

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

Regular Session

Tuesday

August 14, 2001

All Supervisors Present

Pledge of Allegiance to the Flag

The presentation of the flag was done by Boy Scout Troop #146.

Constant Flierman spoke regarding an inaccurate quote in the Modesto Bee on the handling of a recent fire in the Woodland Fire Protection District. He encouraged citizens in an emergency situation, to call 911 first in order to save lives and structures.

C/B unan. Adopted the consent calendar

*A1 Approved the minutes of 8/07/01

*A2 Approved a request from Mid-Valley Ski Club for use of the Modesto Reservoir on 8/25/01 for a ski day for kids 2001-599

*A3 Approved a request from Modesto Junior College Track and Field-Cross Country Team for use of the Modesto Reservoir and Woodward Reservoir Park areas from 8/20/01 through 11/30/01 2001-600

*A4 Approved a request from Parents, Families and Friends of Lesbians and Gays for use of the Courthouse lawn for a candle light vigil against hate crimes on 8/19/01 at 7:30 p.m. 2001-601

*B1 Approved Older Americans Act (OAA) contracts #FF-0102-30 and #TV-0102-30 and Older Californians Act State Discretionary Funded Aging Programs contract #CB-0102-30 with the California Department of Aging; authorized the Director of Aging and Veterans Services (Area Agency on Aging) to sign grant agreements and any subsequent amendments to agreements #FF-0102-30, #TV-0102-30 and #CB-0102-30 with the California Department of Aging, FY 2001-02; and, authorized the Director of Aging and Veterans Services to sign grant award agreements and any subsequent amendments for Older Americans Act and Older Californians Act services with contracting service providers, for FY 2001-02 2001-602

*B2 Approved FY 2001-02 lighting district benefit assessment rates; adopted a resolution to levy FY 2001-02 direct assessments; and, authorized the Auditor-Controller to add the assessments to the 2001-02 Tax Roll DL-17-19; DL-25-24; DL-24-22; DL-4-15; DL-23-15; DL-2-22; DL-1-25; DL-15-15; DL-32-2; DL-30-3; DL-33-3; DL-22-A-4; DL-20-16; DL-11-17; DL-28-15; DL-29-A-3; DL-18-12, DL-34-2, DL-16-17; DL-3-B-11; DL-13-31; DL-12-14; DL-19-16 2001-603

*B3 Approved an employee educational stipend for the Fall Semester of 2001 through the Spring Semester of 2002 for Charles Yarnell, Trina Stoughtenborough and Joni Van Buskirk – BHRS 2001-604

*B4 Approved the CSA to accept five contract renewals with the California Department of Education for the administration of the Child Care and Development Block Grants; 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 \$14,566,656 2001-605

*B5(a) Authorized the HSA to apply for and accept, if awarded, a Proposition 10 Mini-Grant from the Stanislaus County Children and Families Commission: for a Radiology Capital Equipment Project; authorized the HSA Managing Director, or her Designee, to sign and

