

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

Regular Session

Tuesday

September 21, 2004

All Supervisors Present

Pledge of Allegiance to the Flag

Dave Thomas spoke regarding the County contract with a public relations consultant. He requested that this contract be placed on the Internet. He also spoke regarding the importation of industrial waste.

John Mataka, of the Grayson Neighborhood Council, spoke regarding a City of Fremont agenda item concerning a request by New United Motor Manufacturing, Inc. (NUMMI) to send industrial waste to be burned at the Covanta incinerator in Stanislaus County. He raised concerns whether this trash would contain hazardous materials.

Steve Trapp spoke regarding an upcoming event to "Honor the Heroes" on November 11, 2004 at 12th and I Streets in downtown Modesto. He requested use of the Courthouse lawn, and funds for a quality sound system.

County Counsel responded to remarks made by Dave Thomas and read portions of the contract with the public relations firm, which outlined the contract objectives and the total contract cost.

County Counsel and the Interim Director of DER also responded to John Mataka's concern about taking waste from NUMMI in Fremont, noting that the County just learned about the proposal yesterday. County Counsel reported that the City of Modesto also was surprised to learn about the proposal, and it was emphasized that under the Service Agreement with Covanta, both the Modesto City Council and the County Board of Supervisors have to approve importing additional waste from outside the County. Covanta has not approached the City of Modesto, nor the County, for such consideration. Amy Wolf of Covanta Stanislaus, spoke regarding Covanta's approval process for accepting additional waste from out-of-county sources, and she clarified that Covanta has not even received a request from NUMMI to take its industrial waste.

Simon/Grover unan. Adopted the consent calendar after removing from consent item ***A6** Approval to Proclaim October 16, 2004 as National Feral Cat Day in Stanislaus County, and item ***C1** Approval to Award Contract for the 2004 County AC Overlay Project to George Reed, Inc., of Modesto, California

***A1** Approved the minutes of 9/14/04

***A2a** Accepted the resignation of Karen Henry from the Tuolumne River Regional Park Citizens
Advisory Committee 2004-697

***A2b** Accepted the resignation of Nancy van Overbeek from the Stanislaus County Free Library
Advisory Board 2004-698

***A3a** Appointed Bryan Justin Marks to the Stanislaus County Equal Rights Commission 2004-699

***A3b** Appointed Nelly Paredes-Walsborn to the Children and Families Commission 2004-700

***A4** Approved changing the Board district representation of Commission on Aging Members
Marilyn Crawford and Kim Mallock 2004-701

***A5** Commended Shirley Martin upon her retirement from the University of California Cooperative
Extension 2004-702

- *A7 Approved request from the Del Puerto Water District to move their District election from even numbered years to odd numbered years DW-17-6 2004-703
- *B1 Adopted the 1 percent tax rate authorized by Revenue and Taxation (R&T) Code §93(b) and §135; 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 §93(a) and §93(c); adopted the countywide unitary tax rate authorized by R&T Code §100; and, adopted the .8714 percent tax rate for the territory formerly served by the Lower San Joaquin Levee District – Auditor-Controller 2004-704
- *B2 Approved paying the sales tax associated with the upgrade of the Oracle Financial System and approved extending the original loan repayment period by 2 months to cover the additional cost associated with the sales tax 2004-705
- *B3 Approved the Revised Voluntary Time Bank for Catastrophic Illness or Injury 2004-706
- *B4 Accepted the FY 2004 Emergency Management Performance Grant Program funds for emergency preparedness from the Governor’s Office of Emergency Services in the amount of \$88,925; and, approved the resolution designating the Director, the Assistant Director, or the Program Manager of the Office of Emergency Services as agents of the County that are authorized to execute any actions necessary for the purpose of obtaining Federal financial assistance for emergency preparedness provided by the grant 2004-707
- *B5 Approved the renewal of six contracts with the California Department of Education for administration of childcare and development block grants, and authorized the Director of CSA, or his Assistant Director Designee, to sign these contracts and any amendments not to exceed the individual contracted amount – CSA 2004-708
- *B6 Amended the Salary and Position Allocation Resolution to create a new classification of Executive Director of the Children and Families Commission; amended the Salary and Position Allocation Resolution to re-title the Manager IV position in the Commission’s office to the new classification of Executive Director; classified the Executive Director position as management (Unit M); established the salary of the Executive Director as \$105,102.40 annually; and, established 6/12/04 as the effective date of these changes – Children & Families Commission 2004-709
- *B7 Authorized HSA to accept continued funding from the Department of Health Services – Community Challenge Grant Program for FY 2004/05 for the Teen Pregnancy Prevention Project; and, authorized the HSA Managing Director, or her Designee, to accept these grant funds and sign the grant agreement amendment – HSA 2004-710
- *B8 Authorized HSA to enter into an agreement with Golden Valley Health Centers and with Oak Valley Hospital for the provision of medical services for Healthy Cubs (uninsured children) beneficiaries; and, authorized the HSA Managing Director, or her Designee, to execute the agreements – HSA 2004-711
- *B9 Approved an agreement with Sage Associates for preparation of a coding and billing compliance audit for HSA, and authorized the HSA Managing Director, or her Designee, to execute the agreement – HSA 2004-712
- *B10 Approved the closure of the Riverbank Library on Saturday, 10/9/04 during the Riverbank Cheese and Wine Exposition – Library 2004-713
- *B11 Authorized the County Librarian, or her Designee, to sign a contract with the Stanislaus Literacy Center for delivery of Adult Literacy Services in Stanislaus County 2004-714
- *D1 Rescinded all or a portion of Williamson Act Contract #1977-2884 (Central Avenue, Ceres area), and approved new contract pursuant to Minor Lot Line Adjustment Application 2004-19; authorized the Planning Director to execute new contracts; 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; and, 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 2004-721

