

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

Regular Session

Tuesday

June 27, 2006

All Supervisors Present

Pledge of Allegiance to the Flag

The CEO introduced Mike McFarland, Director of Animal Services, to the Board of Supervisors.

The Chairman presented a resolution proclaiming the week of 6/26/06 as Childhood Obesity Awareness Week in Stanislaus County.

Grover/Mayfield unan. Adopted the consent calendar after removing from consent item ***A3i** Approval of Appointment of Brian Genzoli, Bill Rice and Jack Wilkey to the Turlock Rural Fire Protection District Board

- *A1** Approved the minutes of 6/13/06
- *A2a** Appointed Raymond Castro, Anita Estrada Chapa, David Jones, Griselda Martinez and Darren Mendel Schafer to the South Modesto Municipal Advisory Council 2006-465
- *A2b** Appointed Flora Carter and Deborah Motty to the Empire Sanitary District Board 2006-466
- *A2c** Appointed William Latham to the 49-99 Library System Lay Advisory Board 2006-467
- *A3a** Reappointed Richard Holmer and John Fantazia to the Economic Development Action Committee 2006-468
- *A3b** Reappointed Sarah Bradley Huff and Joe S. Rocha to the Hills Ferry Cemetery District Board 2006-469
- *A3c** Reappointed Carol Davis, Richard B. Muniain and Lee Shearer to the Knights Ferry Cemetery District Board 2006-470
- *A3d** Reappointed Sherman Boone to the East Stanislaus Resource Conservation District Board 2006-471
- *A3e** Reappointed Al Enos, Douglas E. Souza and Jim Tavernas to the Denair Fire Protection District Board 2006-472
- *A3f** Reappointed Harold Agresti, William Christopher and James Higgins to the Keys Fire Protection District Board 2006-473
- *A3g** Reappointed Thomas Waterson, Ronald Brouhard, Scott Cole and Kristine Costa to the Mountain View Volunteer Fire Protection District Board 2006-474
- *A3h** Reappointed Walter Luihn to the Oakdale Rural Fire Protection District Board 2006-475
- *A3j** Reappointed Diana Haile and Manuel Vierra to the West Stanislaus Fire Protection District Board 2006-476
- *A3k** Reappointed Nick C. Blom, Doug Flora and Tom Ott to the Woodland Avenue Volunteer Fire Protection District Board 2006-477
- *A3l** Reappointed David Lopez to the Stanislaus County Free Library Advisory Board 2006-478
- *A3m** Reappointed Rowe Barney, Richard Gibson, Chris Hempleman, Ed Perry, Bridget A. L. Riddle, and Wayne Zipser to the Agricultural Advisory Board 2006-479
- *A3n** Reappointed Janeen Studley, Billie Taylor and Jeri Van Vooren to the Commission on Aging 2006-480
- *A3o** Reappointed Shirley Foerster, Betty Jean Morganti, Kimberly Kennard-Lyke, John J. Jacisin and Jack Marshall Waldorf to the Mental Health Board 2006-481

