

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

Regular Session

Tuesday

April 12, 2005

All Supervisors Present

Pledge of Allegiance to the Flag

A presentation was given by Karen Williams regarding the ReadingWorks Program, a Partnership between the Stanislaus County Library and the Stanislaus Literacy Center.

The Chairman presented a proclamation for Victims' Rights Week to Belinda Rollicheck, Program Coordinator for the District Attorney's Victims' Rights Program.

Mayfield/Simon unan. Adopted the consent calendar

- \*A1 Approved the minutes of 4/5/05
- \*A2 Proclaimed 5/1/05 as Law Day in Stanislaus County 2005-255
- \*A3 Commended Seang Seng, M.D. as the 2005 Recipient of the John Darroch Memorial Award 2005-256
- \*B1 Accepted the contribution from the Salida Development Group to cover a portion of the development planning costs for the community of Salida and approved an amendment to the agreement for financial planning with the Goodwin Group 2005-257
- \*B2 Approved a two-year contract between the Victims' Compensation and Government Claims Board, and the DA's office for tracking, researching and reporting on restitution to victims of violent crimes in the amount of \$117,312; authorized the DA to sign the contract and approve the grant award agreement including any extension or amendments; and, approved a formal resolution to be submitted to the Victims' Compensation and Government Claims accepting the grant award – DA 2005-258
- \*B3 Accepted additional FY 2004/05 funding for the Rural Crimes Task Force from the State Office of Emergency Services in the amount of \$130,148; directed the Auditor-Controller to adjust the budget accordingly; and, approved the purchase of two vehicles (a 4x4 pickup truck and a 4x4 sports utility vehicle) as provided in the grant award for use by the Sheriff's Department deputies assigned to the Rural Crimes Task Force – DA 2005-259
- \*B4 Authorized the Director of DER, or her Designee, to submit an application to the US Environmental Protection Agency for local groundwater protection contract funds to implement the Underground Injection Control Program – DER 2005-260
- \*B5 Authorized the Public Defender to execute an agreement with the Administrative Office of the Courts to provide legal representation in Juvenile Dependency Matters – Public Defender 2005-261
- \*B6 Authorized the Sheriff to purchase various equipment and to fund training costs; authorized the use of \$30,390 in Assets Forfeiture funds, with the return of any excess funds to the trust if necessary; authorized the Sheriff to purchase an evidence drying cabinet, a sonic weapon cleaner, 7 computers and a printer for the Empire Substation, and partial funding for attendance at the San Diego Explorer Academy; and, directed the Auditor-Controller to make the necessary financial adjustments to the Dedicated Funds Budget Unit – Sheriff 2005-262

O'Brien/DeMartini unan. **B7** Approved the Annual Report on the Community Wide Technology Strategy - Connecting Stanislaus 2005-263

**Recessed to sit as the Stanislaus County Redevelopment Agency at 9:34 a.m.**

Simon/Mayfield (3-0)(O'Brien and DeMartini abstained) Approved the consent calendar

**9:25am (\*III-A)** Approved the minutes of 12/14/04

**9:25am (\*VI-A)** Authorized the Executive Director to retain the services of Charles E. Strand of Turlock, to conduct the 2004/05 Redevelopment Agency audit and prepare the necessary reporting documents for submittal to the office of the State Controller 2005-265

**9:25am (\*VI-B)** Authorized the repayment of a May 2004 Stanislaus County loan principle of \$400,000 and interest accrued thereon; authorized the application of a loan in the amount of \$400,000 subject to the terms and conditions set forth in the promissory note between the Redevelopment Agency and the Stanislaus County Capital Improvements Financial Authority dated September 24, 1990; and, directed the Auditor-Controller to accept repayment and to allocate \$400,000 from the General Fund to the Redevelopment Agency secured by the promissory note 2005-266

**9:25am (\*VI-C)** Accepted the California Housing Finance Agency Loan Agreement; authorized the Executive Director to sign the Agreement; and, increased the loan limits to households from \$50,000 to \$75,000 2005-267

