

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

September 30, 2003

Michael Rossini, M.D. of the Stanislaus County Medical Society presented an Institute for Medical Quality Award to the Sheriff and Chief Probation Officer for high medical standards for inmate care.

A verbal report on emergency preparedness was given by Chief Gary Hinshaw, Assistant Director of Emergency Services and Dr. John Walker, Public Health Officer.

Dave Thomas, a citizen, spoke regarding various issues pertaining to property at the Fink Road Landfill, including property title changes, Del Puerto Water District lease contract, and the use of Enterprise funds. He provided copies of a letter he e-mailed to the Board members with questions regarding this property. County Counsel, Mick Krausnick stated that staff has been working on a response to the questions and will meet with Mr. Thomas in the next two weeks to provide answers to his questions.

P /G unan. Adopted the consent calendar

- *A1 Approved the minutes of 9/23/03
- *A2 Commended Rosendo Verduzco upon his retirement from DER and Parks and Recreation
2003-875
- *A3 Proclaimed 10/4/03 as Soroptimist International Day
2003-876
- *A4 Approved request from Hughson High School for use of Modesto and Turlock Reservoir areas
from September 2003 through November 2003 for their cross country team practice
2003-877
- *A5 Proclaimed October 2003 as Hispanic Heritage Month
2003-878
- *B1 Accepted the Auditor-Controller's report on Stanislaus County's Revolving Funds as of
6/30/03
2003-879
- *B2a Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property at
4355 Faith Home Road, Ceres, California (CE No. 03-1387) – DER
2003-880
- *B2b Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property
at 529 Kerr Avenue, Modesto, California (CE No. 03-1761) – DER
2003-881
- *B2c Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property at
5003 Muncy Road, Modesto, California (CE No. 03-387) – DER
2003-882
- *B2d Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property
at 4519 W. Grayson Road, Modesto, California (CE No. 03-388) – DER
2003-883
- *B2e Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property at
205 Barozzi Avenue, Modesto, California (CE No. 03-1634) – DER
2003-884
- *B2f Adopted the recommendations of the Nuisance Abatement Hearing Board regarding property at
9425 Pioneer Road, Oakdale, California (CE No. 02-868) – DER
2003-885
- *B3 Authorized the appointment of Miller Go to the position of Lab Technologist II at HSA
Clinical Laboratory, at a rate of \$29.20 per hour which is at Step Five of the Salary Range
– HAS
2003-886

- *B4 Approved the County's application to the California Healthcare for Indigents Program (CHIP) for Tobacco Tax Funds (Prop 99) for FY 2003/04 and authorized HSA Managing Director, or her Designee, to sign the application and accept funds if awarded 2003-887
- *B5 Accepted the Stanislaus County Treasury Pool's July 2003 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 for the Board that the report has been reviewed and accepted – Treasurer/Tax Collector 2003-888
- *B6 Adopted the 1% tax rate authorized by sections 93(b) and 135 of the R&T Code; adopted the tax rates that are needed to make annual payments for the interest and principal on general obligation bonds or other indebtedness approved by the voters, to be levied pursuant to R&T Code sections 93(a) and 93(c); adopted the Countywide unitary tax rate authorized by section 100 of the R&T Code; and, adopted the .8714% tax rate for the territory formerly served by the Lower San Joaquin Levee District – Auditor-Controller 2003-889
- *B7 Authorized the Director of Parks and Recreation to apply for a Recreational Trails Program Grant from the State Department of Parks and Recreation for Fire Restoration at Frank Raines Park, and approved a resolution for the application – Parks and Recreation 2003-890
- *B8 Awarded a contract to the low bidder, Barham, Inc. of Ceres, California for \$151,697, for the remodel of the Family Practice Center Pharmacy and third floor of the former SMC; authorized the Project Manager to issue a Notice to Proceed contingent upon receipt of the proper insurance and bonds; and, authorized the Project Manager to negotiate and execute contracts for inspection and testing services as long as they are within the Project Budget 2003-891
- *B9 Authorized the Chief Executive Officer to negotiate and execute an agreement for cost estimating services for the Gallo Arts Center 2003-892
- *C1 Authorized the Purchasing Agent to sign the amendment to Professional Services Agreement #2 for Project #00-01 Compressed Natural Gas Fueling Stations – PW 2003-893
- *C2 Approved a purchase agreement to acquire road right-of-way at the northwest corner of the intersection of Carpenter Road and Beverly Drive; authorized the Chairman to execute the agreement; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$1,360 payable to Eva M. Beck – PW 2003-894
- *C3 Directed the Auditor-Controller to increase Appropriations in the project account for the Knights Ferry School Access Road Project for the contract award in the amount of \$194,398.40, and Environmental Mitigation in the amount of \$50,000 – PW 2003-895
- *C4 Directed the Auditor-Controller to increase Appropriations in the project account in the amount of \$25,000 to cover material testing and other minor work associated with the FY 2001/02 AC Overlay Project – PW 2003-896
- *C5 Directed the Auditor-Controller to increase Appropriations and Estimated Revenue in the Project account for the Geer Road at Keyes Road Improvements Project in the amount of \$125,000 for right-of-way purchase and design engineering services; and, authorized the Director of Public Works to execute right-of-way purchase agreements for this project on behalf of the County – PW 2003-897
- *C6 Approved Project Agreement #2003-01 with Kleinfelder, Inc., for environmental monitoring of three domestic wells located adjacent to the Geer Road Landfill, in the amount not to exceed \$110,000; and, authorized the Chairman to sign the agreement – PW 2003-898
- *C7 Approved Project Agreement #2003-02 with Kleinfelder, Inc., for environmental monitoring at the closed Geer Road Landfill, in an amount not to exceed \$106,526; and, authorized the Chairman to sign the agreement – PW 2003-899

