

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

Regular Session

Tuesday

January 13, 2004

Supervisor Simon Absent

Pledge of Allegiance to the Flag

The CSAC 2003 Challenge Merit Award was presented to the Stanislaus County CSA's Turlock Outstation.

A resolution proclaiming the week of 1/19/04 as Family Services Specialist Recognition Week was presented to the Local Chapter of the National Eligibility Workers Association.

Louis Levin, representing the Beth Shalom congregation, spoke regarding a large white cross in Frank Raines Park, and asked who authorized this placement.

Robert Varain spoke regarding problems with the fire hydrants in La Grange and noted that the hydrant flows do not meet State requirements for grammar schools or residents. He stated that the TID water treatment plant has been out of compliance, and that DER has not enforced the compliance order. He asked for a formal investigation into the handling of the matter by DER, for an exemption from Stanislaus County Ordinance C.S. 870 regarding water conservation, and for a CEQA hearing. County Counsel and the Director of DER noted that the residents of La Grange have taken legal action against TID regarding this issue, and that the County is awaiting the Court's decision.

G/P (4-0)(Simon absent) Adopted the consent calendar after removing from consent item **\*B7** Approval of the Stanislaus County Family Violence Prevention Strategic Plan and item **\*C2** Approval of Department of Public Works Road Congestion Relief Program

**\*A1** Approved the minutes of 01/06/04

**\*A2a** Adopted and waived the second reading of Ordinance C.S. 870 Amending Chapter 14.12 of the Stanislaus County Code concerning water conservation – DER ORD-54-R-2 2004-24

**\*A2b** Adopted and waived the second reading of Ordinance C.S. 871 Amending Title 11 of the Stanislaus County Code, adding a two-hour parking zone on Broadway Avenue in Salida – PW ORD-54-R-3 2004-25

**\*A2c** Adopted and waived the second reading of Ordinance C.S. 872 Amending Title 11 of the Stanislaus County Code, adding a two-hour parking zone on Crows Landing Road and parking prohibited on certain streets at certain hours on Parklawn Avenue – PW ORD-54-R-4 2004-26

**\*A2d** Adopted and waived the second reading of Ordinance C.S. 873 Amending Title 11 of the Stanislaus County Code, pertaining to traffic control to establish speed zones on various County roads – PW ORD-54-R-5 2004-27

**\*A3** Approved request from the HobieCat Fleet 20 for use of Woodward Reservoir on Saturday and Sunday, 5/22 & 23/04 for their Roaring 20's Regatta 2004-28

**\*A4** Approved request from the City of Modesto, Commute Connection and the Stanislaus County Bicycle Club for use of the Courthouse lawn on Saturday, 5/22/04 for the 9<sup>th</sup> Annual Family Cycling Festival and Criterium 2004-29

- \*A5 Approved a commendation for Mariposa County upon their Sesquicentennial Anniversary  
2004-30
- \*B1 Approved the amendment of the Conflict of Interest Code for the Stanislaus Economic  
Development and Workforce Alliance, Inc. 2004-31
- \*B2 Accepted FY 2002/03 grants from the Department of Insurance for DA's Workers  
Compensation Insurance Fraud Program and Automobile Insurance Fraud Program  
totaling \$747,684 retroactively, consistent with the requirements of the Department of  
Insurance; authorized the DA to sign the grant award agreements including any extension,  
augmentation or amendments; and, approved a formal resolution as required by the State to  
receive this grant funding – DA 2004-32
- \*B3 Accepted FY 2003/04 grant from the Department of Insurance for DA's Workers  
Compensation Insurance Fraud Program totaling \$274,265; authorized the DA to sign the  
grant award agreement including any extension or amendments; approved a formal  
resolution as required by the State to receive this grant funding; and, directed the Auditor-  
Controller to adjust the Budget – DA 2004-33
- \*B4 Accepted FY 2003/04 grant from the Department of Insurance for DA's Automobile Insurance  
Fraud Prosecution Program totaling \$169,182; authorized the DA to sign the grant award  
agreement including any extension or amendments; approved a formal resolution as  
required by the State to receive this grant funding; and, directed the Auditor-Controller to  
adjust the Budget – DA 2004-34
- \*B5 Accepted FY 2003/04 grant from the Department of Justice for DA's Spousal Abuser  
Prosecution Program totaling \$118,791; authorized the DA to sign the grant award  
agreement including any extension or amendments; and, approved a formal resolution as  
required by the State to received this grant funding – DA 2004-35
- \*B6 Approved a contract amendment between HSA and Data Systems Group to ensure compliance  
with the Health Insurance Portability and Accountability Act of 1996 (HIPPA); and,  
authorized the HSA Managing Director, or her Designee, to amend the existing agreement  
with Data Systems Group to perform additional programming for the Indigent Health Care  
Program to ensure compliance with Federal law – HSA 2004-36
- \*B8 Approved submitting an application to the State Health Resources and Services Administration  
for \$437,207 to fund emergency preparedness for the Healthcare System and the  
Emergency Management Agency; and, authorized the HSA Managing Director, or her  
Designee, to apply for and accept these funds if awarded, to sign the certification of Non-  
Supplanting Form, and to act as Fiscal Agent for these funds – HSA 2004-37
- \*B9 Authorized the Sheriff to apply for and accept Sixth-Year Federal Grant Funds from the Office  
of National Drug Control Policy (ONDCP) for the High Intensity Drug Trafficking Area  
(HIDTA) to combat illegal drug manufacturing and sales; and, authorized the Sheriff to  
enter into a contract for Director Services in excess of \$100,000 – Sheriff 2004-38
- \*B10 Authorized the Auditor-Controller to increase the DA Criminal Division Budget  
Appropriations by \$99,337 to cover staffing costs for the remainder of the fiscal year; and,  
approved a request to transfer \$99,337 from Appropriations for Contingencies to the DA's  
Criminal Division budget to cover staffing costs for the remainder of the fiscal year  
2004-39
- \*C1 Approved the Santa Fe Avenue Bridge Seismic Bridge Replacement Project at Tuolumne  
River as a project; approved the Initial Study/Mitigated Negative Declaration for this  
project under CEQA requirements; and, authorized the Director of Public Works to  
implement the Environmental Mitigation Measures developed in the CEQA process and  
shown in the Initial Study/Mitigated Negative Declaration – PW 2004-40

