

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

Regular Session

Tuesday

January 25, 2005

All Supervisors Present

Pledge of Allegiance to the Flag

“A Day in the Life...”, an Adult Protective Services presentation regarding elder abuse, was made by CSA.

The US Fish and Wildlife Service presented the recovery plan for Vernal Pool Species and an update on the California Tiger Salamander.

Mary Whetstone, President of Animal Services Auxiliary (ASA), spoke regarding the Animal Spay and Neuter program. She asked the Board on behalf of ASA, to use the Neuter Scooter in neighborhoods on weekends. ASA believes that using the Neuter Scooter and an educational outreach program will reduce the number of stray animals in the County.

Robert Stanford, President of Local Black.com (a civil rights organization) spoke regarding discrimination against people of color that live in west and south Modesto by law enforcement.

DeeDee De'Adamo, Senior Advisor for Congressman Cardoza, spoke regarding the Endangered Species Act. She noted that Congressman Cardoza is requesting that the US Fish and Wildlife Service adopt a recovery plan before they designate an endangered species. She also noted that the Congressman disagrees that the recovery plan is voluntary in nature, but instead regulatory in practice.

Robert Uram, Attorney, commended the Board for their interest in critical habitats. He also disagrees with the US Fish and Wildlife Service, and stated that the recovery plan is not voluntary but is instead regulatory.

John Roen spoke regarding a portion of his land that has been designated as critical habitat. He asked how this designation would affect his ability to farm his land. Ron Freitas, Director of Planning and Community Development agreed to meet with Mr. Roen to answer his questions.

Bill Beyer noted that his family ranch, located in the northern portion of the County, has been included in the designated habitat by the US Fish and Wildlife Service. He raised concerns regarding this designation, and noted that Merced County has larger ranches and conservation easements that would be a more logical choice for designated habitat.

Simon/Mayfield unan. Adopted the consent calendar after removing from consent item ***D1** Approval of Vesting Tentative Map Application No. 2004-06, Pirrone Business Center

***A1** Approved the minutes of 1/11/05

***A2a** Accepted the resignation of Jeffrey Lambaren from the IHSS Advisory Committee 2005-52

***A2b** Accepted the resignation of Patricia Dimond from the State Council on Developmental Disabilities, Area Board 6 2005-53

***A2c** Accepted the resignation of Sylvia Lopez from the Stanislaus County Equal Rights Commission 2005-54

- *A3a Accepted the vacancy on the Building Code Appeals Board 2005-55
- *A3b Accepted the vacancy on the Commission on Aging 2005-56
- *A4a Appointed Carl “Tony” Ott to the East Side Mosquito Abatement District Board 2005-57
- *A4b Appointed George Britton to the Emergency Medical Services Committee 2005-58
- *A5 Approved the 2005 Stanislaus County Board of Supervisors Committee Assignment List 2005-59
- *A6 Set a public hearing on 3/1/05 at 9:25 a.m. to consider an Appeal of the Planning Commission's Conditional Approval of Use Permit 2002-24 - Silveria Organic Material Packaging/Composting Facility, regarding Condition No. 29 which requires Oakdale Irrigation District Easements 2005-60
- *A7 Proclaimed the week of 3/6/05 - 3/12/05 as Problem Gambling Awareness Week 2005-61
- *B1 Approved the Appropriations (Budgetary) Limit for FY 2004-2005; approved the General Operating County limit of \$221,424,792 using the population and inflation methodology; and, approved limits for applicable Lighting Districts governed by the Board – Auditor-Controller 2005-62
- *B2 Approved the Annual Equal Rights Report for 2003-2004 2005-63
- *B3 Approved the Annual Equal Rights/Non-Discrimination Commitment Statement and authorized the Chairman and the CEO to sign the statement 2005-64
- *B4 Authorized the Chairman to send a letter to the Chair and Executive Officer of Region 5 of the California Regional Water Quality Control Board requesting a waiver of the Waste Discharge Requirements and reports of Waste Discharge for the re-use of food processing by-products in Stanislaus County as these practices are in the public interest and the discharges do not pose a significant threat to water quality – DER 2005-65
- *B5 Authorized DER to sponsor the San Joaquin Valley Air Pollution Control District “Clean Green Yard Machines” Lawnmower Incentive Program and authorized the Interim Director to donate \$10,000 to the “Clean Green Yard Machines” Lawnmower Incentive Program – DER 2005-66
- *B6 Approved the Underground Storage Tank Local Oversight Program Contract, Contract # 04-047-250-0, with the State Water Resources Control Board; authorized the Interim Director, or the Interim Director Designee, to sign the contract; and, authorized the Interim Director, or the Interim Director Designee, to sign any future amendments to the contract not to exceed the original contract amount – DER 2005-67
- *B7 Approved the State Department of Health AIDS Master Agreement and MOU #04-35388 for 7/1/04 – 6/30/07 and authorized the HSA Managing Director, or her Designee, to sign and execute the contract and MOU – HSA 2005-68
- *B8 Approved the appointment of Deirdre E. McGrath to the position of Deputy County Counsel V in the County Counsel’s Office at a salary above the midpoint of the Band which is \$116,560 annually 2005-69
- *B9 Approved changes to Article 13 and 14 of the Stanislaus County Employees’ Retirement Association (StanCERA) by-laws as approved by the Retirement Board on 12/8/04 BD-36-A-10 2005-70
- *B10 Authorized the Department of Animal Services to accept grant funds from the Humane Society of the United States for pet parenting classes in Spanish and authorized the Auditor-Controller to increase Appropriations and Revenue for the Department of Animal Services in the amount of \$5,000 2005-71
- *C1 Approved the purchase agreement for the road right-of-way at the southeast corner of the Intersection of Geer Road and Keyes Road for the Geer Road and Keyes Road Intersection Improvement Project; authorized the Chairman to execute the agreement; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$29,000.00 payable to Fidelity National Title- PW 2005-72

