

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

July 13, 2004

A moment of silence was observed in memory of Mario Fovinci of the Stanislaus County Assessment Appeals Board.

The Clerk of the Board introduced the 2004 Interns from our Sister County Mayenne, France: Emma Cameron and Mylene Boulay.

John Rose spoke regarding political signs and the City of Turlock ordinance concerning the posting of political signs.

Dave Thomas spoke regarding the Civil Grand Jury reports concerning the former CEO and County departments.

Georgiana McDonald voiced concerns regarding the Civil Grand Jury reports concerning County management.

Allan James spoke regarding public service and public trust, and the Civil Grand Jury reports concerning the former County CEO.

Jana Schacht voiced her concern regarding the use of illegal fireworks in Salida over the Fourth of July holiday. The Interim CEO noted that the County Fire Warden has recently met with local Fire Chiefs and law enforcement to address this issue.

Jan Brunson spoke regarding the Civil Grand Jury reports concerning County operations and departments.

Carmen Sabatino spoke regarding the employment contracts of the County Counsel and the former CEO. Supervisor-Elect O'Brien and Supervisor-Elect DeMartini spoke regarding the contract between the County and County Counsel.

Grover/Paul unan. Adopted the consent calendar

***A1** Approved the minutes of 6/29/04

***A2** Adopted and waived the second reading of Ordinance C.S. 892 amending Section 2.44.065 of the Stanislaus County Code pertaining to the Nuisance Abatement Hearing Board – DER
ORD-54-S-5 2004-517

***A3a** Appointed Steven Carr to the Stanislaus County Animal Advisory Board 2004-518

***A3b** Appointed Bill Latham to the Library System Lay Advisory Board 2004-519

***A3c** Appointed Tammie Cummins, Vanessa Czopek and Wayne Mott to the Youth Advisory Council of the Stanislaus Development and Workforce Alliance 2004-520

***A3d** Appointed Patricia Diamond to the State Council on Development Disabilities, Area Board 6
2004-521

- *A4a** Approved a commendation for Director Donald E. Stout upon his retirement from the Veterans Administration Oakland Regional Office 2004-522
- *A4b** Approved a commendation for Richard Walke upon his retirement from the Stanislaus County Probation Department 2004-523
- *A5** Consolidated the City of Riverbank General Municipal Election with the General Election to be held on 11/2/04 2004-524
- *B1** Approved the substitution of the plumbing subcontractor for Clark & Sullivan for the Gallo Center for the Arts 2004-525
- *B2** Approved rejecting all bids received for the Main Library Tenant Improvements (Public Restrooms and Check Out Counter), Bid Package 1 (Construction), and directed staff to identify cost savings to bring the project within the project budget, redesign elements of the project and return to the Board for approval of the redesigned project 2004-526
- *B3** Accepted the FY 2004/05 grant totaling \$118,791 from the Department of Justice for the DA's Office Spousal Abuser Prosecution Program to prosecute domestic violence cases; authorized the DA to sign the grant award agreement, including any extension or amendments; and, approved the formal resolution as required by the State to receive the grant funding – DA 2004-527
- *B4** Approved the independent contractor agreement for specialized computer programming with Tom Jeske of Profx Consulting, for HSA's Indigent Health Care Program; authorized the HSA Managing Director, or her Designee, to sign the agreement; and, authorized the HSA Managing Director, or her Designee, to negotiate and sign amendments to this agreement, not to exceed \$25,000 – HSA 2004-528
- *B5** Approved extending for a period of three months, the agreement between the County of Stanislaus and Scenic Faculty Medical Group (SFMG), to provide administrative and teaching related services at HSA associated with the Agency's Family Practice Residency Program; and, authorized the HSA Managing Director, or her Designee, to sign the amendment extending this agreement for a three month period – HSA 2004-529
- *B6** Approved the use of Gulf Insurance Group, a non-admitted insurer, as the company chosen by CSAC – Excess Insurance Authority (CSAC-EIA) to insure the pollution liability program for Stanislaus County; and, authorized the Deputy Executive Officer in the CEO-Risk Management Division to sign the attached form required by CSAC-EIA and future surplus line insurers for pollution liability – Risk Management 2004-530
- *B7** Approved agreements in excess of \$100,000 cumulative for Sheriff Inmate Education and High Intensity Drug Trafficking Area (HIDTA) Service Providers for FY 2004/05 and authorized the Sheriff, or his Designee, to sign the agreements for FY 2004/05 – Sheriff 2004-531
- *B8** Accepted the Stanislaus County Treasury Pool's April 2004 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 on behalf of the Board that the report has been reviewed and accepted – T/TC 2004-532
- *B9** Accepted the Stanislaus County Treasury Pool's May 2004 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 on behalf of the Board that the report has been reviewed and accepted – T/TC 2004-533
- *B10** Approved the contract with Mountain Valley Emergency Medical Services Agency for FY 2004/05 to administer local emergency medical services; recognized ambulance fees collected pursuant to Ordinance C.S. 410, Stanislaus County Code §6.72.050, as an additional revenue source for this contract; directed staff to review and recommend

