

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

Regular Session  
All Supervisors Present  
Pledge of Allegiance to the Flag

Tuesday

July 25, 2006

Employee service awards were presented to CSA employees Evelyn Genn; William Medeiros; Susan Naron; Susan Nelson; and, Thomas Snow Jr. for twenty-five years of service.

Don Peterson of Peterson Consulting, Inc., the Stanislaus County's legislative advocate, gave an update.

Daniel Marsh spoke regarding the reduction in the auto thefts in Stanislaus County. He thanked the Board for their efforts in reducing this crime rate and noted that there is still a need to deter auto thefts in the County.

Grover/Mayfield unan. Adopted the consent calendar

- \***A1** Approved the minutes of 7/18/06
- \***A2a** Approved the request to consolidate the 11/7/06 Gubernatorial General Election with the Turlock Unified School District for the issuance of two general obligation school bond elections 2006-584
- \***A2b** Approved the request to consolidate the 11/7/06 Gubernatorial General Election with the City of Ceres for a special municipal election 2006-585
- \***A3** Appointed Coleen A. Sanguinetti to the Crows Landing Community Services District Board of Directors 2006-586
- \***B1** Authorized the BHRS Director to enter into an agreement with the State Department of Mental Health for FY 2006/07 through FY 2008/09 in which Stanislaus County agrees to administer the Managed Mental Health Care Plan for Stanislaus County Medi-Cal beneficiaries; authorized the BHRS Director, or her Designee, to sign the agreement; and, authorized the BHRS Director, or her Designee, to sign future amendments to the agreement that may be proposed by the State Department of Mental Health, including those that incorporate future fiscal year budget amounts – BHRS 2006-587
- \***B2** Approved a correction to the proposed contract amount on Resolution 2006-0436, approved on 6/13/06, to increase the amount of the agreement between BHRS and Sodexo Operations, LLC to read \$1,054, 674 in lieu of \$790,872 for FY 2006/07 – BHRS 2006-588
- \***B3** Authorized the reallocation of remaining grant funds in the FY 2003 Homeland Security Grants, Parts I and II for purchase of equipment; and, directed the Auditor-Controller to make the necessary changes consistent with the Budget Journal form – OES 2006-589
- \***B4** Approved the tenth status report of the emergency replacement of the Courthouse boiler system – CEO 2006-590
- \***B5** Approved the application, acceptance if awarded, and the administration of a grant from the State of California Off-Highway Vehicle (OHV) Grant Program in the amount of \$114,000 for the operation and maintenance of the OHV area in La Grange Regional Park for FY 2006/07; authorized the Director of Parks and Recreation to sign and submit the grant application to the State of California Resources Agency; and, adopted the resolution to

