

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

February 6, 2007

Chairman O'Brien presented Certificates of Recognition for the successful prosecution of the home invasion case to staff from the District Attorney's Office and the Sheriff's Office.

Linda Ray raised concerns regarding the way a Sheriff's officer handled a call to her house on 1/30/07. She asked the Board to look into this issue.

Grover/Mayfield unan. Adopted the consent calendar after removing from consent items ***B4** Approval of Revisions to Regulations for Use of Stanislaus County Library Special Purpose Rooms; and, ***B6** Approval to Adopt the Recommendations of the Stanislaus County Fire Authority to Enter into a Contract with Salida Fire Protection District to Provide Fire Training Coordinator Services Through the Less Than Countywide Fire Tax

- *A1** Approved the minutes of 1/30/07
- *A2a** Appointed Kathleen Cleek to the Stanislaus County Local Task Force on Solid Waste Management 2007-73
- *A2b** Appointed John Swicegood to the South Modesto Municipal Advisory Council 2007-74
- *A2c** Appointed Dr. Frankie Houck Bonifacio to the Stanislaus County Animal Advisory Board 2007-75
- *A2d** Appointed Dominic Salluce to the Economic Development Action Committee 2007-76
- *A3a** Reappointed Will O'Bryant to the Economic Development Action Committee 2007-77
- *A3b** Reappointed Ralph Curtis, Jeff Grover, Kathy Halsey, Kirk Lindsey, Jim Theis, Paul Van Konynenburg, Ross Briles, Gloria Cordle, Joe Duran, John Evans, Sharon Silva, and Tom Van Groningen to the Stanislaus Economic Development and Workforce Alliance 2007-78
- *A4** Approved the amendments to the 2007 Stanislaus County Board of Supervisors Committee Assignments 2007-79
- *B1** Adopted the decision of the Nuisance Abatement Hearing Board regarding CE No. 04-1689 at 722 S. 1st Street, Turlock, CA – DER 2007-80
- *B2** Approved the amendment to the #CAPP-6081-01 contract with the California Department of Education for the administration of the Child Care and Development Block Grant; and, authorized the Director of CSA, or his Assistant Director Designee, to sign the contract amendment and any other amendments not to exceed the total amended contract amount – CSA 2007-81
- *B3** Approved the appointment of a Timothy Stephen Pierce to the position of Manager III in the Child and Family Services Division of CSA at a salary range of \$36.34 per hour, which is at 68% of Band C 2007-82
- *B5** Continued the Countywide proclamation of a local state of emergency throughout Stanislaus County based upon the effect of extraordinary low and freezing temperatures; and, directed all appropriate actions to be taken relative to the state of emergency – CEO 2007-83
- *C1** Approved the annexation of territory (Dotson/Brand Annexation APN: 024-035-041, 024-035-042 and 024-035-018) to the Denair Highway Lighting District without an election; finds that the territory more particularly described on Exhibits A and B is owned by petitioners, and that petitioners 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 1/31/07; 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 of Supervisors 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-5 2007-84

***C2** Adopted the results of the ballot procedure (Support votes: 13; Protest votes: 11; Incomplete ballots: 1) for the North Ceres Annexation to Bystrum Landscape and Lighting District in compliance with Proposition 218; finds that all of the parcels within the North Ceres Annexation will receive equal benefit from the annexation to the District; annexed the North Ceres Territory to the Bystrum 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 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 2007/08 annual assessment at \$40.26 per parcel; the parcels subject to the annual assessment are shown on Exhibit C; and, authorized the Auditor-Controller to add the annual assessment to the 2007/08-tax roll – PW

DLA-2-7 2007-85

***C3** Adopted a Resolution of Necessity to acquire real property or interest in real property by Eminent Domain for the State Route 219 widening project, parcel owner Mathew Bruno, et ux, for APN: 078-015-012, and made the findings contained therein – PW

2007-86

***C4** Adopted a Resolution of Necessity to acquire real property or interest in real property by Eminent Domain for the State Route 219 widening project, parcel owner Ronald J. Malik, et ux, for APN: 078-013-006, and made the findings contained therein – PW

2007-87

***C5** Adopted a Resolution of Necessity to acquire real property or interest in real property by Eminent Domain for the State Route 219 widening project, parcel owner Charles Phillips, et ux, for APN: 078-015-013, and made the findings contained therein – PW

2007-88

***D1** Set a public hearing on February 27, 2007 at 9:20 a.m. to consider the introduction, waiving of the reading, and adoption of an ordinance amending Chapters 21.08 and 21.104 of the Stanislaus County Code relating to yard set-backs and expiration of variances; and, directed the Clerk of the Board to publish notice of hearing as required by law – PW

ORD-55-A-10 2007-89

Grover/Mayfield unan. ***B4 Amended** the last sentence of Section E of the Revisions to the Regulations for use of Stanislaus County Library Special Purpose Rooms to read as follows: "Exceptions to reservation policies may be allowed by the County Librarian for Library-related functions. Meetings of government bodies or government related legislative bodies are exempted from these regulations"; and, the Board approved these Revisions as amended – Library