- ***A3p** Reappointed Judith Loretelli and Doris Foster to the Stanislaus County Children’s Council
2006-482
- ***A3q** Reappointed Barbarita Cuellar and Debbie Parr Noblitt to the Stanislaus Child Development
Local Planning Council 2006-483
- ***A4** Proclaimed the week of 7/16/06 – 7/22/06 as Probation Services Week 2006-484
- ***A5** Accepted the Clerk-Recorder’s Declaration of the Results of the State Primary Election held
Tuesday, 6/6/06 2006-485
- ***A6a** Approved request to consolidate the 11/7/06 Gubernatorial General Election with the General
Municipal Election and a Measure Relating to Affordable Rental Housing for Low-and
Moderate-Income Households and Individuals for the City of Riverbank 2006-486
- ***A6b** Approved request to consolidate the 11/7/06 Gubernatorial General Election with the General
Obligation Bond Measure Election for the City of Patterson 2006-487
- ***A6c** Approved request to consolidate the 11/7/06 Gubernatorial General Election with the
Municipal Election for the City of Newman 2006-488
- ***B1a** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances
at 1705 Dallas Street, Modesto, CA (CE No. 05-1296) – DER 2006-489
- ***B1b** Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances
at 9637 Rodden Road, Oakdale, CA (CE No. 06-258) – DER 2006-490
- ***B2** Adopted the decision of the Nuisance Abatement Hearing Board regarding approval of the
Administrative Civil Citation to abate the nuisance at 5055 Shoemake Avenue, Modesto,
CA (CE No. 06-218) – DER 2006-491
- ***B3** Approved the eighth status report of the emergency replacement of the Courthouse boiler
system – CEO 2006-492
- ***B4** Introduced and waived the first reading of Ordinance C.S. 961 amending §4.16.030 of the
Stanislaus County Code concerning sales and use tax pursuant to the revenue sharing
agreement with cities of Stanislaus County – CEO ORD-54-Z-10 2006-493
- ***B5** Approved the award of a contract for the Clerk-Recorder Tenant Improvements at 1021 I
Street, Modesto, to Barham, Inc. in the amount of \$166,684; approved the increase in
appropriations and estimated revenue for the Clerk-Recorder Tenant Improvements Project
in the amount of \$27,084; approved an increase in appropriations and estimated revenue of
\$22,375.20 for the Clerk-Recorder to transfer to the project; approved a transfer of
\$4,708.80 from residual funds left in the 1021 I Street Remodel Project; and, authorized
the Auditor-Controller to make the necessary budget adjustments – CEO 2006-494
- ***B6** Approved the FY 2006/07 renewal agreements for contracted program services with various
local providers; and, authorized the Director of the CSA, or his Assistant Director
Designee, to sign the agreements and any amendments not to exceed the original contract
amounts – CSA 2006-495
- ***B7** Approved an increase in FY 2005/06 appropriations and revenues for County Counsel and
authorized the Auditor-Controller to make the necessary budget adjustments – County
Counsel 2006-496
- ***B8** Authorized the Director of DER, or her Designee, to accept the additional \$1,833.00 funding
from the California Integrated Waste Management Board for FY 2006/07 Waste Tire
Enforcement Grant; and, authorized the Auditor-Controller to increase the grant
appropriations and estimated revenue in the amount of \$1,833 – DER 2006-497
- ***B9** Approved the California Department of Health Services contract for the continuation of the
Immunization Assistance Program for the period of 7/1/06 through 6/30/07; and,
authorized the HSA Interim Manager Director, or her Designee, to sign and execute the
contract – HSA 2006-498

- ***B10** Authorized the use of FY 2004 State Homeland Security Grant Program funds, previously approved for fixed asset procurements for the acquisition of a communications vehicle, to purchase communication equipment and security equipment; and, directed the Auditor-Controller to make the necessary changes – OES 2006-499
- ***B11** Approved proceeding with the Riverdale Park and Fishing Access Project; awarded the negotiated contract for the Riverdale Park and Fishing Access Project to PBM Construction, Inc. of Roseville, CA in the amount of \$640,276; authorized the GSA Director/Purchasing Agent to execute a contract with PBM Construction Inc. for the contract amount of \$640,276; authorized the Director of Parks and Recreation, or her Designee, to execute change orders in accordance with Public Contract Code §20142; and, upon completion, authorized the Director of Parks and Recreation, or her Designee, to accept the completed improvements and perform all necessary closeout activities – Parks and Recreation 2006-500
- ***B12** Changed the date of the Eleventh Annual Fireworks Celebration event from 7/4/06 to 7/3/06; authorized the Department of Parks and Recreation to hold the Eleventh Annual Fireworks Celebration on 7/3/06, at Woodward Reservoir Regional Park; and, authorized the Director of Parks and Recreation to support the Eleventh Annual Fireworks Celebration event and promote related activities – Parks and Recreation 2006-501
- ***B13** Authorized the transfer of funds in the amount of \$14,299 from the Parks and Recreation Department General Operating Budget to the Woodward Reservoir Saddle Dam Capital Project Budget to cover cost overruns; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$14,299 – Parks and Recreation 2006-502
- ***B14** Authorized the Sheriff to sign the agreement with the 38th District Fair Board for the Sheriff to provide security at the 2006 Stanislaus County Fair on behalf of the County 2006-503
- ***B15** Approved the addition of one Software Developer/Analyst III for StanCERA effective the first full pay period after Board approval; and, directed the CEO to amend the Salary and Position Allocation Resolution to add one Software Developer/Analyst III position 2006-504
- ***B16** Adopted the retirement contribution rates, rate of interest posting and revised actuarial assumptions for FY 2006/07 as recommended by the Board of Retirement; and, directed the Auditor-Controller to change the employer and employee retirement contribution rates for FY 2006/07 in accordance with the actuarial valuation of 6/30/05 on payroll checks dated 8/2/06 2006-505
- ***B17** Authorized the Auditor-Controller to issue checks totaling \$354,412.45 in claims for distribution of excess proceeds from the 3/2/05 Sale of Tax Defaulted Properties per Revenue and Taxation Code §4675 – T/TC 2006-506
- ***B18** Approved an amendment to extend for a period of three months, the agreement between the County of Stanislaus and Scenic Faculty Medical Group (SFMG) to provide administrative and teaching related services at the Stanislaus County Health Services Agency associated with the Agency's Family Practice Residency Program; and, authorized the HSA Interim Managing Director, or her designee, to sign the amendment extending the agreement for a three month period – HSA 2006-507
- ***B19** Approved notification to the State Department of Corrections of intent to renew the contract for emergency radio communications and access; and, authorized the Sheriff to sign the contract with the Department of Corrections when presented by the State – Sheriff 2006-508

