

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

Regular Session

Tuesday

April 27, 2004

All Supervisors Present

Pledge of Allegiance to the Flag

Employee Service Awards for those honored for twenty-five years of service were given to the following employees: Stephen R. Emig, Lt. Martha “Jane” Irwin, Assistant Sheriff Myron Larson, Lt. Darrell Long, Daniel R. Maez, and Soledad “Sally” Raya all of the Sheriff’s Office, and Gity Miller from the Department of Public Works.

Pat Boyd thanked Supervisor Paul for attending the UDW balloon release ceremony. She spoke in support for higher wages for IHSS workers.

Henry Dill spoke regarding the labor negotiations with the UDW, and asked for higher wages and benefits. He compared the wages of IHSS workers in Stanislaus County with other California counties.

Kristi Rosenquist, of the UDW, thanked the Board for their support in helping to raise funds to pay for transportation to Sacramento last Thursday. She read excerpts from two Sacramento newspapers and gave the Board copies of community support letters. She spoke of the need for medical benefits for IHSS workers.

Paul/Mayfield unan. Adopted the consent calendar after removing from consent item **\*C1** Approval to Award the Contract for the Crows Landing Widening Project from Service Road to Keyes Road to George Reed, Inc., of Modesto, California - PW

**\*A1** Approved the minutes of 4/20/04

**\*A2** Accepted the resignation of Constant Fliermans from the Stanislaus County Equal Rights Commission 2004-265

**\*A3a** Proclaimed May 6-12, 2004 as Nurses Week 2004-266

**\*A3b** Proclaimed May 2004 as Foster Care Awareness Month and May 24, 2004 as Foster Parent and Relative Care Provider Appreciation Day 2004-267

**\*A3c** Proclaimed May 4, 2004 as World Asthma Day 2004-268

**\*A3d** Proclaimed May 16-22, 2004 as Emergency Medical Services Week 2004-269

**\*A4** Commended Arlene Stevens upon her retirement from Stanislaus County Chief Executive Office 2004-270

**\*B1** Approved and authorized the Chairman to sign the contract with the California Department of Transportation to provide axle-load scale testing service; and, directed the Auditor-Controller to increase the Estimated Revenue and Appropriations and make the necessary financial transactions – Agricultural Commissioner 2004-271

**\*B2** Adopted a resolution supporting the City of Modesto’s application for a Small Community Air Service Grant from the Federal Department of Transportation (DOT)

C-6-I-3 2004-272

**\*B3** Approved increasing the project budget for the Remodel of the Former Bank of America at 1021 I Street by \$35,000 to fund the hazardous materials abatement costs; authorized the Auditor-Controller to make the proper transfers; and, approved securing the necessary permits, hazardous materials consulting services, and a hazardous materials abatement contractor to remove hazardous materials from 1021 I Street 2004-273

- \*B4 Approved an agreement and a contract amendment with the Yosemite Community College District for employment services for Temporary Assistance to Needy Families (TANF) Recipients; and, authorized the CSA Director, or his Assistant Director Designee, to sign the agreement and the contract amendment not to exceed the total contract amounts for the period 7/1/03 through 6/30/04 - CSA 2004-274
- \*B5 Authorized CSA to submit a request to the California Department of Social Services for an Able-Bodied Adults without Dependent Children (ABAWD) Waiver of Work Requirement/Time Limitations in the Food Stamp Program – CSA 2004-275
- \*B6 Approved the amended agreement with Sierra Vista Child and Family Services to provide counseling for the Child Welfare Services Program, and authorized the CSA Director, or the Assistant Director Designee, to sign the amended agreement not to exceed the total contract amount of \$269,160 for the period of 7/1/03 through 6/30/04 – CSA 2004-276
- \*B7 Authorized the Auditor-Controller to establish a new fund and budget unit in the Special Revenue Account entitled Vertical Prosecution Block Grant Program and establish \$328,184 in Appropriations and Estimated Revenue for this fund; directed the Auditor-Controller to eliminate the Appropriations and Estimated Revenue for the three District Attorney grant programs of Major Narcotic Vendor Prosecution, Career Criminal Prosecution and Statutory Rape Vertical Prosecution and transfer actual expenses and remaining balances to the new fund; directed the Auditor-Controller to correct the cash deficit in the Major Narcotic Vendor Prosecution Program and the Career Criminal Prosecution Program through the increase of DA Criminal Division appropriations in an amount not to exceed \$140,000 through use of one time revenue received by the DA from the Federal Southwest Border Claiming Program; and, amended the Salary and Position Allocation Resolution to transfer three positions as delineated in the staffing impacts section of the staff report 2004-277
- \*B8 Authorized the Director of DER, or his Designee, to apply for, administer, and receive Beverage Container Recycling Funds for FY 2004/05 to promote beverage container recycling and litter clean up; authorized the Director of DER, or his Designee, to sign the funding request forms, to receive funds from the California Department of Conservation for FY 2004/05; authorized the Auditor-Controller to make the necessary financial transactions; authorized the submittal of a joint funding request for Beverage Container Recycling Funds on behalf of the cities of Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford and the unincorporated areas of Stanislaus County to the Department of Conservation’s Division of Recycling; and, acknowledged the following language as required by the Department of Conservation Division of Recycling: “the Director of Environmental Resources is hereby authorized and empowered to execute in the name of the Cities of Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford and the unincorporated areas of Stanislaus County, all necessary forms and information hereto for the purposes of securing payment to implement and carry out the purposes specified in §14581(a)(4)(A) of the California Beverage Container Recycling and Litter Reduction Act and provide information regarding this program to the Department upon request; the Stanislaus County Department of Environmental Resources will be the responsible party to provide records to the Department of Conservation’s Division of Recycling should an audit be performed” – DER 2004-278
- \*B9 Authorized the installation of security fencing at the HSA complex located at 830 Scenic Drive and authorized the HSA Managing Director, or her Designee, to sign and execute a contract with Industrial Fencing to provide security fencing at HSA, 830 Scenic Drive, Modesto, at a cost not to exceed \$101,086.26 – HSA 2004-279