***E1** Authorized three members of the Office of County Counsel to be deputized by the DA's Office for the limited purpose of prosecuting nuisance abatement and enforcement of County Code violations; authorized the Office of County Counsel to utilize all applicable and relevant statutory law and case decisions available to the DA's Office in the pursuance of nuisance abatement and code enforcement; authorized the Office of County Counsel to receive as revenue to the department all fines, penalties, and investigative settlement costs as a result of nuisance abatement and code enforcement; and, ordered that the authority granted to the Office of County Counsel by the DA's Office may be revoked by the DA's Office upon 30 days written notice to the Office of County Counsel 2003-900

P/G unan. **9:25am** Conducted the required public hearing and adopted the 2002-2003 Consolidated Annual Performance Evaluation Report for the Community Development Block Grant Program – Planning 2003-906

P/C unan. **B14** Approved the Plans and Specifications for the Empire Neighborhood Park Project, Bid Package 1, Construction; directed the Clerk to publish Notice inviting bids for the project as required by law, and set deadline for submission of bids as 11/5/03, no later than 2:30 p.m. at 1010 Tenth Street, Suite 6709, Modesto, CA and authorized the staff to receive bids and return to the Board with a recommendation of award for the construction contract; authorized the Department of Parks and Recreation to issue an invitation for bids and to advertise said notice inviting bids as required by law; established the project budget and authorized the Auditor-Controller to establish a new interest bearing Capital Project Fund and to make the appropriate transfers; approved the schedule for the Empire Neighborhood Park Project; and, authorized the Director of Parks and Recreation to negotiate and execute professional or independent contractor agreements, work orders, or necessary amendments for work or services as may be necessary for construction management, testing, estimating, copying/blueprints, inspection and other professional services provided such agreements are within the project budget – Parks and Recreation 2003-905

G/M unan. **B10** Approved the transfer from Appropriations for Contingencies to fund election costs associated with the Statewide Special Election on 10/7/03 and the March 2004 Presidential Primary Election – Clerk Recorder/Elections 2003-901

M/C unan. **B11** Authorized the Director of BHRS, or his Designee, to sign an agreement with the State Department of Mental Health for FY 2003/04 in which the County agrees to administer the Managed Mental Health Care for Medi-Cal beneficiaries and to operate the Mental Health Plan for Stanislaus County – BHRS 2003-902

G/M unan. **B12** Approved an agreement with the State Department of Mental Health for the provision of Mental Health Services for FY 2003/04; authorized the Director or his Designee to sign the agreement; and, authorized the Director to provide written notice to the State Department of Mental Health that it has a dispute regarding this contract, related to provisions mandating services to handicapped and disabled students – BHRS 2003-903

M/G unan. **B13** Adopted a resolution authorizing the preparation, issuance, sale and delivery of Tax and Revenue Anticipation Notes (TRAN) in an amount not to exceed \$45 million; approved the form and content of the 2003/04 Tax and Revenue Anticipation Notes; approved the form and content of the contract of purchase; approved the form and content of the Municipal Financing Consultant agreement; authorized the Board, CEO, Auditor-Controller, Treasurer-Tax Collector or, County Counsel or their written designee to jointly and severally do any and all things necessary to execute and deliver any and all documents which are deemed necessary and advisable in order to consummate the issuance, sale, and

delivery of the notes and otherwise effect the purposes of the resolution; authorized the Auditor-controller to make all necessary accounting entries; and, acknowledged presentation of a proposed form of a preliminary official statement on file with the Clerk of the Board to be used in connection with the offer and sale of the notes

2003-904

Corr 1 Referred to the CEO and CIO, a letter from Californians Against Waste requesting support of SB 20 E-Waste Recycling.

Corr 2 Referred to the Agricultural Commissioner, a letter from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture's granting a Secretarial disaster designation for the county of Merced and the contiguous counties of Fresno, Madera, Mariposa, San Benito, Santa Clara, Stanislaus and Tuolumne due to agriculture losses caused by the hail storm on April 21, 2003.

Corr 3 Designated Supervisor Paul to serve on the Ballot Processing Panel for the Statewide Special Election, on Tuesday, October 7, 2003.

Corr 4 Acknowledged receipt of claim and referred to the CEO-Risk Management Division the following claim: Steven Rodriguez.

Supervisor Caruso will be giving opening remarks tomorrow at the groundbreaking ceremony for the Keystone Pacific Business Park.

Supervisor Grover noted that on 10/24/03, Congressman Radanovich and Congressman Cardoza may be visiting our County regarding the Tiger Salamander, and have asked the U.S. Fish and Wildlife Service to make a presentation of scientific findings.

Chairman Simon asked County Counsel how much time and information is required by law to address a constituent's questions. He raised concerns regarding the amount of County staff time being used to answer repeated questions from one citizen regarding the landfill. County Counsel noted that the Public Records Act allows a citizen to request documents from a public agency. County Counsel also noted that he has responded to all requests for documentation and information as well as meeting with certain constituents.

Adjourned to closed session at 10:42 a.m. for conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation. Two Potential Cases. Government Code Section 54954.5(c). and conference with Legal Counsel - Existing Litigation: Jose Lopez et al vs. County of Stanislaus et al. Stanislaus County Superior Court Case No. 309778. Government Code Section 54954.5(c).

Adjourned at 12:10 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.)