

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

Regular Session

Tuesday

July 29, 2003

Supervisor Grover Absent

Pledge of Allegiance to the Flag

A presentation was given by Consul General Jose Soberanes of the Mexican Ministry of Foreign Affairs on the New High Security Consular I.D. Card (MCAS).

Mayor Sabatino spoke regarding the Fink Road Landfill, and requested that the Board look at the Monterey Regional Waste Management District, which may serve as a model for the County.

Charles Pringle spoke regarding his difficulties in obtaining a building permit for property in Hughson.

Lee Lundrigan, Clerk-Recorder, gave a brief update regarding the election status in the County. She announced that there will be a Special Election on 10/7/03, and the regular November election will take place on 11/4/03. She noted that due to recent State legislation, precinct boundaries cannot be crossed which will increase the cost of the elections.

Dave Thomas spoke regarding the Fink Road Landfill and the purchase of the adjacent Vogel property.

P/C (4-0)(Grover absent) Adopted the consent calendar

- *A1 Approved the minutes of 7/22/03
- *A2 Adopted and waived the second reading of Ordinance C.S. 854 amending Title 11 of the Stanislaus County Code, adding a No Parking Zone, and removing weight limits on various County roads - PW ORD-54-O-8 2003-699
- *B1 Approved a resolution to levy the FY 2003/04 Direct Assessments and authorized the Auditor-Controller to add the assessments to the 2003/04 Tax Roll – Auditor-Controller 2003-700
- *B2 Authorized the Director of DER, or his Designee, to apply for a Local Government Public Education and Amnesty Day Grant from the California Integrated Waste Management Board for the purpose of promoting proper tire disposal through used tire collection events; and, authorized the Director of DER, or his Designee, to sign all necessary documents to apply for the grant – DER 2003-701
- *B3 Set a public hearing for 8/12/03 at 9:25 a.m. to consider an amendment to the Stanislaus County Non-Disposal Facility Element – DER 2003-702
- *B4a Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1500 Eureka Street, Modesto, CA (CE No. 03-491) – DER 2003-703
- *B4b Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1237 Main Street, Modesto, CA (CE No. 03-213) – DER 2003-704
- *B4c Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 700 Dover Avenue, Modesto, CA (CE No. 02-2416) – DER 2003-705
- *B4d Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 10907 Dixon Road, Oakdale, CA (CE No. 03-403) – DER 2003-706
- *B4e Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1809 Crows Landing Road, Modesto, CA (CE No. 03-692) – DER 2003-707

- ***B4f** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1813 Crows Landing Road, Modesto, CA (CE No. 03-717) – DER 2003-708
- ***B4g** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1817 Crows Landing Road, Modesto, CA (CE No. 03-794) – DER 2003-709
- ***B4h** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 521 Imperial Avenue, Modesto, CA (CE No. 03-738) – DER 2003-710
- ***B5** Approved HSA’s application submitted to the Centers for Disease Control “Steps to a Healthier US” and authorized the HSA Managing Director, or her Designee, to sign and execute the application and subsequent contract if awarded - HSA 2003-711
- ***B6** Authorized DER and the Department of Parks and Recreation to work with volunteers to place a monument in memory of Ken Eberwein on Stanislaus County property, located within Frank Raines Regional Park – Parks and Recreation 2003-712
- ***B7** Authorized the appointment of Henry “Hank” Skau to the position of Retirement Accountant (Confidential Assistant V), at \$62,254.40 the first year, which is above the midpoint of the Salary Band E – Retirement 2003-713
- ***B8** Approved the revised 2003/04 Waste-to-Energy Project Budget and authorized the Auditor-Controller to make the necessary financial transactions, to be effective 8/1/03, to align the Unit #0034810 Budget with the Budget approved by the Solid Waste-to-Energy Executive Committee on 6/12/03 – DER 2003-714

C/M (3-0)(Simon abstained)(Grover absent) **B9** Approved Amendment No. 1 to the agreement between the County of Stanislaus and Claims Management, Inc. (CMI) as third party administrator for the Worker’s Compensation Claims Management Program, retroactive to 7/1/03; and, authorized the Chairman to sign Amendment No. 1 to this agreement – CEO/Risk Management 2003-715

M/C (4-0)(Grover absent) **B10** Approved decreasing the disposal fee at the Stanislaus Waste-to-Energy Facility to \$28 per ton, effective 8/1/03 – DER 2003-716

P/C (4-0)(Grover absent) **9:25am** Finds that notice of the public hearing was published in compliance with §6066 of the Gov’t Code; conducted a public hearing to approve the 2003/04 Annual Assessment; set the 2003/04 Annual Assessment as shown on Exhibit “A” for CSA No. 10 – Salida; made the Engineer’s Report a part of the record of this proceeding; and, authorized the Auditor-Controller to add the annual assessment to the 2003/04 Tax Roll – PW 2003-717

