

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

Regular Session

Tuesday

August 1, 2006

All Supervisors Present

Pledge of Allegiance to the Flag

Linda Sherman, Presiding Judge of the Animal Court, spoke regarding the changes being made to Animal Court. She voiced concerns that the Animal Court Judges were not informed of when the proposed changes were going before the Board.

John Mataka expressed concerns regarding an incident in which Ramiro Garcia died after being arrested by the Patterson Police Department. He formally requested that those officers involved with the arrest be reassigned or placed on paid leave until the investigation is complete.

Mayfield/Grover unan. Adopted the consent calendar after removing from consent item ***B1** Approval to Introduce and Waive the First Reading of an Ordinance Amending Section 7.12.030 of the Stanislaus County Code Regarding the Composition and Duties of the Animal Court and Amend the Bylaws for the Animal Court

- *A1** Approved the minutes of 07/25/06
- *A2a** Appointed Carole Collins, Terry Gonzales, Dianne Hernandez, Patricia Khanasa, Michael Perez, Stuart Taylor, Ralph Curtis, Patricia Hill Thomas, Shari Lowe, Ken Patterson and Dr. John Walker to the Community Health Center Board 2006-608
- *A2b** Appointed Nadine Dunker to the Stanislaus County Free Library Advisory Board 2006-609
- *A3** Reappointed Zena Gilbert to the Economic Development Action Committee 2006-610
- *A4** Amended the appointment of Michael Kummer to the Hazardous Waste Management Advisory Committee to be the public representative 2006-611
- *A5a** Approved a request to consolidate the West Side Community Healthcare District General Election with the Gubernatorial General Election to be held on Tuesday, 11/7/06 2006-612
- *A5b** Approved a request to consolidate the Sylvan Union School District Bond Election with the Gubernatorial General Election to be held on Tuesday, 11/7/06 2006-613
- *B2** Approved and authorized the Chairman to sign the contract with the California Highway Patrol for County-provided axle-load scale testing services for FY 2006/07 and 2007/08 – Agricultural Commissioner 2006-614
- *B3** Approved and authorized the Chairman to sign the contracts with the California Department of Food and Agriculture: Egg Quality, High Risk Inspection, Organic, Petroleum Products and Weighmaster Inspection, and Sudden Oak Death Programs – Agricultural Commissioner 2006-615
- *B4** Approved and authorized the Chairman to sign the FY 2006/07 Cantaloupe Surveillance Contract with the California Cantaloupe Advisory Board – Agricultural Commissioner 2006-616
- *B5** Approved and authorized the Chairman to sign the FY 2006/07 Wildlife Services Contract with the United States Department of Agriculture – Agricultural Commissioner 2006-617
- *B6** Approved the eleventh status report of the emergency replacement of the Courthouse boiler system – CEO 2006-618

- *B7 Continued the Countywide proclamation of the 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 resulting from higher than normal temperatures; and, directed all appropriate actions to be taken relative to the state of emergency – CEO 2006-619
- *B8 Continued the Countywide proclamation of the local state of emergency throughout Stanislaus County due to the effect of extraordinarily high air temperatures on the health of elderly and medically fragile residents; and, directed all appropriate actions to be taken relative to the state of emergency – CEO 2006-620
- *B9 Authorized the Director of DER, or her Designee, to receive and administer reimbursements for FY 2006/07 Grant Waste Tire Cleanup and Amnesty Events from the California Integrated Waste Management Board; and, authorized the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$213,240 as detailed in the Budget Journal Form – DER 2006-621
- *B10 Authorized HSA to contract with Medex Practice Solutions, Inc. for provider staffing of the Agency’s Urgent Care Center for the period of 7/1/06 through 6/30/08, and authorized the HSA Interim Director, or her Designee, to sign the agreement with Medex 2006-622
- *B11 Approved the independent contractor agreement with Modesto Anesthesia Medical Group; approved the amendment to a personal services contract with Joy Farley, M.D.; and, authorized the HSA Interim Director, or her Designee, to sign the independent contractor agreement with Modesto Anesthesia Medical Group and the amendment to the personal services contract with Joy Farley, M.D.– HSA 2006-623
- *B12 Accepted the Stanislaus County Treasury Pool’s June 2006 Monthly Investment Report as prepared by the Stanislaus County Treasurer-Tax Collector’s Office and reviewed for conformity with the Stanislaus County Treasury Pool Investment Policy by the Treasurer-Tax Collector and distributed to the Stanislaus County Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2006-624
- *B13 Accepted the annual reports for the County of Stanislaus Tobacco Endowment Funds – Series 2002 and Series 2006 for FY ending 6/30/06, and authorized the Chairman to sign on behalf of the Board that the reports have been reviewed and accepted – T/TC 2006-625
- *C1 Approved the increase in appropriations and estimated revenue of \$60,000 in the project account for the Left Turn Channelization Project (Hatch Road) to cover expenses for right-of-way appraisal and acquisition services, utility locating and miscellaneous project expenses incurred during the design phase of the project; approved agreement with Overland Pacific & Cutler, Inc., for right-of-way services in the amount of \$40,000; authorized the GSA Director/Purchasing Agent to sign the contract with Overland Pacific & Cutler, Inc.; and, directed the Auditor-Controller to make the necessary budget adjustments per the budgetary transaction sheet – PW M-64-E-12 2006-626
- *C2 Approved the purchase agreements to acquire road right-of-way for the Albers Road and Geer Road intersections improvements for the Albers Road at Dusty Lane Project; authorized the Chairman to execute the agreements; directed the Auditor-Controller to make the necessary budget adjustments per the budgetary transaction sheet to cover expenses for the purchase of right-of-way; and, directed the Auditor- Controller to issue a warrant in the amount of \$67,000 payable to Fidelity National Title Company for the purchase amount of \$65,000 and \$2,000 for escrow fees and title insurance – PW M-64-E-13 2006-627

