

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

Regular Session

Tuesday

September 18, 2001

Supervisor Mayfield Absent

Pledge of Allegiance to the Flag

Elka Chase read the poem "I am Proud to be an American" and sang "God Bless America"

Religious leaders of Stanislaus County: Bajwa Davinder, General Secretary of the Modesto-Ceres Sikh Temple; Gurkirpal Grewal, Member of the Modesto-Ceres Sikh Temple; Gary Rambaran, Member and Counselor of the Modesto-Ceres Sikh Temple; Father Peter Carota of Our Lady of Fatima Catholic Church; and Pastor Bet Hannon of College Avenue Congregational Church offered prayers on behalf of the Nation and the victims and their families who suffered from the terrorist attacks on 9/11/01

The Modesto-Ceres Sikh Temple presented a check of \$19,000 to the American Red Cross on behalf of Stanislaus County.

Jeff Jue, Lyndalee Whipple, Teri Kook, and, Jan Viss, were presented with a Council on Accreditation of Services for Families and Children, Inc. Award.

A resolution was presented to Jody Gill from Stanislaus Regional 911, in recognition of National 9-1-1 Day.

S/C (4-0)(Mayfield absent) Adopted the consent calendar

- \*A1 Approved the minutes of 8/28/01 and 9/12/01
- \*A2a Proclaimed 9/17-21/01 as Lawsuit Abuse Awareness Week 2001-667
- \*A2b Proclaimed 9/11/01 as National 9-1-1 Day 2001-668
- \*A3 Approved request from the Department of Aging and Veterans Services to use the Courthouse lawn on 11/11/01 for a ceremony following the Veteran's Day Parade 2001-669
- \*A4a Accepted resignation of Dr. Richard Curry from the Stanislaus Children's Council 2001-670
- \*A4b Accepted resignation of Pat Dobbs from the Mental Health Board 2001-671
- \*A5 Commended the Modesto Chapter of the American GI Forum upon receiving the National Chapter of the Year Award 2001-672
- \*A6 Approved request from the Oakdale High School Cross Country Team for use of the Woodward Reservoir Park on 9/27/01 for a track meet 2001-673
- \*A7a Appointed in-lieu of election, Holman E. King and Donald G. Smith, Jr. to the Denair Community Services District 2001-674
- \*A7b Appointed in-lieu of election, Constant Fliermans, Kathryn Lee Gabrielson, Pamela G. Hillar and Walter T. Hudson to the Burbank-Paradise Fire Protection District 2001-675
- \*A7c Appointed in-lieu of election, Gus Villarreal to the Hughson Fire Protection District 2001-676
- \*A7d Appointed in-lieu of election, Kirk Bridegroom, Roy A. Johnson, Mark Hodges and David Muller to the Sand Creek Flood Control District 2001-677
- \*A7e Appointed in-lieu of election, William G. Cerutti to the Central California Irrigation District 2001-678
- \*A7f Appointed in-lieu of election, Tony Taro to the Oakdale Irrigation District 2001-679