C/M (3-1)(Paul oppose)(Grover absent) **9:30am** Denied Williamson Act Cancellation #2002-02, Variance Application #2002-05 and Parcel Map Application #2002-29 - Ali Arshad; based on staff report, presentation by staff and testimony received, the Board upheld Planning Commission’s decision and independently finds lack of evidence to support the findings required for approval of this project; finds as a basis for the decision that approval would set a precedence for similar requests; the Board finds there was physical separation when the parcel was purchased by the applicant; finds a variance is not necessary to protect the property rights of the applicant; and, the Board denied Variance Application #2002-05 and Parcel Map Application #2002-29 – Planning 2003-718

P/M (4-0)(Grover absent) **9:35am** Adopted a minor revision to the Department of Planning and Community Development 2003 Fee Schedule to require all general plan amendment application fees to be charged at actual cost with a \$2500 deposit, effective September 29, 2003 – Planning 2003-719

Recessed at 11:12 a.m.

Reconvened at 11:16 a.m.

M/P (4-0)(Grover absent) **9:40am** Conducted a public hearing in accordance with Health and Safety Code §1442.5; approved closure of the Empire Medical Office located at 18 South Abbie, Empire, CA, effective 9/1/03; approved the closure of the Salida Medical Office (WIC and Women's Health) located at 4525 Broadway, Suite G, Salida, CA, effective 10/1/03; approved the reduction of the scope of benefits under the Indigent Adult Expanded Access Program for undocumented immigrants and temporary resident non-citizens to emergency services only, effective 8/1/03; and, authorized the CEO, HSA Managing Director and all other officers, employees, and agents of the County to take all actions necessary to implement the Board's decision – HSA 2003-720

M/C (4-0)(Grover absent) **9:45am** Approved the Franchise Drop Box collection rate adjustment effective 8/1/03 – DER 2003-721

Corr 1 Acknowledged receipt of the 2003/04 Budget from the San Joaquin Valley Unified Air Pollution Control District.

Corr 2 Referred to Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding the approval of the County's Annual Action Plan for FY 2003 in the amount of \$2,324,000.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Darrell Kostner; Placer County Sheriff; Henry Grays; and, Elfers Hills, LLC c/o Bryant, Clohan & Baruh, LLP.

Supervisor Paul attended the ground breaking of the South San Joaquin Irrigation District's new water treatment plant. She announced that Kaiser is going to offer a one-day free medical clinic for children on 8/24/03, and that they are looking for volunteers to assist with this clinic. She asked County Counsel to assist in finding out when the DA will start pursuing nuisance abatement cases. Chairman Simon also asked for County Counsel to find out the prosecution status of insurance fraud cases. Supervisor Paul also asked when the credit card policy would come to the Board. The policy is expected to come to the Board in September.

Supervisor Caruso attended a meeting last night with CEO staff, County Counsel and the Monterey Park Track Community Services District. He stated that the County is moving ahead with the South Modesto Lighting District, and is considering a curb and gutter type of program. He also noted that he is still working with Tuolumne School to revamp the Mancini Park area.

Supervisor Mayfield spoke regarding the use of cell phones by County employees instead of desk phones. He asked that a policy be defined prior to cell phones replacing desk phones.

The Interim CEO reported that last Friday the County closed the books for FY 2002/03 and that the \$12.7 million fund balance was achieved. She updated the Board on SB 1765, the Senate's version of the State budget. She stated that the State will be borrowing \$10.7 billion through bonds to cover the State deficit, and the effect on the County is still unclear. The State Legislature will not recess until they approve a budget. The Williamson Act is fully funded in the Senate's version of the budget. There is realignment for Mental Health, Social Services and Public Health programs, and a deferment in the current year for VLF that are associated with and support health programs. There is an expectation to receive them in this FY. However, the State will not pay counties the first quarter worth of discretionary revenue that goes to general funds, but rather they will pay it back in three years in FY 2005 with no interest, which equals a \$5.5 million cash loss to the Stanislaus County General Fund. The State failed to pay the counties the

VLF revenue for two weeks in June, and there is no commitment to pay those funds. The State's Federal Child Support Automation System penalty is to be paid by counties. This is a program where the County has no control. As of June 30, 2003, the State owes the County \$13.6 million in SB 90 claims. Booking fees are eliminated which funds a variety of public safety and criminal justice programs. In this budget, substantial cuts are made to transportation programs, Library, BHRS and HSA funding. Redevelopment agency funds are being transferred to ERAF for schools. There is between \$7-\$10 million discretionary revenue that the County will not receive.

The Sheriff spoke regarding the Senate's version of the Budget. He said that public safety programs would take a substantial budget hit. He noted that the Senate voted on a budget that is a concept not an actual budget. Currently, the legislature is deadlocked over a final budget.

The Chief Probation Officer noted that their prevention programs are severely cut. These programs are crucial to the reduction of crime. He said that if general funds are also cut, there would be a reduction of officers on the street, and beds in juvenile hall.

Adjourned at 12:35 p.m.

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

BY: ELIZABETH A. KING, 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.)