- revisions as necessary, to Ordinance C.S. 410, Stanislaus County Code §6.72.050; and, authorized the Chairman to sign the contract with Mountain Valley Emergency Medical Services Agency – HSA 2004-534
- *B11** Approved the Public Improvement Agreement with the City of Modesto for Robertson Road Sewer Improvements C-6-I-5 2004-535
- *B12** Authorized the Interim CEO and Auditor-Controller to transfer funds from Appropriations for Contingencies from funds set aside for increased health insurance costs to cover additional People vs. Peterson related expenses 2004-536
- *C1** Authorized the Clerk of the Board of Supervisors to complete the Certificate of Acceptance for the submitted grant deed from developers of the Summit Corporate Center Granting Lot “A” to the County for the use as a storm drain basin; and, directed the Clerk to return both the grant deed and Exhibit “A” to the Department of Public Works for recording – PW 2004-537
- *C2** Finds that the 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 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 7/7/04; 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-17 2004-538
- *C3** Approved the annexation of Gritton (APN: 136-019-002) to CSA No. 10 – Salida, subject to Government Code §56886(T) and §57330, that the annexation be subject to terms and conditions; and, pursuant to Government Code §56663(C), consented to the Waiver of Conducting Authority Proceedings - Gritton Change of Organization to County Service Area No. 10 – PW CSA-10-A-8 2004-539
- *C4** Approved the summary abandonment of a 50-foot road reservation off Bent Road in the town of Empire – PW 2004-540
- *C5** Set a public hearing on 8/3/04 at 9:25 a.m., regarding FY 2004/05 assessments for various County Service Areas and Landscape and Lighting Districts; and, ordered the Clerk of the Board of Supervisors to publish a notice of such hearing Pursuant to §6066 of the Government Code – PW 2004-541
- *C6** Approved the use of the Stanislaus County Public Works Compressed Natural Gas (CNG) Fueling Station by the City of Modesto for fueling City CNG Vehicles; approved the agreement with the City of Modesto to fuel their compressed natural gas vehicles at Stanislaus County Public Works Compressed Natural Gas Fueling Station; and, authorized the Director of Public Works to execute the agreement on behalf of the County - PW 2004-542

9:25 am The Board conducted the public hearing to receive comments regarding the formation of the Bret Harte Landscape and Lighting District, the proposed method for calculating the amount of the annual assessment and the levy of the annual assessment to pay for the street lighting service; a full staff report will be brought back to the Board on 7/27/04 regarding this matter; and, the results of the ballot procedure will be announced at that time – PW DL-40-2 2004-546

Mayfield/Simon unan. **B13** Denied declaring an impasse in the negotiations between the County and the In-Home Supportive (IHSS) Workers in accordance with Employee Relations Ordinance 3.68.370, denied implementing the last, best and final offer from the County to the IHSS workers represented by the UDW contained in the tentative agreement; and, directed staff to resume negotiations 2004-543

Recessed at 11:15 a.m.

Reconvened at 11:27 a.m.