- execute the application; and, authorized the HSA Managing Director to negotiate and accept the grant, if awarded 2001-606
- *B5(b)** Authorized the HSA to apply for and accept, if awarded, a Proposition 10 Mini-Grant from the Stanislaus County Children and Families Commission: for a Keep Baby Safe Project; authorized the HSA Managing Director, or her Designee, to sign and execute the application; and, authorized the HSA Managing Director to negotiate and accept the grant, if awarded 2001-607
- *B6** Approved the HSA to contract with Mountain Valley Emergency Medical Services Agency for 2001-02 to administer local emergency medical services; and, authorized the Chair to sign the contract with Mountain Valley Emergency Medical Services Agency BD-27-6 2001-608
- *B7(a)** Authorized the Library to apply for and accept, if awarded, a grant from the California State Library for their English Language and Literacy Intensive (ELLI) Program in the amount of \$27,000; authorized the County Librarian to execute contracts and/or agreements to accept the funds, if awarded; and, authorized the Auditor-Controller to make any budget adjustments necessary to implement the grant 2001-609
- *B7(b)** Authorized the Library to apply for and accept, if awarded, a grant from the California State Library's "Public Library Staff Education Program" in the amount of \$17,028; authorized the Librarian to execute contracts and/or agreements to accept the funds, if awarded; and, authorized the Auditor-Controller to make any budget adjustments necessary to implement the grant 2001-610
- *B8** Authorized the Sheriff Department to purchase three vehicles for the Sheriff's Civil Bureau; authorized the Sheriff to transfer Civil Process Fee Trust Funds for the purchase of the vehicles; and, directed the Auditor-Controller to increase revenues and appropriations and transfer funds and return any unused funds to the Trust Fund at the end of FY 2001-02 2001-611
- *B9** Approved the acceptance and use of San Joaquin Valley Unified Air Pollution Control District grant funds for a Motor Vehicle Emission Reduction Courts Internet Project; authorized the CIO to sign and administer the grant contract with the SJVUAPCD; authorized the Auditor-Controller to make the necessary financial transactions and roll forward the appropriations to FY 2001-02; and, approved the proposed budget for the Vehicle Emission Reduction Courts Internet Project – DER 2001-612
- *B10** Approved creating the position of Administrator for the STANCERA; adopted GC §31522.2, allowing the Board of Retirement to appoint an Administrator; approved the amendment to Article 1.4 of the STANCERA Bylaws defining the term management; and, amended the Salary and Position Allocation Resolution to add the position of Associate Director, salary band F, with Department Head benefits to Budget Unit 0030510 – Treasurer-Tax Collector BD-36-A-3 2001-613
- *C1** The Board finds that Ecology Construction, Inc., made a clerical error in the preparation of its bid for construction of the Landfill Gas Collection and Control System Project at the Fink Road Landfill, and approved the request by Ecology Construction, Inc. to withdraw its Bid due to the clerical error, and authorized the release of its Bid Bond; approved awarding the contract for the construction of the Landfill Gas Collection and Control System Project at the Fink Road Landfill to the next low bidder, Griffin Dewatering Corporation; and, authorized the Purchasing Agent to issue a contract with Griffith Dewatering Corporation in the amount of \$758,286.80 – Public Works 2001-614
- *C2** The Board finds and declared that the apparent low bid for the construction of the LF-2, Cell 3, Phase2, Base Liner at Fink Road Landfill, submitted by Ferma Construction Company, is non-responsive in that it failed to acknowledge receipt of all material addenda; approved awarding a contract for construction of the LF-2, Cell 3, Phase2, Base Liner at Fink Road

- Landfill to Wood Bros., Inc.; and, authorized the Purchasing Agent to issue a contract with Wood Bros., Inc., in the amount of \$1,397,974.05 – Public Works 2001-615
- *C3** Approved a Purchase Agreement to acquire road right-of-way at the southwest corner of the intersection of Albers Road and Claribel Road for the improvement of that intersection; authorized the Chair to execute the agreement; authorized the Auditor-Controller to increase appropriations by \$19,225 in the project account; and, authorized the Auditor-Controller to issue a warrant for the purchase amount of \$18,225 payable to Fidelity National Title Company – Public Works 2001-616
- *C4** Approved a Purchase Agreement to acquire road right-of-way at the northeast corner of the intersection of Albers Road and Claribel Road for the improvement of that intersection; authorized the Chair to execute the agreement; authorized the Auditor-Controller to increase appropriations by \$22,679 in the project account; and, authorized the Auditor-Controller to issue a warrant for the purchase amount of \$21,679 payable to Fidelity National Title Company – Public Works 2001-617
- *C5** Approved the plans and specifications for the Las Palmas Avenue Widening Project in Patterson; and, authorized the Auditor-Controller to increase appropriations by \$3,000 in the project account to cover the costs of advertising and publishing – Public Works 2001-618
- *D1** Authorized the Auditor-Controller to establish a new budget unit for bond proceeds to fund Salida Storm Drainage Infrastructure Project; and, authorized the Auditor-Controller to establish a new budget unit in an interest earning fund – Planning and Community Development 2001-619
- *D2** Set a public hearing on 8/28/01 at 9:35 a.m. for Rezone Application #2001-07 and Parcel Map Application #2001-08 - Christopher & Christina Bass - Planning and Community Development ORD-54-I-3 2001-620
- *D3** Set a public hearing on 8/28/01 at 9:40 a.m. for Rezone Application #2001-08 and Parcel Map Application #2001-10 - Ross Condit - Planning and Community Development ORD-54-I-4 2001-621

