

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

Regular Session

Tuesday

January 27, 2004

All Supervisors Present

Pledge of Allegiance to the Flag

Chairman Paul Caruso gave the State of the County Address.

**Recessed at 9:33 a.m.**

**Reconvened at 9:43 a.m.**

A commendation was presented to Dale Butler, Deputy Executive Officer, upon his retirement from County service.

Robert Stanford, president of LocalBlack.com and an Executive Committee Member of the Modesto-Stanislaus NAACP, spoke regarding the 5/17/54 Supreme Court decision of Brown vs. Board of Education in which the doctrine of 'separate but equal' was ruled as unconstitutional. He asked the Board for support in nurturing awareness of this historic decision.

Jasmin Mercado, from the Bret Harte area, thanked Chairman Caruso for inviting them to a community meeting on 1/29/04. She stated that the Committee Concerning Community Improvement sent a letter to the Chairman, and since they have not received a response yet, they will not attend the meeting.

Miguel Donoso also spoke regarding the letter sent to Chairman Caruso concerning community improvements in the Bret Harte area.

S/P unan. Adopted the consent calendar

\*A1 Approved the minutes of 1/13/04

\*A2 Approved the amended minutes of 12/16/03

\*A3a Accepted the resignation of Steve Hopkins from the Stanislaus Child Care Planning Council  
2004-50

\*A3b Accepted the resignation of Wendy Byrd from the Stanislaus Economic Development and  
Workforce Alliance Youth Advisory Council 2004-51

\*A4 Appointed Allen Layman to the Stanislaus County Planning Commission 2004-52

\*A5 Commended Dorothy Adams upon her retirement from the Chief Executive Office 2004-53

\*A6 Approved request from Mid-Valley Water Ski Club for use of Modesto Reservoir on Tuesdays  
and Thursdays from 7/6/04 through 8/12/04 2004-54

\*A7 Approved the 2004 Stanislaus County Board of Supervisors Committee Assignments  
2004-55

\*A8 Appointed Bruce Ramsey to the Stanislaus County Law Library Board of Trustees 2004-56

\*A9 Approved a letter of support for the reappointment of Dr. Anthony Cusenza to the State Water  
Reclamation Board 2004-57

\*B1 Approved an amendment to an agreement with Moss Beach Homes, Inc. DBA Aspira  
Counseling Services, for outpatient children's mental health services; approved an  
amendment to an agreement with Healthcare Staffing Network, LLC for temporary nurses

- at SBHC; approved an amendment to an agreement with Staff Care Inc. for psychiatrist services at SBHC; authorized the Director of BHRS, or his Designee, to sign the amended agreements; and, authorized the Director, or his Designee, to negotiate and sign amendments up to a maximum of \$50,000 with temporary nursing agencies throughout the remainder of FY 2003/04, as necessary and consistent with the total amount budgeted for temporary nursing services at SBHC - BHRS 2004-58
- \***B2a** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 3249 Beckwith Court, Modesto, California (CE No. 03-2078) – DER 2004-59
  - \***B2b** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 1601 Prichard Avenue, Modesto, California (CE No. 03-2240) – DER 2004-60
  - \***B2c** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 1737 Carpenter Road, Modesto, California (CE No. 03-2461) – DER 2004-61
  - \***B2d** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 106 Lita Court, Modesto, California (CE No. 03-1918) – DER 2004-62
  - \***B2e** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 444 Ryder Way, Modesto, California (CE No. 03-2236) – DER 2004-63
  - \***B2f** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 405 W. Hatch Road, Modesto, California (CE No. 03-1492) – DER 2004-64
  - \***B2g** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 1513 Modoc Avenue, Modesto, California (CE No. 03-2310) – DER 2004-65
  - \***B2h** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 24805 Eastin Road, Newman, California (CE No. 02-2438) – DER 2004-66
  - \***B2i** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 4701 River Road, Oakdale, California (CE No. 03-1615) – DER 2004-67
  - \***B2j** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 8112 Crane Road, Oakdale, California (CE No. 03-2718) – DER 2004-68
  - \***B2k** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 2412 Olive Avenue, Patterson, California (CE No. 03-2950) – DER 2004-69
  - \***B3** Approved supporting legislation sponsored by the Coalition for the Mental Health and Health Realignment Equity to adjust the distribution of growth funds under the 1991 Realignment Statute; adopted a resolution of support; directed the County contracted lobbyist to work in support of the proposed legislation; and, directed the Clerk of the Board to disseminate copies of the approved resolution to our State legislative delegation – HSA 2004-70
  - \***B4** Reappointed the following community professionals to the Indigent Health Care Program (IHCP) Fair Hearing Panel: Attorney Michael G. Loeffler, Steve Benak, M.D. and Betty King, R.N.; and, authorized the HSA Managing Director, or her Designee, to provide written notification of the appointments to each panel member – HSA 2004-71
  - \***B5** Approved a request from E. Clampus Vitus, Stanislaus Chapter No. 58 to place a historical monument on the lawn adjacent to the Stanislaus County Courthouse - Parks and Recreation 2004-72
  - \***B6** Accepted the Stanislaus County Treasury Pool’s November 2003 Monthly Investment Report, as prepared by the 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 on behalf of the Board that the report has been reviewed and accepted – T/TC 2004-73
  - \***B7** Authorized the Interim CEO to finalize and sign the agreement by and between the Yosemite Community College District, the County of Stanislaus, and the City of Modesto to terminate the Joint Exercise of Powers Agreement, including the “Plan for Winding Up the Affairs of the Criminal Justice Training Agency” subject to approval by the Modesto City Council; authorized the Interim CEO and the Auditor-Controller to close out the special