Paul/Mayfield (3-0)(Grover and Simon abstained) ***C1** Awarded the contract for the 2004 County AC Overlay Project to George Reed, Inc., of Modesto, California, in the amount of \$819,939; directed the Auditor-Controller to increase Appropriations in the project account by \$839,939 and Estimated Revenue by \$516,002.79; and, authorized the Purchasing Agent to establish a contract with George Reed, Inc., of Modesto, California for the contract amount of \$819,939 – PW 2004-716

Continued to a future date item **B12** Approval of a Resolution in Support of the Mental Health Services Act, an Initiative to Appear on the November 2004 Ballot as Proposition 63 – BHRS 2004-717

Paul/Simon unan. ***A6** Proclaimed 10/16/04 as National Feral Cat Day 2004-715

Mayfield/Paul unan. **B13** Accepted the Child and Family System Improvement Plan and the recommendations for improvement – CSA 2004-718

Simon/Mayfield unan. **B14** Received a report from staff and the presentation of a proposed ordinance for the humane control of pet overpopulation from the Coalition of Cats and Dogs; received public comments regarding the issue of pet overpopulation in this County and proposed measures to assist in alleviating this problem; provided policy direction to the staff to prepare any proposed ordinance for future consideration, including consideration of ordinances enacted in other jurisdictions; directed staff to work with appropriate groups to prepare and distribute a draft of the proposed ordinance to interested parties and to hold a public meeting to receive comments on the staff proposed ordinance; and, directed the Department of Animal Services to return to the Board within sixty days to present the final draft ordinance for consideration by the Board – Animal Services 2004-719

Recessed at 9:14 p.m.

Reconvened at 9:25 p.m.

Grover/Mayfield unan. **B15** Received the update from the Department of Animal Services regarding the meeting with the rescue organizations, and directed the Department of Animal Services to return to the Board to present the recommendations for consideration by the Board – Animal Services 2004-720

Mayfield/Simon unan. **6:40pm** Conducted the public hearing and adopted the 2003-2004 Draft Consolidated Annual Performance Evaluation Report for the Community Development Block Grant Program – Planning 2004-722

Simon/Mayfield unan. **6:45pm** Finds that Planning and Community Development Department Ordinance Amendment #2004-03, relating to the regulation of corn mazes, hay mazes, and similar seasonal activities is exempt of the provisions of CEQA; and, introduced, waived the reading, and adopted Ordinance C.S. 894 – Planning ORD-54-S-7 2004-723 & 2004-724

Corr 1 Referred to CSA, a letter from the U.S.D.A. extending their congratulations to the Community Services Agency for their role in reducing the Food Stamp Program error rate.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Karmello Borashan; Todd Justin Green; and, Cheatra Tek, Nancy Tek and Loel Pon.

Supervisor Grover spoke regarding the Salida project study reports and noted that this matter needs to come back to the entire Board for direction. The Board members discussed this matter.

Chairman Caruso took a tour of the airport tower and had a discussion with staff regarding expansion of air delivery service. He suggested that the airport staff submit an application for funds from the County's Economic Development Bank.

Supervisor Simon asked the Interim CEO if the City-County Liaison Committee has discussed the funding of the airport. The Interim CEO said that the talks would continue with the City-County Liaison Committee.

The Interim CEO reported that Don Peterson, Stanislaus County's Legislative Advocate, is working with departments regarding the County's Legislative platform.

Adjourned at 9:54 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.)