

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

Regular Session

Tuesday

May 22, 2007

All Supervisors Present

Pledge of Allegiance to the Flag

The Chairman presented a resolution proclaiming May 2007 as Foster Parent Month in Stanislaus County to Velma Moore, President of Stanislaus County Foster Parent Association, and Linda Davis, Foster Parent.

Allen Zanker spoke regarding the La Grange Water Conservation Plan and stated that while residential water use was decreased by 20%, the County's Parks Department water use has tripled. He also spoke regarding a letter from Stanislaus Consolidated Fire Protection District Legal Counsel regarding the water system in La Grange.

Bob Varain, President of La Grange Improvement Association, raised concerns regarding the high dry grass at the La Grange Park being a fire hazard.

Grover/Mayfield unan. Adopted the consent calendar after removing from the agenda item ***B1** Approval to Retain the Certified Public Accounting Firm of Bartig, Basler & Ray to Conduct the Annual County Audit for Fiscal Year Ending June 30, 2007 - Auditor-Controller; and, after removing from consent item ***B10** Approval to Apply for and Accept a Juvenile Accountability Grant from the Corrections Standards Authority to Provide Services and Activities to Assist Youthful Offenders in Curbing their Criminal Behaviors – Probation 2007-414

***A1** Approved the minutes of May 15, 2007

***A2** Adopted and waived the second reading of Ordinance C.S. 995 to adopt the Stanislaus County Fire Prevention Bureau amended fee schedule ORD-55-B-11 2007-377

***A3** Adopted the amended Local Rules and Regulations of the Stanislaus County Assessment Appeals Board B-9-A-9 2007-378

***A4** Appointed Jose Cisneros to the IHSS Advisory Committee 2007-379

***A5** Appointed Pam Villarreal as a Deputy Clerk of the Board of Supervisors 2007-380

***A6** Approved a commendation for Steve Benak, MD as the 2007 John Darroch Memorial Award Recipient 2007-381

***A7** Approved a request from the Rotary Club of Modesto North for use of the Frank Raines Regional OHV Park and the Grayson Community Center Restrooms on Saturday, 06/09/07, for their Canyon Classic Century Event 2007-382

***A8** Approved a commendation for Dale Butler for his years of service to the Hispanic Leadership Council 2007-383

***A9** Reappointed John Fantazia to the Local Task Force on Solid Waste Management 2007-384

***B2** Approved CSA's participation in the Individual Development Account Program for youth; authorized the Director of CSA, or his Designee, to sign the agreement and any amendments not to exceed \$112,100 with the Center for Human Services to provide Asset Manager Services; and, directed the Auditor-Controller to increase the appropriations in the amount of \$50,000 for CSA – CSA 2007-385

***B3** Approved FY 2007/08 renewal agreements for contracted services with various local providers for Individuals and Families Receiving Temporary Aid to Needy Families, Child Welfare