- revenue fund, Ray Simon Regional Criminal Justice Training Center Budget, which will include payment of the cash deficit remaining in the fund by the General Fund once a source of funds has been identified; and, approved a lease agreement between Stanislaus County and the Yosemite Community College District for the College's use of specified areas of the Ray Simon Training Center Facility for the term of 7/1/03 through 6/30/04 and authorized the Purchasing Agent to sign the agreement 2004-74
- \*B8** Authorized the Sheriff to finalize and sign an agreement with the Yosemite Community College District to provide the Ray Simon Criminal Justice Training Center with the operational services of a Sergeant; amended the Salary and Position Allocation Resolution to add one Sergeant position in the Sheriff's Operations Division; and, directed the Auditor-Controller to increase Appropriations and Estimated Revenues according to the Financial Transaction Form in the amount of \$97,798 – Sheriff 2004-75
- \*B9** Authorized the Interim CEO, if necessary, to extend the bid dates for the Gallo Arts Center Project and the 12<sup>th</sup> Street Office Building and Parking Garage Project if the bidding conditions warrant a time extension 2004-76
- \*B10** Approved amending the agreement for construction management services to support the final bidding for the Gallo Arts Center Project 2004-77
- \*C1** Approved the Annexation of Pirrone Road No. 1 (Parcel Map Application #2002-05) to CSA #10 subject to Government Code §56886(t) and 57330 that the annexation be subject to terms and conditions; and, consented to the Waiver of Conducting Authority Proceedings – Pirrone Road No. 1 Change of Organization to CSA #10 pursuant to Government Code §56663(c) – PW CSA-10-A-6 2004-78
- \*C2** Finds that the majority of territory, more particularly described on Exhibits "A" and "B", is owned by petitioner, and that petitioner's ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district; finds that Stanislaus County Code, §21.40.040, requires the installation of a street lighting system to serve the territory; finds that the territory proposed to be annexed is not within the limits of any other lighting district; finds that public necessity and welfare require that the territory be annexed to the lighting district; ordered that the requirements of said notice, hearing, and election shall not be applicable to this proceeding, pursuant to Streets and Highways Code §19056; ordered that the territory be annexed to the Salida Highway Lighting District of Stanislaus County; finds the fact of filing of the petition was received by the Clerk of the Board on 1/21/04; approved the resolution annexing to the lighting district; ordered that, pursuant to the Streets and Highways Code §19000 et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the district's boundaries; directed the Clerk to send a certified copy of the resolution ordering the annexation to the lighting district, to the Department of Public Works, the offices of the Assessor, Elections, Auditor-Controller, and the Clerk-Recorder; and, directed the Department of Public Works to send a certified copy of the resolution ordering the annexation to the lighting district and all other required documents and the processing fee to the State Board of Equalization – PW DL-3-B-16 2004-79
- \*C3** Awarded the construction contract for the Wincanton Basin Storm Drain System Project, to the low bidder, On Grade Contracting of Jamestown, California, in the amount of \$329,525; authorized the Purchasing Agent to establish a contract with On Grade Contracting for the contract amount of \$329,525; authorized expenditures from the Salida Storm Drain Account in the amount of \$412,525, and; authorized the Auditor-Controller to make the necessary expenditures per the construction contract – PW 2004-80
- \*C4** Approved the Perpetual License Agreement between the U.S. Department of Interior, Bureau of Reclamation and the County of Stanislaus for improvements to the County's bridge

overcrossing the Delta-Mendota Canal located on Sperry Road in Patterson; authorized the Chairman to execute the license agreement; and, directed the Auditor-Controller to increase appropriations by \$50,000 in the project account, per the Financial Transaction Sheet, to cover expenses (other agencies permits, environmental requirements, right-of-way requirements, miscellaneous project expenses) incurred during the development of the design phase, up to the award of the construction contract – PW 2004-81

