

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

Regular Session

Tuesday

July 8, 2003

All Supervisors Present

Pledge of Allegiance to the Flag

Christine Ferraro Tallman, Clerk of the Board, introduced Marion Baty and Jean-Baptiste Pouteau, the 2003 Interns from our Sister County of Mayenne, France.

Mike Hamasaki from the Earl Pride Scholarship Committee presented the Earl Pride Scholarships to the following recipients for 2003: Joy Aud; Kasey D. Clifton; Mark Kumimoto; Kuldip Maderr; and, Tiana Medizabal.

Jason Johnson spoke regarding HR issues at the Probation Department.

Richard Perry spoke regarding issues dealing with the Grand Jury, Superior Court, District Attorney, and DA Child Support Services.

Robert Stanford from the NAACP offered support on behalf of Jason Johnson and his issues with the Probation Department.

G/M unan. Adopted the consent calendar after removing from consent items **\*B9** Approval to Fund Economic Development Projects from the Economic Development “Bank” for the Second Cycle of Fiscal Year 2002-2003 as Recommended by the Stanislaus Economic Development and Workforce Alliance Board, and **\*D8** Approval of Agreements Between County and City of Modesto Regarding Infrastructure Improvements in Shackelford Neighborhood to Qualify for Measure M Election; and, after removing from the agenda item **\*B8** Approval of the Purchase of Software from CorVu North America, Inc. for the Balanced Scorecard Process

**\*A1** Approved the minutes of June 17 and 18, 2003

**\*A2** Proclaimed August 2003 as Child Support Awareness Month 2003-616

**\*A3a** Accepted the resignation of Ruth Brunner from the Stanislaus County Planning Commission 2003-617

**\*A3b** Accepted the resignation of Judith Le Grand from the Mental Health Board 2003-618

**\*A4a** Appointed Nancy van Overbeek to the Stanislaus County Free Library Advisory Board 2003-619

**\*A4b** Appointed Bill Rice to the Turlock Rural Fire Protection District Board 2003-620

**\*A4c** Appointed Mike Fisher to the Stanislaus County Employees Retirement Board 2003-321

**\*A4d** Appointed Wanda Dooley to the Juvenile Hall Service League 2003-622

**\*A4e** Appointed Ken DeVore to the Advisory Board on Substance Abuse Programs 2003-623

**\*A5** Reappointed Vicki Bauman, Judi Drobnick, Gloria Klink, Robert W. Price, Esther Rosario and Judith Thorkelson to the Stanislaus Child Care and Development Planning Council 2003-624

**\*A6** Accepted the resignation of Tom Ielmini and approved the appointment of Jeannette Kessler to the Del Puerto Health Care District Board 2003-625

**\*A7** Accepted the resignation of Brian Osborn and approved the appointment of Lowell E. Wilds to the Keyes Community Services District Board 2003-626