- apply for the State of California Resources Agency Off-Highway Vehicle Grant Program –  
Parks and Recreation 2006-591
- \*B6** Approved the application, acceptance if awarded, and the administration of a grant from the State of California Off-Highway Vehicle (OHV) Grant Program in the amount of \$365,485 for the planning, operation and maintenance of the OHV area in Frank Raines Regional Park for FY 2006/07; authorized the Director of Parks and Recreation to sign and submit the grant application to the State of California Resources Agency; and, adopted the resolution to apply for the State of California Resources Agency Off-Highway Vehicle Grant Program – Parks and Recreation 2006-592
- \*C1** Approved the annexation of territory (Hideaway Terrace APN: 024-012-016) to the Denair Highway Lighting District without an election; finds that the territory more particularly described on Exhibits "A" and "B" is owned by petitioner, and that petitioner ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district; finds that Stanislaus County Code §21.40.040, required the installation of a street lighting system to serve the territory; finds that the territory proposed to be annexed is not within the limits of any other lighting district; finds that public necessity and welfare require that the territory be annexed to the lighting district; ordered that the requirements of notice, hearing, and election shall not be applicable to this proceeding, pursuant to Streets and Highways Code, §19056; ordered that the territory be annexed to the Denair Highway Lighting District of Stanislaus County; finds the fact of filing of the petition was received by the Clerk of the Board on 7/19/06; ordered that, pursuant to the Streets and Highways Code, §19000, et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the district's boundaries; directed the Clerk of the Board to send a certified copy of the resolution ordering the annexation to the lighting district to the Department of Public Works, the offices of the Assessor, Elections, Auditor-Controller, and the Clerk Recorder; and, directed the Department of Public Works to send a certified copy of the resolution ordering the annexation to the lighting district and all other required documents and the processing fee to the State Board of Equalization – PW  
DL-2-A-4 2006-593
- \*C2** Adopted plans and specifications for the Road Resurfacing - Overlay Mitchell Road from the Tuolumne River to Modesto City Limits - City of Riverbank Street Overlays Project; directed the Clerk of the Board to publish a notice inviting bids for the project as required by law and set deadline for submission of bids as 8/23/06, prior to 2:00 p.m.; directed the Public Works staff to mail a notice inviting bids to trade journals as required by law; directed the Auditor-Controller to make the necessary budget adjustments per the budgetary transaction sheet to cover expenses (reproduction costs, advertisement costs, miscellaneous costs) associated with the bid process – PW 2006-594
- \*C3** Approved an increase in appropriations in the Project Account for the Carver Road Realignment at Ladd Road Project to cover expenses incurred during the development of the Design Phase, up to the award of the construction contract; and, directed the Auditor-Controller to increase appropriations and estimated revenue by \$69,905.74, in the project account, per the financial transaction sheet – PW 2006-595
- \*C4** Approved the 26MMBtu/hr Sur-Lite environmental systems landfill gas flare (north flare) at Geer Road Landfill as surplus; and, authorized Purchasing Agent to sell the gas flare at auction to the highest bidder – PW 2006-596

Simon/Mayfield (3-2)(O'Brien and Grover opposed) **E1** Pursuant to Elections Code §9118 (c) and 9111(a), reaffirmed the Board's action of 7/15/06, to order a report of the effect of the proposed Thirty (30) Year Land Use Restriction Initiative and referred the proposed initiative measure to County agencies and other agencies to report on all matters set forth in §9111(a); directed the CEO, Auditor-Controller, Agricultural Commissioner, Cooperative Extension Advisor, Assessor, Director of Public Works, Director of Planning and Community Development, Executive Director of the Alliance Worknet, and County Counsel to review the proposed ordinance and provide written comments on the impacts of the proposed initiative; and, set 8/15/06, as the date to consider the report pursuant to Election Code §9111 regarding the impacts of the proposed Thirty (30) Year Land Use Restriction Initiative – County Counsel  
2006-598

Mayfield/DeMartini (4-0)(O'Brien abstained) **9:20 a.m.** Finds that the proposed Ordinance C.S. 962 is exempt from CEQA; and, introduced, waived the reading, and adopted Ordinance C.S. 962 (Planning and Community Development Department Ordinance Amendment No. 2006-03) amending Title 21 of the Stanislaus County Code relating to the regulation of produce stands and produce markets – Planning  
ORD-54-Z-11; 2006-599 & 2006-600

Grover/O'Brien unan. **9:25 a.m.** 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 South Modesto Annexation to Bret Harte 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 8/1/06 – PW  
DL-40-4 2006-601

Mayfield/Simon unan. **9:30 a.m.** Finds that notice of the public hearing was published in compliance with Government Code §6066; conducted a public hearing to receive comments regarding the 2006/007 annual assessments for CSA Nos. 4 through 14, 16 through 22 and Landscape and Lighting Districts including the Howard/McCracken, Riverdale, Riverview and Shackelford; set the 2006/2007 annual assessments as shown on Exhibits "A" through "V" for the following county service areas and landscape and lighting districts: CSA No. 4 - Bristol Glen (Salida), CSA No. 5 - Starlite Place (Keyes), CSA No. 6 - Raymond Tract (Keyes), CSA No. 7 - Modesto Auto Center (North Modesto), CSA No. 8 - Honey Bee Estates (Empire), CSA No. 9 - River/Souza (North Ceres), CSA No. 10 - Salida (Salida), CSA No. 11 - Gilbert Road (Oakdale), CSA No. 12 - Peach Blossom Estates (Oakdale-Riverbank), CSA No. 13 - La Jolla (Keyes), CSA No. 14 - United Pallet (North Modesto), CSA No. 16 - Olive Ranch Estates (East Oakdale), CSA No. 17 - Sunray Estates (Keyes), CSA No. 18 - Atlas Park (East Oakdale), CSA No. 19 - Tuolumne-Gratton (Denair), CSA No. 20 - Summit (North Modesto), CSA No. 21 - Riopel (Denair), CSA No. 22 - Old School North (Denair), Howard/McCracken Landscape and Lighting District (Westley area, I-5/McCracken interchange), Riverdale Landscape and Lighting District (South Modesto), Riverview Landscape and Lighting District (South Modesto), and Shackelford Landscape and Lighting District (South Modesto); made the Engineer's Reports a part of the record of this proceeding; and, authorized the Auditor-Controller to add the Annual Assessments to the 2006/2007 Tax Roll – PW  
2006-602