- ***C3** Adopted the results of the ballot procedure (support votes: 52; protest votes: 9; incomplete ballots: 3) for the South Modesto Annexation to Bret Harte Landscape and Lighting District in compliance with Proposition 218; finds that all of the parcels within the South Modesto Annexation will receive equal benefit from the Annexation to the District; annexed the South Modesto Territory to the Bret Harte Landscape and Lighting District and confirmed the boundary of the annexation as being those described and shown on Exhibits “A” and “B”; directed the Department of Public Works to file the annexation with the California State Board of Equalization; ordered the installation of street lights; 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 \$32.62 per parcel, the parcels subject to the annual assessment are shown on Exhibit “C”, which is made a part hereof; and, authorized the Auditor-Controller to add the annual assessment to the 2006/2007 tax roll – PW DL-40-4 2006-628
- ***C4** Approved contract with Kleinfelder, Inc., in the amount of \$169,713.50, to conduct an additional groundwater investigation at Geer Road Landfill; and, directed the GSA Director/Purchasing Agent to execute a contract with Kleinfelder, Inc., for \$169,713.50 – PW 2006-629

Grover/O’Brien (4-1)(Mayfield opposed) ***B1** Introduced and waived the first reading of Ordinance C.S. 966 amending County Code §7.12.030 which will provide that the Animal Court eliminate the three-member panel format and replace it with a single hearing officer format with three hearing officers serving in a pre-established rotational capacity; approved the amendment to County Code §7.12.030 that the Animal Court serve as the administrative body to address potentially dangerous/vicious dog petitions; approved and adopted the amendments to the bylaws for the Animal Court; and, authorized the Clerk of the Board to conduct a recruitment to fill the three hearing officer vacancies subject to Board approval – Animal Services ORD-55-4 2006-630

Grover/O’Brien unan. **B14** Approved an ordinance adopted by the Stanislaus County Transportation Authority establishing the Stanislaus County Traffic Relief, Safety and Road Maintenance Program; and, formally requested the Stanislaus County Clerk Recorder - Elections Office to place the Transportation Tax Initiative on the November 2006 Ballot - Designated as Measure K – CEO 2006-631

Mayfield/Grover unan. **9:15am** Finds that notice of the public hearing was mailed to the property owner; conducted a public hearing to receive comments regarding the formation of County Service Area #24 – Hideaway Terrace and the proposed method for calculation and levy of annual assessment to pay for services provided by County Service Area #24; conducted a ballot procedure by authorizing the Clerk of the Board to open the sealed ballot, tabulate, and immediately submit the results to the Board of Supervisors; the Clerk announced that the ballot passed by the landowners with a vote of 1-0 in support of the formation of CSA #24 and the assessment formula for calculating the annual assessments, and that a majority protest had not been filed regarding the proposed assessment formula; approved the formation of County Service Area #24; approved the method to calculate the annual assessment; made the approved engineer’s report a part of the record of this proceeding; set the 2006/07 annual assessment for APN: 024-012-016 at \$9,831.30; authorized the Auditor-Controller to add the annual assessment to the 2006/07-tax roll; and, pursuant to Government Code §56663(c), consented to the waiver of conducting authority proceedings for the formation of County Service Area #24 – PW CSA-24-1 2006-633

Grover/DeMartini unan. **B15** Accepted the In-Home Supportive Services Advisory Committee 2006 Report to the Community – CSA 2006-632

Corr 1 Referred to the Department of Planning and Community Development a letter from the U.S. Department of Housing and Urban Development regarding the approval of the County's Annual Action Plan and the amount of the grant assistance.

Corr 2 Referred to the CEO-Emergency Services and the Stanislaus Economic Development and Workforce Alliance a letter from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration's declaration of Mariposa and the contiguous Counties of Madera, Merced, Stanislaus and Tuolumne as disaster areas due to economic injury as a result of the Ferguson Rockslide on Highway 140 that occurred on April 29, 2006.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Gina Casazza; Connie Hooker; and, Steve Cracium.

Supervisor DeMartini reported that he still has not received the requested information from the DA's office concerning the correlation between the number of auto theft arrests and the number of convictions. He requested that the CEO follow-up on this issue, and that it be placed on the 8/15/06 Board agenda. The CEO responded that he will follow-up on this issue.

Supervisor Grover gave an update regarding the Governor's Partnership for the Central Valley meeting that was held in Madera last Thursday and Friday. He noted that the CEO, along with 6 City Managers from Stanislaus County, attended this meeting.

The CEO announced that Mary Ann Lee has been appointed as the new HSA Managing Director. He acknowledged the extraordinary efforts of those individuals who responded to the heat crisis last week, especially Dr. Walker - Public Health Officer, Gary Hinshaw - Assistant Director of OES and David Jones - Communication Manager.

Adjourned to closed session at 10:00 a.m. for Conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation. One Potential Case. Government Code §54954.5(c).

Adjourned at 10:55 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.)