O'Brien/DeMartini (4-0)(Grover abstained) ***D1** Accepted the Planning Commission's recommendation and approved Vesting Tentative Map Application #2004-06, Pirrone Business Center – Planning 2005-73

Simon/O'Brien unan. **B11** Approved the report acknowledging the holding period for the adoptable owner surrendered animals; adopted the CEO's recommendation to continue the current policy for adoptable owner surrendered animals; and, authorized the CEO to issue a RFP for a needs assessment on the future of an Animal Services Facility 2005-74

Mayfield/O'Brien unan. **B12** Approved the Clarification of Indemnification Rights between Stanislaus County and Doctors Medical Center (DMC) and authorized the BHRS Director to sign the Clarification of Indemnification Rights – BHRS 2005-75

Recessed at 10:38a.m.

Reconvened at 10:46 a.m.

O'Brien/Mayfield unan. **B13** Approved a request from the Stanislaus Consolidated Fire Protection District for an additional limited advance of 2004/05 District Revenues not to exceed the 85% limit of District Revenues for FY 2004/05 consistent with Government Code §20310; approved an advance of future District Revenues in FY 2005/06 to be advanced on 7/1/05, if needed for the District loan; received an update from staff regarding the financial status of the District; and, authorized the CEO to finalize and execute all necessary agreements and conditions approved by the Board associated with any further advance of funds DF-20-A-4 2005-76

Simon/Mayfield unan. **D2** The Board received an update of the Salida Community Plan planning efforts, and approved the amended recommendations as follows: re-affirmed a commitment to the original plan, and directed staff to a) return to the Salida community with a series of workshops designed to provide information regarding the Salida Community Plan, and solicit input from community members regarding their goals and objectives for Salida, and b) return to the Board within 120 days with the results of those workshops and a course of action for continuation of the Salida planning process, with plan alternatives that consider infrastructure, funding and transportation issues, and a recommended budget for future planning efforts 2005-77

Corr 1 Referred to DER, a copy of the 2004 Fire/Life Safety Inspection Report for the Stanislaus County Public Safety Center.

Corr 2 Referred to the Sheriff's Department, a Fact Sheet from the U. S. Department of Justice regarding the Census of Publicly Funded Forensic Crime Laboratories.

Corr 3 Referred to the Department of Planning and Community Development, a letter from the Patterson Joint Unified School District regarding the acquisition of property for a new high school on the northwest corner of Zacharias and Baldwin Roads in an unincorporated area of the County.

Corr 4 Referred to the Department of Planning and Community Development, a letter from the California Oak Foundation regarding SB 1334 which places mitigation standards for loss of oak woodlands habitat in the California Environmental Quality Act (CEQA).

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Nicolas Huerta; Richard A. Wessling; Charlotte Beck; Farmers Insurance for their

insured Christine Steenburgh; Karl Hellested; Kenneth Gardner; Tabitha Skaria; Frederick Moreira; Roberta Tavares; and, Gary Stevens.

Supervisor Mayfield gave a report to the Board on the recent San Joaquin Valley Air Pollution Control District's meeting where a new rule was considered that would further regulate the oil industry's air standards. The Air Board did not approve the new rule.

The CEO reported that at the next BOS meeting, Don Peterson would make a presentation on the County's 2005 Legislative Platform.

Adjourned at 1:28 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.)