Grover/Paul (4-0)(Simon abstained) **B14** Approved a property tax sharing agreement with the City of Modesto for the Kaiser Medical Campus and Cornerstone Business Park; authorized a Board resolution to be forwarded to LAFCO that finds, pursuant to California Government Code §56425, that the City of Modesto's proposed Sphere of Influence expansion west of Dale Road and south of Kiernan Avenue of approximately eighty-eight acres is logical and orderly; authorized the Interim CEO to sign a property tax sharing agreement with the City of Modesto, pursuant to §99 of the California R&T Code, for the Kaiser/Cornerstone development area of approximately eighty-eight acres, and directed staff to forward a copy of this agreement to LAFCO; and, authorized staff to meet with Kaiser and the City of Modesto representatives to discuss and negotiate the mitigation of development impacts identified by the County in a letter to the City of Modesto dated 5/5/04 C-6-I-6 2004-544

Mayfield/Grover unan. **B15** Approved a preliminary application for State Enterprise Zone Designation for parts of Stanislaus County to include portions of the Cities of Modesto, Ceres, and Turlock, as well as unincorporated portions of the County; approved the proposed Enterprise Zone Map; and, as lead applicant, approved a resolution approving the preliminary application submission with the Cities of Modesto, Ceres, and Turlock as Co-Applicant Partners C-6-I-7; C-2-B-4; C-5-E-6 2004-545

Corr 1 Referred the 2003-2004 Civil Grand Jury Reports, regarding County Departments, to the CEO to prepare and coordinate a response. M-39-J-2

Corr 2 Referred to the Department of Public Works, a letter from the U.S. Department of Homeland Security regarding Floodplain Management Measures for Stanislaus County.

Corr 3 Acknowledge receipt of the MID's Annual Report for 2003.

Corr 4 Referred to the Chief Probation Officer, a copy of "Reforming Juvenile Justice through Comprehensive Community Planning" from the National Council on Crime and Delinquency.

Corr 5 Referred to the DER, a copy of the U.S. Department of the Interior Fact Sheet on the National Water-Quality Assessment program studies in the San Joaquin Valley.

Corr 6 Acknowledged receipt of claims and referred to the Chief Executive Office - Risk Management Division the following claims: Alexander Richmond; Sandra Coslow; C. George Swanson; Sergio Raudel Estrada; Paulino Rodriguez Ibarra; and, Stevon C. Williams, II.

Supervisor Mayfield met with the San Joaquin Valley Unified Pollution Control District regarding SB700 which impacts all indirect sources including the farming industry. The largest source of air pollution is still the mobile source.

The Chairman asked for an update regarding the Ag Pavilion efforts. The Interim CEO said that a report will be brought back to the Board sometime in the near future. She noted that the CEO staff has been meeting with the Ag Pavilion Steering Committee.

Dennis Gudgel, Agricultural Commissioner, spoke on the recent capture of a fruit fly in Stanislaus County. The Ag Commissioner's office and additional governmental agencies immediately began to put out additional traps in an 81 square mile area in efforts to find any additional flies. One fly can lay a thousand eggs within their 18-day life. If additional flies are found Stanislaus County will become a quarantine area. No additional flies have been found as of yet. The traps will be monitored through the month of September. The Agricultural Commissioners' office has an Insect Trapping program but this program is in jeopardy because of the State's budget crisis. He noted that the eradication program for the Fruit Fly is a relatively easy program.

The Interim CEO updated the Board regarding the State Budget impasse. The core issue of the impasse is that portions of the State Legislature want to have the ability to raid the local cities and counties coffers when the State needs funds. The State wants the ability to take additional funds from city and counties on top of what they have already taken. In Stanislaus County it means that besides the \$8.5 million lost in FY 2003/04, the \$4.5 million we will not receive in FY 2004/05 and another \$4.5 million next fiscal year, the State can take additional funds.

Adjourned to closed session at 11:35 a.m. to discuss Public Employee Appointment: Title: County Chief Executive Officer (Interviews). Government Code §54954.5(e). Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to Litigation. One Case. Government Code §54954.5(c).

Adjourned at 3:05 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
(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.)