- Services and Adult Services; and, authorized the Director of CSA, or his Assistant Director Designee, to sign the agreements and any amendments not to exceed the original contract amounts – CSA 2007-386
- *B4** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 503 S. Santa Cruz Avenue, Modesto, CA (CE No. 07-37) – DER 2007-387
- *B5** Adopted the decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 1501 Crawford Road, Modesto, CA (CE No. 06-669) – DER 2007-388
- *B6** Adopted a resolution to authorize the Director of DER, or her Designee, to apply for, administer and receive the FY 2007/08 Block Grant to promote used oil recycling; authorized the Director of DER, or her Designee, to sign the Block Grant Application form and to receive reimbursement from the California Integrated Waste Management Board for the 13th Cycle Used Oil Block Grant Program, for expenditures incurred for FY 2007/08 through 2009/10; authorized the submittal of a joint funding request for the Used Oil Recycling Block Grant on behalf of the cities of Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford and the unincorporated areas of Stanislaus County, to the California Integrated Waste Management Board; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$77,930 as detailed in the Budget Journal Form – DER 2007-389
- *B7** Set a public hearing for 06/26/07, at 9:20 a.m., to consider increases in the AB 939 and Household Hazardous Waste Program Fees at the Stanislaus Resource Recovery Facility 2007-390
- *B8** Approved the changes in hours of operation at the Denair, Empire, Hughson, and Keyes Libraries and the addition of hours to the Nick W. Blom Salida Regional Library 2007-391
- *B9** Adopted a resolution as required by the State Corrections Standards Authority authorizing the Chief Probation Officer to submit and/or sign Stanislaus County’s application for approval of the County’s 2007/08 Comprehensive Multi-agency Juvenile Justice Plan Modification and related contracts, amendments, or extensions as approved by the Juvenile Justice Coordinating Council in the amount of \$1,642,864 for FY 2007/08 – Probation 2007-392
- *B11** Accepted the Stanislaus County Treasury Pool’s April 2007 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 has been distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC 2007-393
- *B12** Authorized the Auditor’s Office to issue checks totaling \$369,093.51 for the distribution of Excess Proceeds from the 03/01/06 Sale of Tax Defaulted Properties based on the claims received per Revenue and Taxation Code §4675 – T/TC 2007-394
- *B13** Authorized the Director of the Department of Parks and Recreation to apply for and accept, if awarded, a grant in the amount of \$200,000 from the Steward Council - Youth Investment Program 2007 for the Empire Community Swimming Pool Project; authorized the Director of the Department of Parks and Recreation to sign required documents for the grant; and, approved a resolution from the Board to submit the grant – Parks and Recreation 2007-395
- *B14** Authorized the Auditor-Controller to advance funds to Stanislaus Consolidated Fire District for 2007-2008 operational expenses under Government Code §23010 in an amount not to exceed \$6,062,121 - Auditor-Controller 2007-396

- ***B15** Authorized the Project Manager to sign a Funds Administration Agreement with ACSTAR Insurance Company for bond administration services relating to the contract with Scott Trotter Construction of Fresno, Concession Equipment Contractor, for the Gallo Center for the Arts – CEO 2007-397
- ***C1** Finds that Ordinance C.S. 997 amending §11.040.60 of the Stanislaus County Code by adding a speed zone on Cogswell Road in the Hickman area, is not subject to CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 997 – PW ORD-55-C-1 2007-398
- ***C2** Considered and 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 John A. Paoluccio, et ux, for APN: 078-013-013, and made the findings contained therein – PW 2007-399
- ***C3** Approved FY 2007/08 Transit Transportation Development Act Claim; and, authorized the Director of Public Works to execute and submit the claim to the Stanislaus Council of Governments (StanCOG) – PW 2007-400
- ***C4** Finds that the park and landscaped storm drain basin improvements required for the Sterling Ranch Unit No. 2 Subdivision by the Subdivision Improvement Agreement, executed by JKB Homes NORCAL, Inc. and the Stanislaus County Board of Supervisors, on 09/14/04, have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 09/16/04, as Document No. 2004-0151298-00, and filed with the Stanislaus County Clerk Recorder’s Office; and, accepted the park and landscaped storm drain basin within Sterling Ranch Unit No. 2 Subdivision for maintenance by Stanislaus County – PW 2007-401
- ***C5** Finds that all subdivision improvements required for the Sterling Ranch Unit No. 3 Subdivision by the Subdivision Improvement Agreement, executed by JKB Homes NORCAL, Inc. and the Stanislaus County Board of Supervisors, on 02/15/05, have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 03/22/05, as Document No. 2005-0047629-00, and filed with the Stanislaus County Clerk Recorder’s Office; accepted all streets, avenues, and roads, and the drainage system within Sterling Ranch Unit No. 3 Subdivision for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Performance Bond No. 567368S, issued by INSCO Insurance Services, Inc., in the amount of \$1,085,693.00 for faithful performance of the Subdivision Improvement Agreement; pursuant to §66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic’s Lien Guarantee, authorized the release of Labor and Materials Bond No. 567368S, issued by INSCO Insurance Services, Inc. in the amount of \$1,085,693.00 for payment of labor and materials; and, the Mechanic’s Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate Notice of Completion; be in the amount of \$1,085,693.00, be prepared by a title company, be to the benefit of Stanislaus County, and state that there are no liens of record – PW 2007-402
- ***C6** Finds that all subdivision improvements required for the Sterling Ranch Unit No. 4 Subdivision by the Subdivision Improvement Agreement, executed by JKB Homes NORCAL, Inc. and the Stanislaus County Board of Supervisors, on 02/15/05, have been constructed to the satisfaction of Stanislaus County; finds that said agreement was recorded on 03/22/05, as Document No. 2005-0047630-00, and filed with the Stanislaus County Clerk Recorder’s Office; accepted all streets, avenues, and roads, and the drainage system within Sterling Ranch Unit No. 4 Subdivision for maintenance by Stanislaus County; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of Performance Bond No. 567367S, issued by INSCO Insurance Services, Inc., in the amount of \$811,787.00 for faithful performance of the Subdivision Improvement Agreement;