- \***A7g** Appointed in-lieu of election, Alfred Scheuber, John M. Azevedo, John Barbaste and Steven Trinta to the Patterson Irrigation District 2001-680
- \***A7h** Appointed in-lieu of election, Charles A. Fernandes and Michael C. Berryhill to the Turlock Irrigation District 2001-681
- \***A7i** Appointed in-lieu of election, Steven R. Ernst, Brad Johnson and Anthony Beato to the Salida MAC 2001-682
- \***A7j** Appointed in-lieu of election, Ken Beswick and Eliseu Mendonca to the Reclamation District #2063 (Carpenter) 2001-683
- \***A7k** Appointed in-lieu of election, Barbara W. Casey, Evelyn Allinson, Jacqueline Amaral and James Garrison to the Empire Sanitary District 2001-684
- \***A7l** Appointed in-lieu of election, Gary Dew and Lana Moore to the Salida Sanitary District 2001-685
- \***A7m** Appointed in-lieu of election, Howard M. Barnett, David Harrison Long and James G. Crecelius to the Eastside Water District 2001-686
- \***A7n** Appointed in-lieu of election, Steven Arnaudo and Fred E. Beltran to the Oak Flat Water District 2001-687
- \***A8a** Approved appointment in-lieu of election, and vacancy where no candidate filed, for Rosenda Mataka, Angela M. Alvarado, Lulu M. Polk, and Maricela Vela to the Grayson Community Service District 2001-688
- \***A8b** Approved appointment in-lieu of election, and vacancy where no candidate filed, for Marjorie W. Paiz, Owen W. Haskell and David R. Simons to the Knights Ferry MAC 2001-689
- \***A8c** Approved appointment in-lieu of election, and vacancy where no candidate filed, for Fran Lightly and Webb Shaffer to the Western Hills Water District 2001-690
- \***A9a** Approved appointment in-lieu of election where no candidate filed for the Knights Ferry CSD 2001-691
- \***A9b** Approved appointment in-lieu of election where no candidate filed for the Westley CSD 2001-692
- \***A9c** Approved appointment in-lieu of election where no candidate filed for the Newman Drainage District 2001-693
- \***A9d** Approved appointment in-lieu of election where no candidate filed for the Ceres Fire Protection District 2001-694
- \***A9e** Approved appointment in-lieu of election where no candidate filed for the Orestimba Flood Control District 2001-695
- \***A9f** Approved appointment in-lieu of election where no candidate filed for the West Stanislaus Irrigation District 2001-696
- \***A9g** Approved appointment in-lieu of election where no candidate filed for the Empire MAC 2001-697
- \***A9h** Approved appointment in-lieu of election where no candidate filed for Hickman MAC 2001-698
- \***A9i** Approved appointment in-lieu of election where no candidate filed for Reclamation District #2091 (Chase) 2001-699
- \***A10** Approved a resolution in support of the President of the United States of America in regards to the terrorist acts on 9/11/01 2001-700
- \***B1** Introduced and waived the first reading of Ordinance C.S.771, an ordinance amending §2.08.010 of the County Code regarding the qualifications for the Auditor-Controller – CEO  
ORD-54-I-7 2001-701
- \***B2** Adopted the 2001/02 Property Tax Rates as follows: adopted the 1% Tax Rate authorized by §93(b) and §135 of the R&T Code; adopted tax rates to be levied pursuant to R&T Code §93(a) and §93(c) that are needed to make annual payments for the interest and principal on General Obligation Bonds or other indebtedness approved by the voters; adopted the