- \*C3 Adopted a resolution initiating proceedings to form the Bret Harte Landscape and Lighting District; and directed the Department of Public Works to prepare and file the required Engineer's Report – PW DL-40-1 2004-41
- \*C4 Approved a MOU with the City of Riverbank regarding the expenditure of Public Facilities Fees and authorized the Chairman to sign the MOU – PW C-1-A-7 M-64-C-18 2004-42
- \*D1 Rescinded Williamson Act Contract #75-1988 (Finney Road, District 3), and approved new contract pursuant to Minor Lot Line Adjustment Application 2003-28; 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 §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 2004-43
- \*D2 Rescinded a portion of Williamson Act Contract #74-1608 (Delaware Road, District 2), and approved new contract pursuant to Minor Lot Line Adjustment Application 2003-30; 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 §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 2004-44
- \*D3 Authorized the Director of Planning and Community Development to submit an application for US Fish and Wildlife Service Section 6 Grant funding for initiation of a western Stanislaus County Habitat Conservation Plan and Natural Community Conservation Plan – Planning 2004-45

Continued to 1/27/04 item \*C2 Approval of Department of Public Works Road Congestion Relief Program – PW 2004-49

P/M (4-0)(Simon absent) \***B7** Approved the Stanislaus County Family Violence Prevention Strategic Plan – HSA 2004-46

M/G (4-0)(Simon absent) **B11** Approved the contract for the second year of the State-County Property Tax Administration Grant Program; adopted a resolution to participate in the County Property Tax Administration Grant Program; authorized the CEO to sign the contract and any amendments; authorized the Auditor-Controller to accept \$866,155 from the State Department of Finance; and, directed the Assessor and the CEO to report back to the Board at the completion of the second year of this program – Assessor 2004-47

M/P (4-0)(Simon absent) **B12** Approved the Employee Mentor Program Progress Report and authorized a resolution acknowledging the month of January 2004 as Mentoring Month, consistent with the National Mentoring Month distinction 2004-48

**Corr 1** Referred to the Agricultural Commissioner and Cooperative Extension, a report from the Department of Water Resources, *San Joaquin Drainage Monitoring Program, 2000*, which presents statistical data on the quality and quantity of subsurface agricultural drainage water in the Valley.

**Corr 2** Referred to the Agricultural Commissioner, a letter regarding the temporary transfer of water from Yuba County to the CALFED Department of Water Resources and Contra Costa Water District.

**Corr 3** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Amado Morales and Tina Vasquez.

Supervisor Grover noted that a trip to Washington D.C. is being planned to seek financial support for County projects related to economic development, agriculture, law enforcement, and transportation. This trip will include representatives from the Alliance, StanCOG, the Chamber of Commerce, and others. The cities have also been included in this process.

Chairman Caruso attended an event last night honoring firefighters from the Ceres Fire Department. He spoke regarding a home fire, and how the firefighters were able to locate a resident inside the home by tracing the cell phone location.

Supervisor Mayfield noted that he would be attending a SJVAPCD Board meeting this Thursday.

**Legislative A.** The Interim CEO gave a verbal and PowerPoint presentation on the Governor's State Budget Proposal that was issued on 1/9/04, and the impact it will have on County services. The HSA Managing Director, Sheriff, Director of CSA, and Chief Probation Officer explained how these reductions will impact their department and the community.

The Interim CEO noted that staff is preparing a letter for the Chairman to sign in support of Kirk Lindsey's re-appointment to the California Transportation Commission. She noted that an article in The Modesto Bee incorrectly listed that Stanislaus County spends \$417,000 per year on legislative advocacy and representation in Sacramento and Washington D.C - the correct number is \$129,000 per year (\$37,000 for CSAC membership, and 2 contracts for \$42,000 and \$50,000 for legislative advocacy). She also noted that there was incorrect information included in the Modesto Bee's Letters to the Editor regarding contracting for future landscaping services for CSA #10 in Salida – the County's Purchasing Agent has conducted a formal request for proposals process to seek contractual landscaping services for the area. Notices were sent to eleven landscaping firms and were widely advertised. Only one proposal, from Grover Landscaping, was received by the deadline established by the Purchasing Agent. This

process has been entirely conducted by the Purchasing Agent; no member of the Board of Supervisors has been involved in this process. Supervisor Grover has no financial interest in Grover Landscaping, and County Counsel advises that there is no conflict of interest as implied in the Letter to the Editor.

Chairman Caruso will be giving the State of the County Address at the beginning of the 1/27/04 Board of Supervisors meeting. He also announced that the Board of Supervisors will be hosting the Stanislaus Manufacturing Summit on Tuesday, 1/27/04 from 1:00 p.m. to 3:00 p.m. in the Basement Chambers at 1010th Street, Modesto, CA.

Adjourned to closed session at 11:16 a.m. for conference with Labor Negotiator: Agency Negotiator – Patricia Hill Thomas; Management Employees. Government Code §54954.9(f).

Adjourned at 1:25 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.)