pursuant to §66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic's Lien Guarantee, authorized the release of Labor and Materials Bond No. 567367S, issued by INSCO Insurance Services, Inc. in the amount of \$811,787.00 for payment of labor and materials; and, the Mechanic's Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate Notice of Completion; be in the amount of \$811,787.00; be prepared by a title company; be to the benefit of Stanislaus County, and state that there are no liens of record – PW 2007-403

***C7** Finds that Alpine Avenue is no longer of use and approved summarily vacating a portion of Alpine Avenue off Crows Landing Road and Hatch Road at the end of Eureka Street in Stanislaus County – PW 2007-404

***C8** Adopted plans and specifications for the Carpenter Road Realignment 1.5 Miles North of Crows Landing Road Project and set the bid opening date and time for 06/27/07, at 2:00 p.m.; directed the Clerk of the Board to publish notice inviting bids for the project as required by law; set 06/27/07, prior to 2:00 p.m., as the deadline for submission of bids; directed the Auditor-Controller to increase appropriations in the project account by \$2,500, per the financial transaction sheet, to cover reproduction and advertisement costs associated with development of the project incurred during the bidding phase; and, directed the Public Works Department staff to mail notice inviting bids to trade journals as required by law – PW 2007-405

***C9** Adopted plans and specifications for the Geer Road at Service Road Intersection Project and approved the bid opening date and time for 06/27/07, at 2:30 p.m.; directed the Clerk of the Board to publish notice inviting bids for the project as required by law; set 06/27/07, prior to 2:30 p.m., as the deadline for submission of bids; directed the Auditor-Controller to increase appropriations in the project account by \$2,500, per the financial transaction sheet, to cover reproduction and advertisement costs associated with development of the project incurred during the design/bidding phase; and, directed the Public Works Department staff to mail notice inviting bids to trade journals as required by law – PW M-64-G-A 2007-406

***D1** Approved the finding that the City of Waterford's proposed sphere of influence expansion is logical and orderly; and, directed the CEO to notify the Local Agency Formation Commission of the County's agreement with the expansion request - Planning 2007-407

DeMartini/Mayfield (4-0)(Monteith abstained) ***B10** Authorized the Chief Probation Officer to accept the Juvenile Accountability Grant from the Corrections Standards Authority and to sign all necessary documents related to the grant; and, approved a resolution as required by the Corrections Standards Authority authorizing the Chief Probation Officer to accept the Juvenile Accountability Block Grant to provide services and activities to assist youthful offenders in curbing their criminal behaviors – Probation 2007-408

O'Brien/DeMartini unan. **B16** Approved Staff Recommendations Nos. 1 and 2 as follows: accepted the Illegal Dumping Status Report and approved the continuation of illegal dumping abatement activities; and, **amended** the item to remove Staff Recommendation No. 3 – DER 2007-409