Mayfield/Grover unan. **B7** Accepted the presentation on the Regional Interoperable Communication Project – OES  
2006-597

**Corr 1** Referred to the DER, Parks and Recreation, and the Fish and Wildlife Committee, a letter from the California Wildlife Conservation Board regarding the upcoming consideration of funding for two projects in Stanislaus County: the San Joaquin River Riparian Restoration - Hageman Site and the Tuolumne River Riparian Restoration – Big Bend site.

**Corr 2** Referred to the Sheriff's Department, District Attorney's Office, and Probation Department, a letter from the United States Department of Justice regarding the regional planning process for the Eastern District's Gang Prevention Summit to be held on November 28–29, 2006 in Fresno, California.

**Corr 3** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Elmer Casing; Ruben and Alicia Garcia; Tim Whitehead; Tanco, Inc.; and, State Farm Insurance/Perez.

Supervisor Mayfield reported that the Air Board would be in Salida on Thursday to obtain public comments regarding the air quality. He noted that the County Fink Road Landfill is able to handle the large number of livestock and poultry carcasses due to the heat.

Fire Warden Gary Hinshaw gave an update regarding the effects of the higher than normal temperatures in the County, and the status of what OES is doing to address these issues. The CEO announced that there will be a press conference today at 1:30 p.m. at the Stanislaus County Office of Emergency Services located at 3705 Oakdale Road in Modesto.

Grover/Mayfield unan. **Authorization for an Item Too Late for the Agenda** – Approved the need for Board action on a matter too late for the agenda regarding proclaiming the existence of a local state of emergency due to a high number of livestock and poultry losses in Stanislaus County resulting from higher than normal temperatures, as meeting the criteria for an item too late for the agenda 2006-603

Mayfield/Grover unan. **Item Too Late for the Agenda** – Proclaimed the existence of a local state of emergency throughout Stanislaus County based upon the high accumulation of livestock and poultry carcasses, the unavailability of sufficient capacity at processing facilities to dispose of these carcasses, and the determination of the Public Health Officer that the continued accumulation of carcasses will result in a public health hazard 2006-604

Mayfield/Grover unan. **Authorization for an Item Too Late for the Agenda** – Approved the need for Board action on a matter too late for the agenda regarding proclaiming the existence of a local state of emergency to elderly and medically fragile residents of Stanislaus County due to the higher than normal temperatures, as meeting the criteria for an item too late for the agenda 2006-605

Mayfield/O'Brien unan. **Item Too Late for the Agenda** – Proclaimed the existence of a local state of emergency throughout Stanislaus County based upon the effect of extraordinarily high temperatures on the health of residents of Stanislaus County, especially the elderly and medically fragile 2006-606

Adjourned to closed session at 11:32 a.m. for a Conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation. One Potential Case. Government Code 54954.5(c). Conference with Legal Counsel: Existing Litigation: City of Modesto vs. Joan L. Whitacre, et al., Stanislaus County Superior Court Case No. 380984. Government Code Section 54954.5 (c).

Mayfield/O'Brien unan. **Closed Session Announcement:** The Board allowed the County to file a Disclaimer of Interest in the case of City of Modesto vs. Joan L. Whitacre, et al., Stanislaus County Superior Court Case No. 380984. 2006-607

Adjourned at 11:55 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.)