S/P unan. **B11** Authorized CSA, as a State-Selected County, to implement the Child Welfare Services (CWS) Redesign between January 2004 and June 2008; authorized the acceptance of the CWS Redesign allocation from the California Department of Social Services: a five-year allocation augmentation totaling \$2.85 million with \$300,000 allocated for FY 2003/04; authorized the use of augmentation funds for program start-up, including community-based contracts to build prevention, intervention and aftercare support services for at-risk children and families; authorized the Auditor-Controller to make the necessary adjustments to the CSA Budget, Fund 1631, per the Budget Journal; and, amended the Salary and Position Allocation to add five new positions to CSA Fund 1631 as follows: one Social Worker Supervisor II position, two Social Worker IV positions; and, two Administrative Clerk II positions – CSA 2004-82

G/M unan. **C5** Approved the Department of Public Works Road Congestion Relief Program; and, included Ladd Road and its intersections in the current list of roadways within the Public Facility Fee Program – PW M-64-C-19 2004-83

G/M unan. **D1** Acknowledged the letters of commitment from potential contributors to pay for the full cost of preparing Project Study Reports (PSRs) for the Hammett Road and Kiernan Avenue interchanges for a total amount not to exceed \$515,700; approved the method and conditions for reimbursement outlined in this staff report which includes a provision that contributors will only be reimbursed from fees imposed at the time building permits are issued for development in the area plan; authorized staff to prepare an agreement with each contributor that is based on the Board's approved terms and conditions; and, directed staff to return to the Board for final approval of each individual reimbursement agreement and to award a consultant contract to prepare the project study reports – Planning 2004-84

**Corr 1** Referred to the CEO, a copy of the CSAC 2004-05 Strategic Plan.

**Corr 2** Referred to the Department of Planning and Community Development, a letter from the State Office of Historic Preservation regarding the placement of the Plaza Building, Plaza #2, Patterson, CA in the National Register of Historic Places and in the California Register of Historical Resources.

**Corr 3** Referred to the Auditor-Controller, a letter from the Westley Community Services District requesting to have a bi-annual audit.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Erika Dutcher; Connie Simpson; and, Roberto Torres.

Supervisor Paul noted that she attended several Chamber of Commerce dinners in Oakdale, Riverbank and Modesto where outstanding citizens were honored.

Chairman Caruso attended a Ceres Chamber of Commerce dinner where the Citizen of the Year was recognized. He noted that he and Supervisor Grover attended a taser technology demonstration at the Sheriff's Department yesterday. He noted that in some circumstances, law enforcement could utilize taser technology to immobilize individuals, instead of weapons. Use of taser guns could cut down on the costs of insurance, claims, and court cases.

Supervisor Grover noted that the Sheriff invited the Grand Jury to the taser technology demonstration. He also noted that last year the County spent \$1.6 million on workers' compensation in the Sheriff's department alone. Most of these workers' compensation claims were the result of injuries caused while apprehending criminals. Use of the taser technology would save the County money and reduce fatalities.

The Interim CEO noted that staff is staying vigilant on the budget issues in Sacramento, and are staying connected with Statewide associations on a daily basis. She will continue to provide the public and Board with ongoing State budget updates.

County Counsel spoke regarding comments made by Robert Varain on 1/13/04 concerning the La Grange water issues and upcoming trial. County Counsel staff contacted the parties involved and do not expect the 3/15/04 trial to be continued.

The Chairman announced that on 1/29/04 at 7 p.m., he is hosting a community meeting in South Modesto regarding flooding, the canal, schools, curbs, gutters and sidewalks.

The Interim CEO announced that there will be a Stanislaus County Manufacturing Summit convened by the Board of Supervisors, Tuesday, January 27, 2004 at 1:00 p.m., Basement Chambers, 1010 Tenth Street, Modesto, CA.

Adjourned at 12:03 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.)