- ***B20** Authorized the Director of Animal Services to execute a six-month extension to the agreements for animal services with the cities of Riverbank, Patterson, Waterford, Newman, Hughson and Ceres; and, authorized the Director of Animal Services to sign the amendments to the Animal Services Agreements with the cities – Animal Services
2006-509
- ***B21** Authorized the Director of the Department of Aging and Veterans Services (Area Agency on Aging) to sign grant agreements and any subsequent amendments for the Older Americans Act (OAA) and Older Californians Act (OCA) Services with contracting service providers for FY 2006/07 – Aging and Veterans Services
2006-510
- ***B22** Authorized the Auditor-Controller to advance funds to the Oakdale Rural Fire District for operational expenses under Government Code §23010 in an amount not to exceed \$1,324,356
2006-511
- ***B23** Authorized the Auditor-Controller to advance funds to Stanislaus Consolidated Fire Protection District for operational expenses under Government Code §23010 in an amount not to exceed \$5,549,650
2006-512
- ***B24** Approved the contract with Mountain Valley Emergency Medical Services Agency to administer local emergency services for FY 2006-2007; and, authorized the Chairman to sign the contract with Mountain Valley Emergency Medical Services Agency – CEO
2006-513
- ***B25** Authorized the Fire Warden to develop and enter into a short-term contract with Consolidated Fire Protection District for employee and equipment services only; authorized the Fire Warden to contract for the Fire Marshall function; and, directed staff to return with recommendations on positions and classifications to staff the County Fire Prevention Services Bureau
2006-514
- ***C1** Authorized the institution of the proceedings for the formation of CSA No. 23 – Hillsborough-Schutz (in Oakdale) to provide the extended county service of drainage control and maintenance of a river outfall facility; approved the Engineer’s Report prepared by the County Engineer for CSA No. 23 – Hillsborough-Schutz; authorized the assessment ballot procedure in conformance with Proposition 218 for the proposed method for calculating the annual assessment for CSA No. 23 – Hillsborough-Schutz; set a public hearing on 8/15/06, at 6:40 p.m., regarding the formation of CSA No. 23 and the proposed method for calculating the annual assessment for CSA No. 23 – Hillsborough-Schutz; pursuant to Government Code §56663(c), consented to the waiver of conducting authority proceedings for the formation of CSA No. 23; and, ordered that notice of the public hearing be given by mail pursuant to Government Code §53753(b) – PW
CSA-A-23-1 2006-515
- ***C2** Set a public hearing on 7/25/06, at 9:30 a.m., regarding FY 2006/07 assessments for various county service areas and landscape and lighting districts; and, ordered the Clerk of the Board of Supervisors to publish a notice of such hearing pursuant to Government Code §6066 – PW
2006-516
- ***D1** Set a public hearing on July 18, 2006, at 6:40 p.m. to consider Williamson Act Cancellation #2005-01 and Parcel Map Application #2005-39, Clipper Ranch, a request to cancel Williamson Act Contract #78-3286 and to create three parcels of 3.07 acres each from a 9.21 gross acre site in the A-2-3 (General Agriculture) Zoning District located at 7125 Langworth Road, on the west side of Langworth Road, in the Oakdale area – Planning
2006-517
- ***D2** Rescinded all or a portion of Williamson Act Contract #1977-2645 (Woodland Avenue, west of Modesto) and approved a new contract pursuant to minor Lot Line Adjustment #2006-13 (Van Klaveren) 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 2006-518