- \*A8 Set a public hearing to consider the appeal of the Planning Commission decision regarding the denial of Vesting Tentative Map Application #2002-02 for Riopel Properties, in the Denair area, on 8/19/03 at 6:45 p.m. 2003-627
- \*B1 Approved an agreement with Community Activators for Training and Technical Assistance for Homeless Adults with Psychiatric Disabilities and authorized the Director, or his designee, to sign the agreement – BHRS 2003-628
- \*B2 Approved increase of Appropriations and Revenues in the District Attorney’s Criminal Division Legal Budget Unit to fund a temporary agency clerical position in the Child Abuse Interview, Referral and Examination (CAIRE) Center, and directed the Auditor-Controller to increase the Appropriations and Revenues – DA 2003-629
- \*B3 Authorized the Departments of Environmental Resources/Parks and Recreation to submit grant applications to the Stanislaus County Environmental Trust Fund for the following projects: CEQA review and planning of OHV trails in Frank Raines Park; used tire collection; and, clean-ups of nuisance property and alleys, and authorized the Director to sign all necessary documents to apply for the grants – DER/Parks and Recreation 2003-630
- \*B4 Set a public “Bielenson” hearing pursuant to Section 1442.5 of the California Health and Safety Code on 7/29/03 at 9:40 a.m. in preparation for the closure of Empire Medical Office and Salida Medical Office and the reduction of the scope of benefits under the Indigent Adult Expanded Access Program for Undocumented Immigrants and Temporary Non-Citizens to Emergency Services Only; approved to post notice of the “Bielenson” hearing at all County medical facilities by 7/15/03; and, established tentative closure dates of Empire Medical Office as of 9/1/03 and Salida Medical Office as of 10/1/03 and the effective date of the emergency services only scope of benefits for Indigent Adult Expanded Access Program for Undocumented Immigrants and Temporary Non-Citizens as of 8/1/03 – HSA 2003-631
- \*B5 Appointed Floreida Quiaoit to the position of Supervising Public Health Nurse (Manager III), Health Services Agency, above the midpoint of Salary Band C – HSA 2003-632
- \*B6 Approved entering into a joint use agreement and a lease agreement with Paradise Elementary School District to construct and establish playgrounds and playing fields for recreation, and to promote community recreation; approved providing \$60,000 of Prop. 12 funds to Paradise Elementary School District for construction of playground equipment; approved providing \$30,000 of Prop. 12 funds to Paradise Elementary School District towards the installation of a new irrigation system; authorized the Director of Parks and Recreation to execute the joint use agreement with Paradise Elementary School District to provide recreational facilities to the County residents near Paradise School; and, authorized the Director of Parks and Recreation to execute the lease agreement - Parks and Recreation 2003-633
- \*B7 Approved an agreement between the 38<sup>th</sup> District Fair Board and the Sheriff to provide security for the 2003 Stanislaus County Fair and authorized the Sheriff to sign the agreement 2003-634
- \*B10 Amended the Salary and Position Allocation Resolution to reflect position changes identified during the adoption of the 2003-2004 Final Budget on 6/17/03 2003-635
- \*C1 Introduced and waived the first reading of Ordinance C.S. 854 amending Title 11 of the Stanislaus County Code §11.08.020 to establish a No Parking Zone on Oakdale Road, and §11.16.070 to remove weight limits on various county roads; and, finds that the subject ordinance is not subject to CEQA (Public Resources Code, §2100 et seq.) – PW  
ORD-54-O-8 2003-636
- \*C2 Approved the agreement with Caltrans for State matching funds for FY 2002/03, and authorized the Chairman to execute the agreement – PW 2003-637

- \*C3 Set a public hearing on 7/29/03 at 9:25 a.m. regarding FY 2003/04 assessments for CSA No. 10 - Salida; approved the Engineer's Report, prepared by the County Engineer, for CSA No. 10 – Salida; and, ordered the Clerk to publish a notice of such hearing pursuant to Government Code §6066 – PW 2003-638
- \*C4 Directed the Auditor-Controller to increase Appropriations by \$1,500 and Estimated Revenue by \$1,327 to cover utility relocations for the Carpenter Road Traffic Signal Project – PW 2003-639
- \*C5 Approved contract CO #2 for the Westley Triangle Landscape Project with Emert Construction Inc., of Stockton, California; authorized the Purchasing Department to increase the contract amount by \$7,002.91; and, directed the Auditor-Controller to increase Appropriations by \$7,002.91, to cover increased construction costs associated with the project – PW 2003-640
- \*D1 Set a public hearing on 7/29/03 at 9:30 a.m. for consideration of Williamson Act Cancellation #2002-02, Variance Application #2002-05 and Parcel Map Application #2002-29, Ali Arshad – Planning 2003-641
- \*D2 Authorized Habitat for Humanity/Stanslaus as a Community Based Development Organization (CBDO) – Planning 2003-642
- \*D3 Rescinded a portion of Williamson Act Contract #82-3821 (Bliss Road, District 2), and approved new contract pursuant to Minor Lot Line Adjustment Application 2003-18 and authorized the Planning Director to execute a new contract; finds the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years; finds there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Govt. Code §51222; finds the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; finds the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan - Planning 2003-643
- \*D4 Set a public hearing on 7/29/03 at 9:35 a.m. to adopt a minor revision to the Department of Planning and Community Development 2003 Fee Schedule to require all general plan amendment application fees be charged at actual cost with a \$2,500 deposit – Planning 2003-644
- \*D5 Set a public hearing on 7/22/03 at 9:20 a.m. for the Consolidated Annual Performance and Evaluation Report for the Community Development Block Grantee Program for FY 2002/03 – Planning 2003-645
- \*D6 Set a public hearing on 8/19/03 at 6:35 p.m. for General Plan Amendment #2002-09, Rezone Application #2002-36 and Vesting Tentative Map Application #2002-06 , J. C. Farms – Planning 2003-646
- \*D7 Set a public hearing on 8/19/03 at 6:40 p.m. for General Plan Amendment #2003-01, Rezone Application #2003-03 and Vesting Tentative Map Application #2002-02 - Riopel Property – Planning 2003-647