- \***B10** Approved realignment of funding to cover the cost of risk assessment software to be used for Juvenile Offender Education Purposes and directed the Auditor-Controller to adjust Appropriations related to this grant - Probation 2004-280
- \***B11** Adopted a resolution, as required by the State Board of Corrections, authorizing the Chief Probation Officer to submit and/or sign Stanislaus County's application for approval of the County's Comprehensive Multiagency Juvenile Justice Plan Modification and related contracts, amendments, or extensions as approved by the Juvenile Justice Coordinating Council 2004-281
- \***B12** Approved the proposed amendment to add a nonprofit entity, including a nonprofit public benefit corporation, to the CSAC-Excess Insurance Authority Joint Powers Agreement – Risk Management 2004-282
- \***B13a** Set a public hearing on 5/18/04 at 6:35 p.m. to consider the introduction and waive the first reading of an ordinance establishing new fees and increasing other existing fees for the Office of the Assessor ORD-54-R-9 2004-283
- \***B13b** Set a public hearing on 5/18/04 at 6:35 p.m. to consider the introduction and waive the first reading of an ordinance establishing new fees of the Clerk Recorder's Department ORD-54-R-10 2004-284
- \***B13c** Set a public hearing on 5/18/04 at 6:35 p.m. to consider the introduction and waive the first reading of an ordinance establishing new fees and amending existing fees of the Department of Environmental Resources ORD-54-R-11 2004-285
- \***B13d** Set a public hearing on 5/18/04 at 6:35 p.m. to consider the introduction and waive the first reading of an ordinance adopting the Department of Public Works Land Survey Fee Schedule ORD-54-R-12 2004-286
- \***B13e** Set a public hearing on 5/18/04 at 6:35 p.m. to consider the introduction and waive the first reading of an ordinance Amending Existing Fees of the Department of Parks and Recreation ORD-54-R-13 2004-287
- \***B13f** Set a public hearing on 5/18/04 at 6:35 p.m. to consider the introduction and waive the first reading of an ordinance Adopting the Department of Planning and Community Development 2004 Fee Schedule ORD-54-R-14 2004-288
- \***B13g** Set a public hearing on 5/18/04 at 6:35 p.m. to consider the introduction and waive the first reading of an ordinance to add and increase specified Probation Department fees ORD-54-R-15 2004-289
- \***B13h** Set a public hearing on 5/18/04 at 6:35 p.m. to consider the introduction and waive the first reading of an ordinance establishing new fees for the Office of the Treasurer-Tax Collector ORD-54-R-16 2004-290
- \***B13i** Set a public hearing on 5/18/04 at 6:35 p.m. to consider the introduction and waive the first reading of an ordinance establishing new Animal Court fees and amending existing fees for the Department of Animal Services ORD-54-R-17 2004-291
- \***B13j** Set a public hearing on 5/18/04 at 6:35 p.m. to consider the introduction and waive the first reading of an ordinance establishing new fees and increasing other existing fees for the Office of the Auditor-Controller ORD-54-R-18 2004-292
- \***B14** Set a public hearing on 5/18/04 at 6:40 p.m. to consider revisions to the 1991 Ambulance Maintenance Fee Schedule - HSA 2004-293
- \***C2** Finds that all subdivision improvements except for the storm drain basin required for the Bonita Ranch Unit 1 Subdivision by the subdivision improvement agreement, executed by Bright Development and the Stanislaus County Board of Supervisors on 6/17/03 have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 6/19/03, as Document No. 2003-0099701-00, and filed with the Stanislaus County Clerk Recorder's Office; accepted all streets, avenues, roads, landscaping along Washington Road, and the drainage system including the pump station and outfall line

except for the storm drain basin within Bonita Ranch Unit 1 Subdivision for maintenance by Stanislaus County; pursuant to §66499.7(A) of the Subdivision Map Act, authorized the release of Performance Bond No. BE2637614, issued by Gulf Insurance Company in the amount of \$2,770,749 for faithful performance of the subdivision improvement agreement; pursuant to §66499.7(B) of the Subdivision Map Act, upon receipt of a Mechanic's Lien Guarantee, and, authorized the release of Labor and Materials Bond No. BE2637614, issued by Gulf Insurance Company in the amount of \$2,770,749 for payment of labor and materials - the Mechanic's Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate Notice of Completion, be in the amount of \$2,770,749 be prepared by a title company, be to the benefit of Stanislaus County and state that there are no liens of record – PW 2004-294