**9:25am (\*VI-D)** Authorized a not-to-exceed increase of \$12,500 to the Crows Landing Community Services District Water Distribution System Rehabilitation Project 2005-268

Simon/O'Brien unan. **9:25 a.m. (VI-E)** Adopted the \$2.436 million 2005/2006 Fiscal Year Budget and authorized staff to take all necessary steps to implement the 2005/2006 Budget 2005-269

**Reconvened to sit as the Stanislaus County Board of Supervisors at 9:52 a.m.**

Simon/O'Brien unan. **9:30am** Based on testimony received, staff report, materials provided to the Board, and Board comments, the Board denied the appeal and upheld the Planning Commission's decision of denial of Use Permit Application #2004-29, D.B. Truck Body Parking, a request to operate a secured truck and trailer parking lot for up to 23 trucks on the site of an existing agricultural repair service (Use Permit #2003-36) on approximately 3.5 to 4± acres of a 10.12± acre property located in the A-2-40 (General Agriculture) zoning district at 4125 Beckwith Road in the Modesto/Salida area; the Board finds that the evidence indicates that this business does not meet the Zoning Ordinance definition, nor the intent of the Ordinance Code, to be considered an agricultural service establishment, this is based upon the fact that a significant amount of the business involves working on vehicles which clearly are not agricultural in nature; finds that there is not sufficient evidence to allow the Board to establish that all of the required use permit findings, as contained in the staff report to the Board can be made; specifically, the Board finds it is not "necessary and desirable" that this business be located in the A-2-40 zoning district; and, denied Use Permit Application #2004-29 due to the inability to be able to make all of the findings required to grant approval of the permit and because it does not meet criteria to be an agricultural service establishment – Planning 2005-270

Mayfield/Simon unan. **B8** Accepted the Quarterly Update on Capital Improvement Projects - Chief Executive Office 2005-264

**Corr 1** The Board accepted, with regrets, a letter from Dan Souza, BHRS Director, announcing his retirement from County service effective August 6, 2005, and congratulated him on his 30 years of service.

**Corr 2** Referred to the Sheriff, DA, Chief Probation Officer and Public Defender, a letter from State Senator Charles Pochigian regarding the defeat of SB 453, which would have restored the funding and ensured continuation of the Central Valley Rural Crime Prevention Program.

**Corr 3** Referred to the Health Services Agency and Chief Executive Office - Risk Management Division, a copy of *The Economic Costs of Physical Inactivity, Obesity, and Overweight in California Adults: Health Care, Workers' Compensation and Lost Productivity* report from the Health Education Council.

**Corr 4** Referred to DER, Form 10-K from Covanta Energy Corporation for fiscal year ending December 31, 2004.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claim: Robert D. Ashton.

Chairman Grover noted that at the next LAFCO meeting, the two Board member representatives would need to abstain due to a conflict of interest, and the Alternate Member will be out of town. He asked County Counsel what options the Board has to ensure that they have representation at this meeting. County Counsel responded that he will research this issue and bring recommendations back to the Board next week.

Supervisor DeMartini spoke regarding the defeat of SB 453, which would have restored the funding and ensured continuation of the Central Valley Rural Crime Prevention Program. He noted that this has been a successful program and that it is unfortunate that this bill was defeated.

DeMartini/O'Brien unan. **Legislative A.** Authorized support for AB 1033 (Daucher) Property Tax Equity Legislation 2005-271

The CEO announced that there will be public meeting regarding the Pet Overpopulation Ordinance tomorrow, 4/13/05 at 6:00 p.m. at Harvest Hall, 3800 Cornucopia Way in Modesto, and all are invited to attend.

The Chairman announced that following today's Board of Supervisors meeting there will be a tour of downtown Modesto construction sites.

Adjourned to closed session at 11:11 a.m. for Public Employment: Performance Evaluation – County Chief Executive Officer. Government Code §54954.5(e).

**Closed Session Announcement:** Simon/Grover unan. After conducting a 6-month performance evaluation of Richard Robinson, CEO, the Board determined that he is doing a good job; and, authorized a 5% increase in salary to \$187,430.88 annually 2005-272

Adjourned at 11:48 a.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.)