

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

Regular Session

Tuesday

February 28, 2006

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held in memory of slain California Highway Patrol Officer Earl Scott.

A presentation was given by Liz Gimble of the United Way regarding the 2-1-1 Stanislaus HelpLine.

Robert Stanford spoke regarding the recent death of CHP Officer Scott. He noted that the 2/14/06 Board of Supervisors' televised meeting was not rebroadcast by the cable company. He also requested additional funding for the Sheriff's department.

David Geer spoke regarding the funeral he attended for fallen soldier Chad Gonsalves. He noted that the American flag should always be placed to the left of any other flags.

Grover/Mayfield unan. Adopted the consent calendar

- \*A1 Approved the minutes of 2/14/06
- \*A2a Appointed Denise Hunt to the Children and Families Commission 2006-119
- \*A2b Appointed Kimball Dreiling and Sam Cuellar to the Stanislaus Economic Development and Workforce Alliance 2006-120
- \*A2c Appointed W. Richard Heckendorf to the Fire Code Board of Appeals 2006-121
- \*A2d Appointed Thomas Burns to the Emergency Medical Services Committee 2006-122
- \*A2e Appointed Joan Blackwell to the In-Home Supportive Services Advisory Committee 2006-123
- \*A3 Accepted the resignation of Beverly Hay from the Advisory Board on Substance Abuse Programs 2006-124
- \*A4 Approved the Conflict of Interest Code for the Stanislaus County Fire Authority DF-21-3 2006-125
- \*A5 Approved the request from the Carole Sund/Carrington Memorial Foundation for use of the Courthouse Lawn on Saturday, 3/11/06 for 8<sup>th</sup> Annual Vigil of Hope March 2006-126
- \*A6 Approved the request from the Calavary Temple Nineveh Outreach for use of Oregon Park on every Saturday, from 7/1/06 through 12/9/06 to provide groceries and clothing to the community 2006-127
- \*A7 Approved a commendation for Patricia Gillihan upon her retirement from the Stanislaus County Chief Executive Office 2006-128
- \*B1 Approved the provisions contained within the tentative labor agreement between the County and the Stanislaus County Deputy Sheriffs' Association representing the Sworn Deputy Sheriffs' Bargaining Unit; approved the provisions contained within the tentative labor agreement reached between the County and the Stanislaus County Deputy Sheriffs' Association representing the Custodial Deputy Sheriffs' Bargaining Unit; amended the Salary and Position Allocation Resolution to reflect the changes included in the tentative agreements; and, authorized the Chairman and all parties to sign the agreements 2006-129
- \*B2 Approved the Stanislaus County Whistleblower Policy 2006-130

- \*B3 Established the Integrated Criminal Justice Information System (ICJIS) Commission and approved the ICJIS Commission by-laws BD-80-2 2006-131
- \*B4 Authorized the CEO to negotiate and execute an agreement with the Superior Court of California, Stanislaus County, to provide parking at the 12th Street parking structure 2006-132
- \*B5 Authorized the Director of DER, or her Designee, to sign and extend the MOU, from 1/1/2007 through 12/31/2011, with the cities of Modesto, Oakdale, and Riverbank, and the Modesto and Oakdale Irrigation Districts relating to the formation and operation of the Stanislaus and Tuolumne Rivers Groundwater Basin Association – DER C-1-A-14; C-6-I-8; C-7-A-24; DI-01-21; DI-04-24 2006-133
- \*B6 Appointed the 2006 Discipline/Equal Employment Opportunity (EEO) Grievance Appeals Board: Jerry Powers, as the Department Head Member; Bernie Fairfield, County Attorney’s Association (CAA) as the Employee Member; and Local Attorney Darrell Champion to serve as the Chairperson; appointed alternates to the panel as follows: local attorneys Dave Walker and Jeffrey Olson to serve as Alternate Chairpersons; Sonya Harrigfeld, Director of DER/Parks and Recreation as the Department Head alternate; Steve Macedo (Deputy Sheriff’s Association) as the First Alternate Employee Member, and Harrison James (Stanislaus County Employees Association) as the Second Alternate Employee member, and John Heilman (Deputy Sheriff’s Association) as the Third Alternate, Kathi Reed (Stanislaus County Employees Association) as Fourth Alternate, and Tom Brennan, (County Attorney’s Association) as the Fifth Alternate 2006-134
- \*B7 Authorized the City of Riverbank to be the Reuse Authority for the unincorporated territory known as the Riverbank Ammunition Plant, and appointed District One Supervisor William O’Brien as the County representative to the Reuse Authority C-1-A-15 2006-135
- \*B8 Authorized the CEO to negotiate and execute agreements with the recommended financing team members including the rating agency, the underwriter, bond counsel, disclosure counsel, underwriter’s counsel, the financial advisor, and the population and consumption consultant; the recommended professional service contractors related to the issuance of the County’s Tobacco Settlement Bonds, Series 2006, are: Kelling, Northcross and Nobriga as the Financial Advisor; Citigroup Global Markets as Underwriter; Sidley Austin Brown and Wood as Bond Counsel; Hawkins Delafield & Wood as Disclosure Counsel; Nixon Peabody as the Underwriter’s Counsel; Fitch Ratings as the Rating Agency; and, Global Insight as the Population and Consumption Consultant 2006-136
- \*B9 Approved the demolition of the uninhabitable structures by the Stanislaus Consolidated Fire Protection District for live fire training purposes, subject to Stanislaus County’s declaration of property ownership and Stanislaus Consolidated Fire’s declaration of holding the County harmless for anything arising out of Consolidated Fire’s actions during the live fire training at the County-owned Triangle Ranch Property located at 612 Triangle Ranch Road, Modesto; and, authorized County staff to acquire bids for the demolition of the remaining rubble, septic tanks, and foundations, and award and execute contract to clear the site DF-20-A-5 2006-137
- \*B10 Approved the temporary closure of Woodward Reservoir Regional Park from 3/15/06 to 5/15/06 for construction related to various improvement projects; and, authorized the Director of the Department of Parks and Recreation to re-open Woodward Reservoir Regional Park upon completion of construction, and in no event later than 5/15/06 – Parks and Recreation 2006-138
- \*B11 Approved the plans and specifications for the Woodward Reservoir Wastewater Facilities upgrade; directed the Public Works staff to mail the Invitation to Bidders to trade journals as required by law; and, directed the Clerk to publish an Invitation to Bidders for the