**\*E1** Authorized the Clerk of the Board to notify the Salida Union School District that the Board will not authorize the Issuance of Tax and Revenue Anticipation Notes on behalf of the District, and that the District is authorized to issue said Notes on its own behalf – County Counsel 2003-648

G/C unan. **\*B9** Approved the funding of Economic Development Projects from the Economic Development “Bank” for the Second Cycle of FY 2002/2003 as recommended by the Stanislaus Economic Development and Workforce Alliance Board; authorized the CEO, or his designee, to execute the agreements with those jurisdictions receiving funding from the Economic Development “Bank”; and, authorized the Auditor-Controller to establish any and all necessary accounting protocols for the administration, tracking, disbursement and reimbursement of the funds

2003-649

P/G (4-0) (Caruso abstained) **\*D8** Approved agreement between County and City of Modesto regarding infrastructure improvements in the Shackelford neighborhood to qualify for Measure M election – Planning 2003-650

**Recessed at 10:40 a.m.**

**Reconvened at 10:55 a.m.**

C/P unan. **B11** Received report from the Auditor-Controller regarding discretionary contracting practices of the CEO; received and considered public comments; and received for future consideration, Draft Policy Changes and Additions to the Stanislaus County General Accounting Practice and Procedures and to the Purchasing Policies and Procedures – Auditor-Controller 2003-651

**Recessed to closed session at 1:16 p.m.** for Public Employment: Performance Evaluation – County Chief Executive Officer. Government Code Section 54954.5(e)

**Reconvened at 2:40 p.m.**

G/M unan. **Closed Session Announcement:** CEO Reagan Wilson tendered his resignation to the Board and the Board accepted his resignation effective today, 7/8/03 2003-656

G/S unan. **B12** The Board upheld the Nuisance Abatement Hearing Board recommendation regarding CE No. 01-1899 at 4362 Esmar Road in Ceres, California; based on oral testimony and documents presented, the Board finds that the Fernandes’ family raised hogs on their farm prior to the zoning ordinance of 1975; after the zoning in 1975 the hog farm was legal non-conforming use as long as there was no expansion of the hog farm; the Board finds that there had been improvements made at the hog farm operation but that there had been no expansion of that use; the Board will allow the Fernandes’ family to continue to farm; and, amended the recommendation to include a condition that the pond (lagoon) would be covered within a 6 month period, or it would cease to be used at the end of the 6 months - DER

2003-652

M/G unan. **9:25am** Conducted a ballot procedure for the Salida Lighting District in compliance with Prop 218; held the public hearing to receive comments regarding the proposed method of calculation and levy of annual assessments to pay for street lighting services; and, authorized the Auditor-Controller to tabulate the ballots and submit the results to the Board at the next scheduled Board meeting - Auditor-Controller DL-3-B-15 2003-654

M/P unan. **9:30am** Conducted the public hearing and approved the Stanislaus County/City of Turlock Home Investment Partnership Program Consortium and Program Income Budgets and Work Plans for FY 2003/04 – Planning 2003-655

**Continued item B13** Consideration of Request from the Treasurer-Tax Collector to Close the Property Tax Division of the Department on Fridays, until 7/22/03 2003-653

**Continued Correspondence until 7/22/03**

Adjourned at 4:48 p.m.

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

BY: SANDRA REGALO, Deputy 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.)