

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

October 18, 2005

Mayfield/Simon unan. Adopted the consent calendar

- \***A1** Approved the minutes of 10/11/05
- \***A2** Accepted the resignation of Maria Velasquez from the Stanislaus County Children's Council  
2005-836
- \***A3** Appointed Madelyn Schlaepfer, Ph.D. and Doris Foster to the Stanislaus County Children's  
Council  
2005-837
- \***A4** Approved the request from the Crowslanding Road of Stanislaus County Businesses United  
for use of a multipurpose room at the Stanislaus County Agricultural Center on  
Wednesday, 10/26/05  
2005-838
- \***A5a** Proclaimed October 23-31, 2005 as Red Ribbon Week  
2005-839
- \***A5b** Proclaimed November 2005 as Adoption and Permanency Awareness Month  
2005-840
- \***B1** Approved a contract with the Stanislaus County Children and Families Commission for the  
Children and Families Child Passenger Safety Program from 8/23/05 through 6/30/08, and  
any amendments thereafter; and, authorized the HSA Managing Director, or her Designee,  
to sign and execute the contract – HSA  
2005-841
- \***B2** Approved the extension to the agreement with ESIS, Inc. for the liability claims management  
services until 11/30/05 – Risk Management  
2005-841
- \***B3** Authorized the Auditor-Controller to increase the Sheriff's Public Administrator Revolving  
Fund for Estate Administration Costs from \$5,000 to \$10,000 – Sheriff  
2005-843
- \***B4** Authorized the Sheriff to use Vehicle Theft Unit funds to purchase laptop computers and night  
vision equipment; authorized the Sheriff to contract with Turlock Police Department to  
provide law enforcement services to the Vehicle Theft Unit; and, directed the Auditor-  
Controller to increase appropriations in the Vehicle Theft Unit Fund 1715 for a total  
amount of \$62,750 – Sheriff  
2005-844
- \***B5** Approved the Public Facilities Fees Annual Financial Report for fiscal year ending 6/30/05 –  
Auditor-Controller  
M-64-D-10  
2005-845
- \***B6** Authorized the Purchasing Division to issue a Request for Proposal (RFP), on behalf of the  
County, to solicit proposals for the provision of a Voice Over Internet Protocol (VOIP)  
Phone System – SBT  
2005-846

O'Brien/Mayfield unan. **B7** Approved the Stanislaus County Community Services and Supports Three-Year Program and Expenditure Plan (Mental Health Services Act); authorized the BHRS Director to submit the Plan to the State Department of Mental Health; directed the Auditor-Controller to increase appropriations and estimated revenue for FY 2005/06 for the Mental Health Services Act Budget Unit in the amount of \$1,050,000; and, amended the Salary and Position Allocation Resolution to reflect the changes as detailed in the Staffing Impact Section of this item – BHRS  
2005-847

Mayfield/Simon unan. **E1** Introduced and waived the first reading of Ordinance C.S. 937 adding §11.42.010 Impounding Vehicles and §9.12.120 Reward for Information Leading to Arrest and Conviction for Unlawful Dumping to the Stanislaus County Code; and, the Board made and adopted the