M/B unan. **B13** Authorized the Chair, CEO, and the Sheriff to sign a contract with the City of Hughson for the Sheriff to provide general law enforcement services; amended the Salary and Position Allocation Resolution to add to the Sheriff's Department, for the life of the Hughson contract, four Deputy Sheriff Coroners and one Legal Clerk III; directed the Auditor-Controller to set up a new budget unit and establish appropriations and estimated revenues for Hughson police services operations; authorized the CEO and the Sheriff to sign all additional documents or letters of agreement to implement the contract; authorized the sheriff to grant permanent status to the former Hughson employees who successfully complete a minimum six months of probationary service with the Sheriff's Department; and, authorized the CEO to make health care benefit coverage effective on the first day of County employment, 9/1/01 C-9-19 2001-624

B/C unan. **B11** Authorized the CEO to enter into a contractual agreement between the County and SCEDCO to implement a Silicon Valley Marketing Strategy to include the placement of an office in the Silicon Valley region and distribution of informational material promoting Stanislaus County as a great place to do business; approved the Silicon Objective Marketing Strategy and the four track approach to implementation; and, authorized a funding appropriation in the amount of \$150,000 as the County's share in the implementation of the Silicon Valley Marketing and Business Targeting Strategy 2001-622

B/M unan. **9:25 a.m.** The Board noted that the Redistricting Committee, selected by the Board, held 3 public night meetings on 7/12/01, and 7/18/01 and 7/19/01 at two locations (Turlock and Modesto), which were sparsely attended despite the fact that these meetings were published in all newspapers within the County; the Board also noted that last week notice was published again, in all newspapers within the County, for a public hearing which was held on 8/7/01; the Board conducted a public hearing on today's date, 8/14/01, and reviewed and considered the maps (A through I), which were also available for the

Board and members of the public to review on 8/7/01; based upon the public hearings, the staff and public comments on today's date, and the Board's comments, the Board adopted Redistricting Plan E and makes the appropriate findings regarding the adjustment of the boundaries for Supervisorial Districts in support of Redistricting Plan E as follows: 1) the Board finds that based upon the Redistricting Committee's reports and all graphs, charts and other documents referred to or presented by the Redistricting Committee to this Board both on 8/7/01 and today's hearing date, 8/14/01, as well as the oral and documentary testimony and evidence presented at both public hearings, the Board has reviewed and considered options A through I and the Board officially adopts Redistricting Plan E; 2) the Board finds that Plan E substantially meets the criteria set forth in California Elections Code §21500 and is in compliance with applicable laws and case decisions regarding Supervisorial Redistricting; 3) the Board considered and acknowledged that the criteria of one person, one vote is the criteria of paramount interest and the Board's primary goal and that the Board took into consideration that principal in adjusting the Supervisorial Districts so that the districts were nearly equal in population; 4) that the Board also gave consideration in adjusting the Supervisorial Districts to the following factors: (a) topography; (b) geography; (c) cohesiveness, contiguity, integrity and compactness of territory, and (d) communities of interests; 5) that the Board finds that Plan E met the Committee's 5% or less population deviation from the districts and substantially followed the criteria set forth in Elections Code §21500; 6) that the Board finds that Plan E is based on a rational policy, which was to substantially achieve equality of populations among the five districts; 7) that the Board finds that Plan E does not split or divide existing cities in the County and utilizes natural boundaries and roadways; 8) that the Board finds that Plan E does not operate to minimize or cancel out the voting strength of racial or political elements of the voting population; 9) that the Board finds that there is no dilution of voting strength of any particular group by the adoption of Option E; 10) that the Board in adopting Option E followed natural or man-made geographical features as boundaries and utilized census blocks in establishing the districts; 11) that the Board considered the factors contained in California Elections Code §25001 as the basis for the insignificant deviation from exact equality of population in the Supervisorial Districts and that such considerations justify an insignificant departure from achieving exact equality in population in the respective districts; 12) that the Board finds that the insignificant disparity in population between the districts created by Plan E does not result in a denial of equal protection; 13) that the Board finds Option E boundaries are "squared off" and are clear for members of the public to understand and creates easily identifiable district lines; 14) that the Board finds that in Option E, the communities of interest are intact; 15) that the Board finds that in Option E all boundaries are natural, rivers/creeks, or man-made features, such as roads and freeways; 16) that the Board finds that Option E utilizes major roadways and features as boundary separators; 17) that the Board finds that Plan E allows for anticipated growth in the Riverbank area in District 1 and maintains the community of interest for that area as requested by the City of Riverbank and adds census blocks to District Four thus increasing the population in that district; 18) that the Board finds that in Plan E cities stay within existing districts; 19) that the Board finds that Option G divides communities of interest in Districts 3, 4 and 5 with some impact on District 2; 20) that the Board finds that Option G does not follow natural (river/creek) or man-made boundaries such as major railroads and freeways in certain areas and results in district lines that cross major natural boundaries and features; 21) that the Board finds that Option G divides the City of Ceres into 3 districts (2, 4 and 5) with the result that the Ceres community of interest is diminished and that Plan G results in a division of Ceres neighborhoods into different districts; 22) that the Board finds that Option G uses some property lines as boundaries in certain areas; 23) that the Board finds that in Option G some boundaries are not easily identified; 24) that the Board finds that Option G results in major changes to most district boundaries; 25) that the Board finds that Option D does not use large natural features as boundaries; 26) the Board finds that Option D does not use major roadways or features as district limits; 27) the Board finds that in Option D district limits are not easily identifiable; 28) the Board finds that Option D divides Turlock into two districts; 29) the Board finds that in Option D cities move from one district to another, such as Patterson from District 5 into District 3; 30) the Board finds that Option D makes major changes to all districts boundaries; and, the Board approved