Mayfield/O'Brien unan. ***A3i** Reappointed Brian Genzoli, Bill Rice and Jack Wilkey to the Turlock Rural Fire Protection District Board 2006-519

O'Brien/Grover (4-0)(Mayfield abstained) **B26** Approved the agreement with the City of Hughson regarding the City's Proposed Sphere of Influence expansion; authorized the Chairman to sign the agreement; and, directed the CEO to notify the LAFCO of the County's agreement with the expansion request – CEO 2006-520

Mayfield/DeMartini unan. **9:25am** Finds that the notice of the public hearing was given pursuant to Government Code §53753(b), Streets and Highways Code §22552, and Streets and Highways Code §22588; conducted a public hearing to receive comments regarding the Tuolumne Annexation to Bystrum Landscape and Lighting District, the proposed method for calculating the amount of the annual assessment, and the levy of the annual assessment to pay for the street lighting service; and, authorized the Clerk of the Board to oversee the tabulation of ballots and submit the results to the Board of Supervisors at the scheduled Board meeting on 7/11/06 – PW DLA-2-4 2006-525

Grover/Mayfield unan. **9:30am** Finds that the notice of the public hearing was given pursuant to Government Code §53753(b), Streets and Highways Code §22552, and Streets and Highways Code §22588; conducted the public hearing to receive comments regarding the Collins Annexation to Laurel Landscape and Lighting District, the proposed method for calculating the amount of the annual assessment, and the levy of the annual assessment to pay for the street lighting service; and, authorized the Clerk of the Board to oversee the tabulation of ballots and submit the results to the Board of Supervisors at the scheduled Board meeting on 7/11/06 – PW DL-39-4 2006-526

Grover/Mayfield unan. **B27** Approved the Stanislaus County Fire Authority Business Plan; and, authorized the County Fire Warden to implement the Fire Authority Business Plan First Year Priorities and take all necessary actions to fulfill the responsibilities and functions therein – OES 2006-521

Mayfield/Grover unan. **9:35am** Approved the proposed adjustments to the maximum rates for residential and commercial solid waste collection services; approved the "Instructions for Implementing Diesel Fuel Surcharge (Credit) on Residential, Commercial, and Franchise Drop Box Billing" for calculating a surcharge or credit that may be applied to the franchise refuse collection companies' customer billings from January through June of each year; and, authorized the Director of DER to approve a surcharge or credit, or to leave collection rates unchanged, prior to January 1 of each year and directed the franchise refuse collection companies to implement the said adjustment – DER 2006-527

DeMartini/Grover unan. **B28** Approved Funding Economic Development Proposals from the Economic Development Bank for FY 2005/06 in an amount not to exceed \$70,000; **amended** Staff Recommendation No. 2 to add a condition to Project No. 1- Golden Valley Health Center, that receipt of the grant is conditioned upon the Golden Valley Health Center providing a letter in support of the County's Federally Qualified Look Alike process as stated by Chief Executive Officer Robinson; authorized the CEO, or his Designee, to execute agreements with those jurisdictions receiving funding from the Economic Development Bank for 2005/06 Fiscal Year Funding Cycle; and, authorized the Auditor-Controller to establish any and all necessary accounting protocols for the administration, tracking, disbursement and reimbursement of the funds – CEO 2006-522