Grover/Mayfield unan. **9:20 am** Adopted the Property Tax Administration Cost Recovery Plan for FY 2006/07; approved the report determining the Property Tax Administration Costs for FY 2005/06 are \$5,891,079 and establishing the proportion of said costs attributable to incorporated cities and other jurisdictions in FY 2006/07; and, authorized the collection of said costs pursuant to the provisions of the Revenue and Taxation Code §95.3 and 97.75 and Stanislaus County Ordinance Code §4.44.010 - Auditor-Controller 2007-412

Recessed at 10:35 a.m.

Reconvened at 10:45 a.m.

Mayfield/DeMartini unan. **B17** Accepted the CEO's Third Quarter Financial Report for FY 2006/07; authorized the use of \$1,035,347 in Appropriations for Contingencies as recommended in the Third Quarter Financial Report; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the Third Quarter Financial Report; authorized the Auditor-Controller to accept the CEO approval of budget transfers electronically, in lieu of signatures, authorized the CEO to make the necessary budget adjustments to achieve an appropriate fund balance at the end of the 2006-2007 fiscal year; authorized the Auditor-Controller to make the necessary year-end closing entries as approved by the CEO; amended the Salary and Position Allocation Resolution as outlined in the Staffing Impacts section effective the start of the 06/09/07 pay period unless specified otherwise; approved contracts and/or agreements listed in the item as Attachment "A" in cumulative amounts of \$100,000 or greater since 07/01/03; set a public hearing for the consideration and adoption of the FY 2007/08 Proposed Budget on 06/19/07 at 6:40 p.m., and continued to 06/20/07 at 9:00 a.m. and 06/21/07 at 9:00 a.m., if necessary, directed the Clerk of the Board to advertise the public hearing; and, to make appropriate changes to the public notice if fee increases are proposed as part of the budget process - CEO
2007-410

Grover/Mayfield unan. **E1** Finds that Ordinance C.S. 998 adding Chapter 9.86 to the Stanislaus County Code to regulate Medical Marijuana Dispensaries is not subject to CEQA (Public Resources Code §21000 et seq.); and, introduced and waived the first reading of Ordinance C.S. 998 ORD-55-C-2 2007-411

Corr 1 Referred to DER, Form 10-K of Covanta Holding Corporation for the year ended 12/31/06 and Form 10-Q for the first quarter ended 03/31/07 from Covanta Energy Corporation.

Corr 2 Referred to the Alliance Worknet, and the Stanislaus Economic Development and Workforce Alliance, a letter from The Hershey Company regarding their plans to initiate a plant closure of its Oakdale facility located at 1400 S. Yosemite Ave. in Oakdale, CA, with the first group of employees scheduled to be laid off on 07/09/07 in connection with the transfer of the first product lines to other facilities per the Worker Adjustment and Retraining Notification Act (WARN Act).

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ricky Ashmum and Andrew David Kajioka.

Chairman O'Brien appointed Supervisors Grover and Mayfield to the Solid Waste Management Ad Hoc Committee.

Monteith/Grover unan. **Legislative A.** Approved supporting SB 59 (Cogdill) to enact the Reliable Water Supply Bond Act of 2008; approved supporting SB 286 (Lowenthal) to provide for implementation, accountability and appropriation of the two billion dollars for local streets and roads included in the Highway Safety, Traffic reduction, Air Quality, and Port Security Bond Act of 2006; and, approved supporting an increase of 3.5% cost of doing business adjustment to fund local child support collections activities – CEO
2007-413

Adjourned to closed session at 11:09 a.m. for conference with Legal Counsel: Existing Litigation: Sonya Maher vs. County of Stanislaus Parks Department, Stanislaus County Superior Court Case No. 379051. Government Code §54956.9.

Adjourned at 11:21 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.)