a.m. – Planning and Community Development ORD-54-G-7 2000-961

B/S unan. Approved the establishment of an In-Home Supportive Services (IHSS) Employer of Record for the purpose of collective bargaining for wages and benefits by 1/1/03, and approved the establishment of an IHSS Advisory Committee – CSA BD-75-1 2000-962

Supervisor Paul absent at 10:40 a.m.

Supervisor Paul returned at 10:45 a.m.

B/S (Mayfield opposed) (4-0) Approved conditions to Amendment #1 to the Franchise Agreement (Area 3) for Modesto Garbage Company doing business as Modesto Disposal Service; acknowledged that Modesto Garbage Company substantially met the conditions necessary for the term of the agreement to expire on 11/5/07; find that Modesto Garbage Company diverted 2,115 tons of refuse to out-of-county disposal facilities without authorization or excuse in violation of the amended Franchise Agreement; and, assessed Modesto Garbage Company compensatory damages equal to the lost tipping fee for the total tonnage of refuse diverted to out-of-county disposal facilities without authorization – DER 2000-963

Accepted the update on the Westley Tire Fire Site – DER 2000-964

S/P unan. Modified the proposed ordinance, as presented to the Board, by omitting the first two paragraphs of the ordinance; approved the portion of the staff recommendation to increase Juvenile Record Sealing Fee from a sliding scale fee to a flat fee of \$75.00 and omitted the portion of the staff recommendation to increase the Juvenile Hall Daily Fee from \$7.18 per day to \$18.77 per day; introduced, waived the reading and adopted Ordinance C.S 744, as modified, to increase the Juvenile Hall Record Sealing Fee from a sliding scale fee of \$30-\$75 to a flat fee of \$75.00; and, the Board requested that a study be conducted and returned to the Board in early January 2001, to determine the feasibility of contracting with an outside collection agency for the possibility of combining the collection efforts for the Juvenile Hall Daily Fee and the Jail Booking Fee – Probation ORD-54-G-3 2000-965 & 2000-966

Referred to the Child Support Services Department, a letter from the California Department of Child Support Services regarding the allocation of funds for program compliance reviews and related functions for State FY 2000/01 and the preliminary estimate of the allocation of funds for FY 2001/02.

Referred to the Department of Public Works, DER, and the Planning and Community Development Department, a Notice of Availability of Draft Environmental Impact Report from the California Public Utilities Commission regarding the proposed valuation and divestiture of hydroelectric generation and related assets by Pacific Gas and Electric Company.

Accepted two letters from the City of Oakdale regarding their appreciation for County funding for the expansion of senior services at the Gladys L. Lemmons Senior Community Center and development of the T.L. Davis Youth Sports Complex.

Acknowledged receipt of claims and referred to the CEO-Risk Management the following claims: Cecil W. Hamilton; Lavale King; Stanford Medical Center; Ryan Keith Turner; CSE Insurance; Pamela Henry; Les L. Troglin, Jr.; Martha Alvarez for minor children, Anthony and Amber Alvarez; Americ Disc, Inc.; Dominga Aldape Alvarez and Tomas Alvarez; Lynn Genice Meshew; Dr. Joseph Basile.

Supervisor Blom noted that while attending the CSAC Annual Conference he also attended their Board of Directors meeting.

Supervisor Simon stated that he and Chairman Caruso attended the Tuolumne River Regional Park's last Commission meeting for the final public hearing and approval of the master planning for the Tuolumne River Regional Park. He also noted that the Master Plan was very well received by everyone in attendance.

Supervisor Paul spoke regarding the traffic accidents that have occurred on Highway 108. She stated that she has requested the Public Works Director, George Stillman, to contact Cal Trans regarding the installation of a flashing warning light for the turning lane in order to prevent further fatalities.

Chairman Caruso noted that he attended the Agricultural Hall of Fame Ceremony where Max and Verda Foster, and Bill and Mary Lyons were inducted into the hall of fame.

The Assistant CEO invited the public and the Chairman to attend the public dedication ceremony of the new County/City Emergency Services facility located at 3705 Oakdale Road, Modesto, to be held next Tuesday, 12/12/00 at 1:30 p.m.

Adjourned to Closed Session at 11:45 a.m. for conference with legal counsel on two existing litigation cases: Willey vs. County of Stanislaus, et al - Case #CIV F-00-6192OWW/DLB; and, County of Sonoma, et al vs. Commission on State Mandates Case #A089524 – Superior Court Case #SCV 221243, pursuant to GC §54956.9

Closed Session Announcement:

B/M (Paul absent) (4-0) Authorized the County Counsel's Office to pursue additional action in the existing litigation case of County of Sonoma, et al vs. Commission on State Mandates, Appellant Court Case #A089524 and Superior Court Case #SCV 221243, which could include an appeal to the California Supreme Court, rehearing, or all necessary actions to see that this matter is appealed from the Appellant Court decision to the California Supreme Court in conjunction with the other counties that have been named as plaintiffs in the suit vs. the Commission on State Mandates 2000-967

Closed Session Announcement:

B/S (Paul absent) (4-0) The Board determined, in the existing litigation case of Willey vs. County of Stanislaus, et al - Case #CIV F-00-6192OWW/DLB, to not pay for the legal defense or attorney's cost for Mr. Sanderson and held that the County's position is that Mr. Sanderson's actions are outside the, course and scope of his employment 2000-968

Adjourned at 12:45 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.)