- Countywide Unitary Tax Rate; and, adopted the .8714% tax rate for the territory formerly served by the Lower San Joaquin Levee District – Auditor-Controller 2001-702
- \*B3** Authorized the CEO to apply for a Rural E-Commerce Grant from the California Technology, Trade and Commerce Agency for funding innovative e-commerce training projects; authorized the CEO, or his Designee, to sign and execute the application 2001-703
- \*B4** Approved pay adjustments for the elected officials in the following amounts, effective 7/1/01: 5.38% for the Auditor-Controller, 5.27% for the Clerk-Recorder, 7.74% for the Sheriff, 4.53% for the Assessor, 2.8% for the District Attorney, and 3.14% for the Treasurer-Tax Collector – CEO 2001-704
- \*B5** Approved the Labor Agreement between the County and OE3, representing the DA Investigator’s Association, by implementing the provisions contained within the Tentative Agreement reached between the County and OE3; and, amended the Salary and Position Allocation Resolution to reflect the changes agreed to for the DA Investigator’s Bargaining Unit – CEO 2001-705
- \*B6** Approved Labor Agreements between the County and SEIU Local 535, representing the Community and Health Services Bargaining Unit, by implementing the provisions contained within the Tentative Agreement reached between the County and SEIU Local 535; and, amended the Salary and Position Allocation Resolution to reflect the changes agreed to for the Community and Health Services Bargaining Unit – CEO 2001-706
- \*B7** Approved the Underground Storage Tank Local Oversight Program Contract #01-019-550-0 with the State of California Water Resources Control Board; authorized the Director of DER to sign the contract and purchase the supplies and equipment included in the contract budget; and, authorized the Director of DER to approve any future amendments to the contract not exceeding the original contract amount 2001-707
- \*B8** Approved the Annual Report of Substandard Housing and Code Enforcement Activities pursuant to §17274 of the California R&T Code for CY 2000 – DER 2001-708
- \*B9** Approved Progress Report on Partnership Grant with CSA to Reduce Teen Pregnancy – Health Services Agency 2001-709
- \*B10** Approved the establishment of a property limit standard equal to 150% of the Federal Poverty Level and the establishment of an income limit of 250% of the Federal Poverty Level for Indigent Health Care Program (IHCP) Eligibility – HSA 2001-710
- \*B11** Approved a MOU between the Stanislaus County Library and the Stanislaus Literacy Center; authorized the Interim Library Manager to sign the MOU expressing the parties’ intent to “partner” for the delivery of Adult Literacy Services and making the County eligible for additional State Library Literacy Funds; and, authorized the Interim Library staff to complete and submit an application to the California State Library for Literacy Funds 2001-711
- \*B12** Approved the acceptance of a grant in the amount of \$15,650 from the California State Library for a Families for Literacy Program; authorized the County Librarian, or her Designee, to sign the necessary documents to accept the grant; and, directed the Auditor-controller to make the necessary adjustment to the Library’s Budget 2001-712
- \*B13** Approved a contract renewal from 7/1/01 and 6/30/02 between the Probation Department and Modesto City Schools for Probation Services; and, authorized the Chief Probation Officer, or her Chief Deputy Probation Officer, to sign the contract and any amendments not to exceed the contract amount of \$71,400 2001-713
- \*B14** Authorized changing the CSA GA regulations to accommodate: applicant living with parent; applicant living with adult offspring; applicant living in a “spouse-like” situation; and, to reduce denials due to vehicle value 2001-714
- \*C1** Approved the Project Agreement 2001-02 for Groundwater Monitoring at the Fink Road Landfill with Kleinfelder, Inc.; and, authorized the Chair to sign the agreement 2001-715

- \***C2** Approved the Project Agreement 2001-02 for Operation, Monitoring, and Maintenance (O&M) of the Landfill Gases (LFG) and Groundwater Treatment and Monitoring Facilities at the closed Geer Road Landfill with SCS Field Engineers, Inc.; and, authorized the Chair to sign the agreement 2001-716
- \***D1** Set a public hearing on 10/2/01 at 9:30 a.m. to consider the approval of Planning and Community Development Department Fee Schedule increases 2001-717

**Recessed at 12:30 p.m.**

**Reconvened at 12:38 p.m.**

B/C (4-0)(Mayfield absent) **B15** Approved the response to the Final Report of the Stanislaus County Civil Grand Jury 2000-01 with any modifications made after consideration by the Board, and authorized the Chair to forward it to the Presiding Judge of the Superior Court; and, directed the CEO to ensure that the recommended actions be followed and completed by each County Department as appropriate and report back to the Board during the Mid-Year Budget evaluation M-39-G-2 2001-718

B/S (4-0)(Mayfield absent) **B16** Accepted the report on Library financing; authorized the County to purchase the real property located at 4385 Sisk Rd., Salida, CA (APN 135-42-22) for a Regional Library; authorized the CEO to execute appropriate documents and close escrow for the County's purchase of the property; authorized the Treasurer-Tax Collector to provide funds as set forth in the Real Property Purchase Agreement for the County's purchase of the property; ordered that in the event of any actual financing as a matter of preliminary work for future facilities, approve appointment of the County's existing Financing Team, including the Municipal Financing Consultant, Special and Tax Counsel and Disclosure Counsel, and cause the necessary agreements to be executed by the CEO and other appropriate County officials; ordered that in the event of any actual financing a Reimbursement Resolution is approved relating to expenditures for the project – this resolution is needed to comply with the Internal Revenue Code which will allow the County to be reimbursed for such expenditures upon closing of Tax Exempt Certificates of Participation (COPS) that may be issued; and, ordered that in the event of any actual financing the CEO is authorized and other appropriate County officials to cause the solicitation and retention of the services of other professionals or firms as required for the successful preparation and issuance of the COPS 2001-719