the introduction and waiving of the first reading of Ordinance C.S. 766, an ordinance adjusting the boundaries of the Stanislaus County Supervisorial Districts in accordance with the adopted Redistricting Plan E – CEO ORD-54-I-5 2001-625

Recessed at 11:06 a.m.

Reconvened at 11:14 a.m.

S/C unan. **B12** Accepted and approved the HSA’s 2001 Annual Report 2001-623

Corr 1 Referred to the CEO and the Area Agency on Aging and Veteran Services a letter from the State of California Governor’s Commission on California Veterans Homes regarding sites to build veterans homes in various locations.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Neal John Nissinoff Jr. (Angela Rios Nissinoff making claim); and, Sandra Burke.

Supervisor Caruso noted that he represented the Board at the Foster Care Families’ picnic that was held Saturday, 8/11/01, at Big Bear Park. He invited the public to attend the Behavioral Health and Recovery Services dedication ceremony to be held this Wednesday, 8/15/01, at 4:00 p.m. in Ceres, CA.

The CEO noted that he received the second quarter receipts statement for the period of January through March, 2001, and that the total receipts in the unincorporated area of the County were up 10.13% from the previous year’s healthy growth rate when compared Countywide, including the cities at 9.5% and the San Joaquin Valley at 7.3%, with the State as a whole gaining only 3%. He announced that the Board’s next meeting will be a joint meeting with the Board and the Waterford City Council, which will be held in the Waterford Community Center at 540 C Street, Waterford, CA at 7:00 p.m. on 8/21/01. He also announced that a special StanCOG Policy Board Meeting, to consider the Regional Transportation Plan, will be held next Wednesday, 8/15/01, 6:00 p.m., at 1010 10th Street in the Basement Chambers. He provided the Board with a copy of a letter that will be sent to the San Jose Mercury News as an opportunity to kickoff the Silicon Valley Marketing Campaign.

Adjourned to closed session at 11:45 a.m. for conference with real property negotiators for the acquisition of property in Salida, CA (APN: 003-15-16). Agency negotiator: Reagan M. Wilson. Owner negotiator: James P. Vella. Under negotiation: both terms of payment and price. GC §54956.8. Conference with labor negotiation: agency negotiator, Reagan Wilson. Employee organization: SEIU. GC §54954.5(f).

Adjourned at 1:00 p.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: LILLIE L. FARRIESTER, Assistant Clerk of 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.)