Grover/DeMartini unan. **B29** Approved the CSA's participation in the Transitional Housing Program-Plus for Youth transitioning from Foster Care; and, authorized the Auditor-Controller to make necessary adjustments to the approved FY 2006-2007 Fund 1632 Economic Assistance Program – CSA 2006-523

Mayfield/Grover unan. **B30** Considered the Turlock Unified School District's request to authorize the implementation of §15300, et seq., of the California Education Code to allow the formation of a School Facilities Improvement District (SFID) in Stanislaus County; approved a resolution conditioned upon the agreement by any and all school and community college districts with Stanislaus County, including the Turlock Unified School District, to reimburse the county for any and all costs incurred by the County as a result of the formation of the proposed District and any and all actions of the District which cause the County to expend resources; and, approved a resolution and its execution to authorize formation of the proposed School Facility Improvement District within the boundaries of the Turlock Unified School District – CEO 2006-524

Corr 1 Referred to the CEO, a copy of the StanCOG 30 Year Transportation Sales Tax Financial Plan Final Environmental Impact Report.

Corr 2 Referred to DER, a notice from the Department of the Interior Bureau of Reclamation regarding the availability of the Final Environmental Impact Statement (EIS) for the San Luis Drainage Feature Re-evaluation.

Corr 3 Referred to the CEO, a letter from Kern County Supervisor Barbara Patrick requesting consideration of opposition of an oil initiative that will levy an additional tax on all California oil production that is scheduled to be on the November 7, 2006 ballot.

Corr 4 Referred to the Agricultural Commissioner and Sealer of Weights and Measures and to the Office of Emergency Services, a letter from the Governor's Office of Emergency Services regarding the proclamation of a state of emergency for Stanislaus County on April 10, 2006 due to spring storms making the County eligible for state and federal public assistance funding.

Corr 5 Referred to the Agricultural Commissioner and Sealer of Weights and Measures and to the Office of Emergency Services, a letter from the Governor's Office of Emergency Services regarding the Presidential major disaster declaration of Stanislaus County and the contiguous counties due to damages caused by severe storms, flooding, mudslides and landslides that occurred March 29, 2006, through April 16, 2006.

Corr 6 Acknowledged receipt of the FY 2005/06 Annual Report of the Stanislaus County Emergency Medical Services Committee and Mountain-Valley Emergency Medical Services Agency.

Corr 7 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Susan Peterson; City of Modesto; Echo Thompson; Manuel Naranjo; Guadalupe Ramirez; Maria Guadalupe Ramirez; Francisco Felix; and, Miguel Felix.

Supervisor DeMartini reported that he has not received the information he requested from the District Attorney's office 2 weeks ago concerning the Auto Theft Prosecution Unit. He asked for clarification of the correlation between the number of auto theft arrests to the number of prosecutions for 2005. He plans to ask for an update in the spring regarding the effectiveness of the Consumer Fraud Unit and Real Estate Fraud Unit. Supervisor DeMartini announced that tomorrow at 7:00 p.m. the first meeting of the South Modesto MAC will be held at the Fire Station on Imperial Ave. He thanked the members of the Board for supporting the formation of this MAC.

The CEO reported that consideration of appointments of the Sheriff and the DA is scheduled for the 7/11/06 Board meeting, and that the County has arranged for a swearing-in ceremony and reception on 7/11/06 at 3:00 p.m. He noted that of the 8 recent graduates of the Residency Program, 4 physicians will be staying in this area. He reported that the State Assembly and Senate have reached an agreement concerning the State Budget, and that he will be providing information regarding the State's budget in the future. He also informed the Board that AB 959, which would provide additional reimbursement to the health clinic systems under the certified public expenditures model, is continuing to move forward.

The CEO announced that there would be an Integrated County Justice Information System (ICJIS) Demonstration today following the Board of Supervisors meeting, in the Basement Chambers at 1010 Tenth Street, Modesto.

Adjourned to closed session at 10:56 a.m. for Conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation. One Potential Case. Government Code §54956.9(c).

Adjourned at 11:20 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.)