following findings: (1) The unlawful dumping of refuse on the streets and upon private property is a continuing problem for County residents that has reached epidemic proportions in recent years. Illegal dumping poses a danger to public health and safety, decreases property values, and is a nuisance; (2) Illegal dumping affects all County residents, but is especially burdensome upon the agricultural areas, which are prime targets of illegal dumping because of their isolation. The economic consequences of illegal dumping upon growers can be enormous, as they are responsible for the cost of cleaning up the refuse and responsible for the dumping and recycling fees; (3) The cost to the County is rising as well. In 2000, the County spent \$19,332 to dispose of illegally dumped refuse, which included 378 tons of refuse, 8 tons of refrigerators, and 4,044 tires; (4) In 2002, the cost to the County to dispose of illegally dumped refuse was \$168,842, which included 562 tons of refuse, 14 tons of refrigerators, and 5,718 tons of tires; (5) In 2004, the cost to the County was \$384,843, which included 717 tons of refuse, 147 refrigerators and other “white goods”, 8,180 tires, and payment for the cost of Honor Farm crews and two Deputy Sheriffs for the Illegal Dumping Task Force; (6) Through August 2005, the County has paid \$378,619 to pick up 506 tons of refuse, 86 refrigerators and other “white goods”, 3,033 tires, and payment of the cost of Honor Farm crews and two Deputy Sheriffs for the Illegal Dumping Task Force; (7) California Vehicle Code §23111, 23112, and 23113(a) prohibits dumping of refuse upon the streets and highways of the state. However, such conduct is only an infraction punishable by a maximum fine of only \$1,000 and an order to pick up trash or clean graffiti for 24 hours. First time offenders can be fined as little as \$100 and ordered to perform only 8 hours of clean up; (8) California Penal Code §374.3, likewise prohibits dumping of refuse on public property and roads, unlike the Vehicle Code on private property and private roads as well. Again, the conduct is punishable only as an infraction, with a maximum fine for the third conviction of only \$2,500 and an order for restitution for the cost to remove the refuse and 12 hours of picking up trash. First time offenders can be fined as little as \$250; (9) Section 374.3 was recently amended in 2004 by AB 1802 to increase the fines for dumping commercial quantities (waste generated in the course of a trade, business, profession, or occupation, or an amount equal to one cubic yard), which is a misdemeanor, to a maximum penalty of \$3,000 for the first conviction and \$10,000 for the third conviction. Previously, the fines were much lower with a maximum penalty of \$1,500 for the first conviction and \$4,000 for the third conviction. However, even with the increased penalties, this is not much of a deterrent to those who reap long illegal profits by dumping on our roads and our properties; (10) Furthermore, enforcement of these statutes is very difficult. A successful prosecution often depends on an eyewitness to the dumping coming forward. Unfortunately, this crime often goes unreported. To encourage reporting, Penal Code §374 provides for a reward for informants. However, the amount of the reward is limited to fifty percent of the fine collected from a defendant convicted under the Penal Code; (11) The Vehicle Code and the Penal Code do not provide a sufficient deterrent to those who unlawfully dump rubbish along our roads and upon our property and does not provide a sufficient incentive for reporting. Therefore, the Board finds that additional local regulations which aid and are in furtherance of the Vehicle Code and Penal Code in deterring the unlawful dumping of rubbish upon the County’s roads and upon the private property of County residents is necessary; (12) Vehicles are an indispensable instrumentality through which unlawful dumping is accomplished. The Board finds that temporarily removing such vehicles from the possession of those responsible by impounding the vehicles may result in a greater deterrent to unlawful dumping. §11.42 recognizes a peace officer's authority to impound a vehicle used in the commission of a violation of the Vehicle Code and Penal Code sections relating to unlawful dumping; and, (13) The Board further finds that increased rewards for those who report illegal dumping will likely aid in the arrest and conviction of those responsible – County Counsel

ORD-54-X-7 2005-848

**Recessed at 7:12 p.m.**

**Reconvened at 7:23 p.m.**

Mayfield/Simon unan. **6:40 pm** Conducted the public hearing, pursuant to §1442.5 of the Health and Safety Code; approved the reduction in patient volumes to a minimum of 207,000 annual patient visits, the elimination of the direct provision of mammography services, speech therapy services, dental services, and the elimination of eligibility for undocumented immigrants and temporary non-citizen residents under the Medically Indigent Adult (MIA) Program; established FY 2005/06 to be the implementation period for an incremental reduction in patient visit volumes; established the effective date of the elimination of mammography, speech therapy, dental services, and the change in eligibility requirements for the MIA Program to be effective 10/27/05; authorized the reduction in force for three positions in the HSA Dental Clinic effective 10/27/05; and, authorized the CEO, HSA Managing Director, and all other officers, employees, and agents of the County to take all actions necessary to implement the Board's decision  
– HSA 2005-849

**Corr 1** Referred to the CEO-Office of Emergency Services, and the Agricultural Commissioner and Sealer of Weights and Measures, a letter from the Governor's Office of Emergency Services regarding the U. S. Small Business Administration's declaration of a disaster area for Stanislaus County and the contiguous Counties of Alameda, Calaveras, Mariposa, Merced, San Joaquin, Santa Clara and Tuolumne due to the agricultural losses caused by excessive rainfall and hail that occurred April 20 through May 15, 2005.

**Corr 2** The Chairman volunteered to represent the Board of Supervisors as a member of the Ballot Processing Panel for the Special Statewide Consolidated Election, on Tuesday, 11/8/05.

**Corr 3** Referred to the CEO-Office of Emergency Services, Department of Planning and Community Development, Department of Public Works, DER, and the Agricultural Commissioner and Sealer of Weights and Measures, a Notice for Public Comment regarding the Vierra Flood Protection and Environmental Enhancement Project Plan to Minimize Impacts on Adjacent Landowners during the time period of 10/13/05 until 10/28/05.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Randa Sharkawy; Western United Insurance for their insured Gonzalo Perez Castro; Kevin J. Gause; and, Catherine Hill.

The CEO introduced David Jones, the new Communications Manger and Director of Legislative Affairs for the County. He also reported that meetings have begun with a firm that will represent the County in Washington D.C., and he anticipates that an agreement will come before the Board in early November.

Adjourned at 9:12 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.)