**\*C3** Approved Tuolumne River and Tributaries Feasibility Study Cost Sharing Agreement between Stanislaus County, City of Modesto, MID, and TID; authorized the Director of Public Works to sign the agreement on behalf of the Board; approved payment of \$46,250 to the State of California Reclamation Board as our proportionate share of the cost of the feasibility study; and, authorized the Auditor-Controller to increase Appropriations and Estimated Revenue by \$34,687.50 – PW C-6-I-4 2004-295

Paul/Mayfield (3-0)(Grover and Simon abstained) **\*C1** Awarded the contract for the Crows Landing Road Widening Project from Service Road to Keyes Road to George Reed, Inc., of Modesto, California, in the amount of \$1,356,756; directed the Auditor-Controller to increase Appropriations and Estimated Revenue by \$1,406,756; and, authorized the Purchasing Agent to establish a contract with George Reed, Inc., for the contract amount of \$1,356,756 – PW 2004-296

Grover/Simon unan. **Continued to 5/11/04**, item **B15** Approval of the “Five-Year Countywide Integrated Waste Management Plan Review Report,” including the Updated Siting Element Map showing the 129-acre proposed Fink Road Landfill Expansion - Environmental Resources 2004-297

**Recessed at 11:04 a.m.**

**Reconvened at 11:09 a.m.**

Grover/Paul unan. **B16** Approved the County's participation in a ceremonial 150<sup>th</sup> Birthday Celebration as part of a collaborative effort between the County, the City of Modesto, and the McHenry Museum, to be held on Sunday, 5/2/04 from 1:00 p.m. to 3:30 p.m. at the McHenry Museum and McClatchy Square in downtown Modesto 2004-298

Grover/Mayfield unan. **9:25am** Based upon the fee study prepared, testimony, and other information received at the public hearing, the Board approved the Fire Protection Facilities Fees for the West Stanislaus County Fire Protection District; and, authorized imposing the Fire Protection Facilities Fees on all building permits that are issued in the West Stanislaus County Fire Protection District after 6/28/04 in the fee amount that is in effect at the time of the building permit application

DF-2-B-5; M-64-C-21 2004-299

County Counsel gave a verbal report on the resignation and contract for former CEO Reagan M. Wilson.

**Corr 1** Referred to the CEO, a letter from A Fair Share for California requesting support of the Gaming Revenue Act of 2004 as an initiative for the November 2, 2004 ballot.

**Corr 2** Referred to the Fish and Game Committee, a copy of the California Bay-Delta Authority's 2003 Annual Report.

**Corr 3** Referred to the Department of Planning and Community Development, a copy of The Main Street Economist's 2003 Annual Report Innovations in Rural Governance from the Center for the Study of Rural America, Federal Reserve Bank of Kansas City.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Rebecca Gonzales; Dale Mundy, Pat Mundy, and Michael Mundy; and, Jesus Munoz.

Supervisor Paul attended a State Proposition 10 Committee meeting where Stanislaus County made two presentations.

Supervisor Mayfield met with the Ag Pavilion Committee and asked how the County could assist with the building of this facility. Supervisor Simon also met with the committee members and requested County staff to meet with the committee to assist in finding an approach for funding opportunities. The Interim CEO noted that the Ag Pavilion is in the County's CIP. The future of the projects in the CIP are dependent on the County's fiscal position. She said that the staff would meet with the committee to explore financial options.

Supervisor Simon announced that on May 8, 2004 the Modesto Relays will be held at MJC and that there are other events as well, including a concert at John Thurman Field on the Friday night before the beginning of the relays.

Chairman Caruso attended the San Joaquin Valley Supervisors Association Conference at Bass Lake. He noted that a Water Coalition meeting was also held and that staff from the Governor's staff was there.

**Legislative A.** A presentation was given by David Leifer, the County's financial advisor reporting on the successful issuance of the Stanislaus County 2004 Certificates of Participation Series A and B for recent County capital projects

The Interim CEO reported on the State budget and that there is some positive information coming out of Sacramento regarding property taxes. It is difficult to determine if these proposals coming from the Governor's office and the Legislature will be beneficial to the County. These proposals will more equally split the reduction among the cities, counties and special districts. The May Revised Budget will come out in May.

The Interim CEO announced that the Gallo Center for the Arts Groundbreaking Ceremony would be tonight at 6:00 p.m., at 10th and I Streets, in downtown Modesto. The County's Four-footed Fun Fair is on Saturday, May 1, 2004 at the Tuolumne River Regional Park.

Adjourned to closed session at 12:52 p.m. for conference with Labor Negotiator: Agency Negotiator – Patricia Hill Thomas; Labor Organizations SCEA/AFSCME, SEIU, OE3, DSA, SCSSA, CAIR/CIR, CNA and UDW. Pursuant Government Code Section 54954.9(e).

Adjourned at 2:25 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.)