2007-90

Grover/Mayfield (4-0)(O'Brien abstained) ***B6** Approved the Stanislaus County Fire Authority's recommendation for the County to enter into a contract with Salida Fire Protection District to provide Fire Training Coordinator Services through the Less Than Countywide Fire Tax

2007-91

DeMartini/Monteith unan. **9:25am** Conducted a public hearing to consider Williamson Act Cancellation Application #2006-01 and Use Permit Application #2006-03, Turlock Sportsman's Club, a request to cancel Williamson Act Contract #78-3489 to allow operation of a recreational vehicle camp with electrical and sewer hook-ups for use by individual recreation vehicles on a 13 acre parcel, in the A-2-40 (General Agriculture) zoning district; the parcel is located at the northwest corner of Crows Landing Road and Carpenter Road, in the Patterson/Newman area; adopted the Negative Declaration pursuant to CEQA Guidelines §15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis; finds, based on the discussion in this staff report and the whole of the record the following: (1) that the cancellation is for land on which a notice of non-renewal has been served pursuant to §51245 of the California Government Code, (2) that cancellation is not likely to result in the removal of adjacent lands from agricultural uses, (3) that cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan, (4) that cancellation will not result in discontinuous patterns of urban development, and (5) that there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land; the Board accepted the cancellation value of the subject property as \$60,000 as determined by the County Assessor; certified to the County Auditor-Controller the cancellation fee which must be paid as deferred taxes to be 12½% of the accepted cancellation value (\$7,500); approved Tentative Cancellation of Williamson Act Contract #78-3489 subject to payment of the cancellation fee; unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State Law; directed the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action; directed the Clerk of the Board, within 30 days of the Board action, to publish Notice of the Decision, pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation; and, approved Use Permit Application #2006-03, subject to completion of Williamson Act Contract Cancellation #2006-01 - Turlock Sportsman's Club, subject to the amended Conditions of Approval – Planning 2007-94

Grover/Mayfield unan. **B7** Introduced, waived the reading and adopted as an Urgency Measure, Ordinance C.S. 983 amending provisions of the Stanislaus County Code Chapter 9.90 relating to the Stanislaus County Community Health Center Board; and, authorized the CEO, or his Designee, to enter the First Amended Affiliation Agreement between Stanislaus County and the Community Health Center Board – HSA BD-82-3; ORD-55-A-9 2007-92 & 2007-93

Corr 1 Referred to the CEO and County Counsel, a letter from the Modesto Chamber of Commerce regarding rent control for mobile home parks.

Corr 2 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 U.S. Business Administration's declaration of several Counties as primary and their contiguous Counties, one of which Stanislaus County, as disaster areas due to the economic impacts caused by freezing conditions that occurred January 11, 2007, and continuing.

Corr 3 Referred to the CEO, County Counsel and HSA, a letter from the Stanislaus Medical Society is requesting the implementation of SB 1773 which allows the levying of an additional penalty assessment under the Emergency Medical Services (Maddy) Fund.

Corr 4 Referred to the BHRS; Chief Probation Officer, DA and the Sheriff, a letter from the State Department of Corrections and Rehabilitation regarding a change in its policy regarding mental health services for parolees.

Corr 5 Referred to the Alliance Network, the Stanislaus Economic Development and Workforce Alliance, and DER, a letter from Patterson Frozen Foods updating their plans to initiate a plant closing in its frozen food processing, warehousing and harvesting operations located at 100 W. Las Palmas Avenue, Patterson, CA expected to take place within a 14 day period beginning March 26, 2007.

Corr 6 Referred to the Clerk-Recorder and Election Officer, a letter from the Secretary of State regarding the approval of Iron Mountain as a certified ballot tally software source code escrow company and their facility per §20639 of the California Administrative Code.

Corr 7 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Francisco E. Vivera; Monica Balmanno; Robert Gobble with Rileys Striping, Inc.; and, Mary Guerrero.

Supervisor Grover spoke regarding an article in today's Modesto Bee concerning dairy labor camps. He noted that this issue had not been brought to the Board, and he asked that a report be brought to the Board. Supervisor DeMartini stated that dairy labor camp issue has not come before the Ag Advisory Board either. He noted that there is a difference between the farm labor camps and permanent housing for dairy workers, and that this issue is being driven by the State enforcing an antiquated law that goes back to the 1960's. Supervisor Mayfield agreed that individual houses for dairy workers and farm labor camps are not the same. He noted that the Board needs to be notified by staff of these issues, and should not learn of them in the newspaper. The CEO noted that he will follow-up on this issue and report back to the Board.

The CEO reported that two members of the Board and two members of senior CEO staff will be traveling to Washington D.C. later this week to meet with our federal delegation and key agencies. He informed the Board that the refunding of the 1996A and 1997A Certificates of Participation was completed late last week with a present value savings of \$1.7 million over the remaining 10 years of the outstanding bonds. He recognized Gordon Ford, Larry Haugh, Patty Hill Thomas, Dean Wright and Monica Nino-Reid for their work on this project.

Adjourned to closed session at 10:14 a.m. for Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: County Attorneys' Association (CAA). Government Code §54957.6.

Adjourned at 10:50 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.)