project as required by law, and set the deadline for submission of bids as 4/5/06 prior to 2:00 p.m. – Parks and Recreation 2006-139

**\*D1** Approved Salida Road account expenditure to Collins Electrical Company, Inc.; and, authorized the Auditor-Controller to issue a warrant in the amount of \$12,778 to Collins Electrical Company – Planning 2006-140

**\*D2** Rescinded all or a portion of Williamson Act Contract #1978-3317 (Whitmore Avenue, Denair Area); approved a new contract pursuant to Minor Lot Line Adjustment Application 2005-33 (Zehrun) and 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 2006-141

Mayfield/Grover unan. **B12** Accepted the CEO's Mid-Year Financial Report for FY 2005/06; authorized the CEO to make the necessary budget adjustments to achieve an appropriate fund balance at the end of FY 2005/06; authorized the use of \$798,800 in Appropriations for Contingencies as recommended in the Mid-Year Financial Report; amended the Salary and Position Allocation Resolution as outlined in the Staffing Impacts section effective the start of the 3/5/06 pay period, unless specified otherwise; and, approved contracts and/or agreements listed in the report in cumulative amounts of \$100,000 or greater as of 7/1/03 2006-142

Grover/O'Brien unan. **C1** Adopted the results of the ballot procedure (Support votes: 77; Protest votes: 21; Incomplete ballots: 7) for formation of the Paradise South Landscape and Lighting District in compliance with Proposition 218; find that all of the parcels within the Paradise South Landscape and Lighting District will receive equal benefits from the formation of the district; form the Paradise South Landscape and Lighting District and confirm the boundary of the district as being those described on Exhibits A and B; directed the Department of Public Works to file the formation with the California State Board of Equalization; ordered the installation of streetlights; confirmed and approved the method for calculating the amount of the annual assessment that will be used to pay for street lighting services; set the 2006/2007 annual assessment at \$39.26 per parcel, the parcels subject to the annual assessment are shown on Exhibit C; authorized the Auditor-Controller to add the annual assessment to the 2006/2007 tax roll; and, authorized the Auditor-Controller to establish a fund for the Paradise South Landscape and Lighting District – PW DLA-03-3 2006-143

DeMartini/Grover unan. **9:25am** Conducted a public hearing to consider an amendment to the Stanislaus County Non-Disposal Facility Element to include Sun Dry Products, Inc. and Central Valley Agricultural Grinding; adopted a resolution to approve the Amendment to the Stanislaus County Non-Disposal Facility Element; and, authorized the Director of DER, or her Designee, to file the CEQA Notice of Exemption with the County Clerk Recorder's Office – DER 2006-144

**Corr 1** Referred to the CEO, a letter from the San Luis Obispo Board of Supervisors requesting support of the California Energy Commission’s recommendation to evaluate the long-term implications associated with the continuing accumulation of spent fuel at California’s operating nuclear power plants.

**Corr 2** Referred to BHRS, a publication from the Office of National Drug Control Policy entitled “Cities Without Drugs: The ‘Major Cities’ Guide to Reducing Substance Abuse in Your Community”.

**Corr 3** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Sonya Maher; Debbie Sanders; Leilani Garcia; Thomas D. Adams; Dewyn Roberts; Michael Wiesner; Raquel G. Hernandez; Chad M. Bricker; Joan Lambott; and, Dale Owen Jaye.

Supervisor DeMartini spoke regarding an upcoming bicycle event that plans on closing both lanes of Keyes Rd. for a couple of miles. He noted that the County was not notified of this event, and that it is not acceptable to close both lanes on Keyes Rd. He plans to contact the event sponsors.

The CEO reported that two weeks ago he, Supervisor O’Brien, Supervisor Grover, and David Jones, Director of Communications and Legislative Affairs, went on an overnight trip to Washington D.C. to meet with our Federal representatives. He noted that the countywide trip to Washington D.C. would be taking place in the second week of March.

Adjourned at 10:26 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.)