S/B (4-0)(Mayfield absent) **B17** Approved the design concept and design architect selection of CJ/JSFA (Carrier Johnson and John Sergio Fisher & Associates) a Joint Venture, for the Gallo Performing Arts Center Project; authorized the County staff to work in collaboration with the Central Valley Center for the Arts to proceed with the actual first phases of design outlined in this report for project schematic design and design development phases, and obligating funds within the budget for the first two phases of design work; authorized the CEO to execute a final Architect Engineer Contract in accordance with the Project Budget and authorize the CEO to proceed with the Architect's Contract Option 2 Schematic Design, and Option 3, Design Development; authorized the acceptance of a contribution from the Central Valley Center for the Arts for one-half of the project costs related to the following phases: Schematic Design and Design Development; directed the CEO to develop recommendations to be presented to the Board at the conclusion of the recommended work effort; approved the preliminary project budget and authorized the CEO to negotiate and execute agreements for professional services for the recommended phases including architectural, programming, theater consultant, and construction management; authorized the CEO, working with the County's Debt Advisory Committee and the County's Financial Advisor to continue to prepare the Financing Plan for obtaining the financing that will be required at the time of construction and to return to the Board for final financing consideration; approved appointment of the County's existing Financing Team, including the Municipal Financing Consultant, Special and Tax Counsel and Disclosure

Counsel, and cause the necessary agreements to be executed by the CEO and other appropriate County officials; approved a reimbursement resolution related to expenditures for downtown and related projects, which is needed to comply with the Internal Revenue Code to allow the County to be reimbursed for such expenditures upon closing of the tax exempt COPS expected to be issued; authorized the CEO and other appropriate County officials to cause the solicitation and retention of the services of other professionals or firms as required for the successful preparation and issuance of the COPS; authorized the parties to proceed in accordance with conditions and mitigation measures imposed pursuant to the CEQA; approved the filing of the Mitigated Negative Declaration; and, finds the project to be “de minimus” for the purpose of Fish and Game Codes 2001-720

S/B (4-0)(Mayfield absent) **B18** Authorized the Sheriff to apply for Governor’s Methamphetamine Initiative Funds (CAL-MMET) from Office of Criminal Justice Planning (OCJP), first year funding in the amount of \$3,377,806; and, amended the item to authorize the CEO, the Auditor-Controller and the Sheriff to accept the funds, sign such agreements as necessary in the acceptance of these funds, and to make the necessary budget adjustments and other administrative matters that may be required as part of this program 2001-721

B/C (4-0)(Mayfield absent) **B19** Authorized the Sheriff to accept \$252,590 in High Technology Grant Funds from the State; authorized the purchase of a utility vehicle with cabinetry, to be used for mobile communications; authorized the purchase of radio and electronic equipment for the vehicle; and, directed the Auditor to increase Appropriations and Estimated Revenues 2001-722

B/C (4-0)(Mayfield absent) **9:10 a.m.** Approved the submittal of an Entitlement Grant Application for an approximate \$3.1 Million H.U.D. Grant; authorized the Chair to execute the Cooperative Agreements with those cities electing to participate in the application; authorized the Director of Planning and Community Development to act on the County’s behalf in all matters pertaining to this application, including the submission of the application, execution of the Allocation Agreements, drawdown of funds and the administration of the grant; and, authorized the Auditor-Controller to establish the necessary budget index and appropriations 2001-723

**Board recessed at 10:38 a.m.**

**Board reconvened at 10:47 a.m.**

B/S (4-0)(Mayfield absent) **9:20 a.m.** Accepted and approved the CEO’s recommended Final Budget Addendum Report for FY 2001/02; directed and approved any changes the Board may wish to make to the recommended Final Budget Addendum Report using appropriations for contingencies; adopted the Final Budget for 2001/02, which is comprised of the adopted Proposed Budget and those changes reflected in the Final Budget Addendum Report; removed the Board’s compensation in accordance with the provisions of Ordinance Code, Subsection D of §2.04.030 and Board Policy to consider supervisors’ compensation as part of the Annual Budget Process; authorized the CEO and the Auditor-Controller to make the necessary adjustments to implement the approved Final Budget; directed the CEO and the Auditor-Controller to prepare the final Budget Document in accordance with State law and submit it to the State Controller prior to 12/1/01; amended the Salary and Position Allocation Resolution to reflect the new positions and classification changes as recommended in the final Budget Addendum effective 9/11/01; approved, in concept, the Preliminary Capital Improvement Plan (CIP) for FYs 2001/02, 2002/03, 2003/04; authorized the CEO to submit the Preliminary CIP for review pursuant to the provisions of the CEQA and obtain all other necessary approvals to return the Preliminary CIP to the Board for final consideration; and, amended item to include: took action not to increase Boardmembers’ salaries; approved authorizing the CEO to submit an application on behalf of the Board to the Proposition

10 Committee to receive \$1 million for the support services at the County clinics for health care of children ages one to five; approved \$250,000 of Tobacco Settlement funds to the Community Hospice House; and, approved requiring non-insured patients to pay a \$40 deposit fee to complete an application for third party insurance prior to receiving health care services in any County clinics and Urgent Care Centers 2001-724

C/S (4-0)(Mayfield absent) **Corr 1** Accepted the resignation of Stanislaus County Clerk-Recorder Karen Mathews from the elected office of the Clerk-Recorder effective 9/30/01 2001-725

**Corr 2** Acknowledged receipt of the Mountain-Valley EMS Agency's FY 2000/01 Final Report.

**Corr 3** Referred to the Public Facilities Fees Committee the Annual Review of the Capital Facilities Fees Collected by the Salida Fire Protection District for FY 2000/01.

**Corr 4** Referred to the DER a copy of Form 10-Q for the quarter ended 6/30/01 from the Covanta Energy Corporation as required per the Sublease Agreement between Stanislaus Waste-to-Energy Agency and Covanta Stanislaus, Inc.

**Corr 5** Acknowledged receipt of the Stanislaus County Assessment Practices Survey from the State Board of Equalization.

**Corr 6** Referred to the CSA, BHRS, DET, and the HSA a notice from the Department of Rehabilitation regarding a public hearing on the proposed amendments to Title 9.

**Corr 7** Acknowledged receipt of a letter from the California State Association of Counties requesting opposition to SB 1018 (Perata) relating to District Attorney and Public Defender retirement benefits.

**Corr 8** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Cody Babb; Maria V. Ramirez; William T. Clark Jr.; Julie Mauga; Clay Dale Henson; Robert Collins; Jose Lopez, June Lopez, Jose Luiz Lopez, Janet Lopez, and John Anthony Lopez; Carl & Rachel Hedden; and, Angelo Gonzalez & Miguel Gonzalez..

**IX A.** Acknowledged that a letter will be sent to the Governor regarding AB 1147 to restore State General Fund for Maternal Child Health Programs 2001-726

Adjourned to closed session at 1:48 p.m. for conference with legal counsel on existing litigation: Jorge Rivas, by and through his Guardian Ad Litem, Sherri De Moreno vs. Golden Valley Health Centers, Stanislaus County HSA; County of Stanislaus, and Does 1 to 10 inclusive - Stanislaus County Superior Court Action #270664; Carolyn Chapin vs. County of Stanislaus, et al. Stanislaus County Superior Court Action #269898; and, conference with legal counsel on anticipated litigation and significant litigation concerning two potential cases. GC §54954.5(c).

Adjourned at 2:40 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.)