

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

Regular Session

Tuesday

September 11, 2007

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held in memory of the victims of the 9/11/01 tragedy.

A moment of silence was held in memory of former Stanislaus County District Attorney Jim Brazelton.

Mayfield/Grover unan. Adopted the consent calendar after removing from consent item ***B5** Approval to Accept the Donation of Physical Fitness Equipment to the Ray Simon Regional Criminal Justice Training Center from Costco Corporation - Sheriff

***A1** Approved the minutes of 08/28/07

***A2a** Appointed in-lieu of election where no candidates filed to the Westley Community Services District Board 2007-685

***A2b** Appointed in-lieu of election where no candidates filed to the Newman Drainage District Board 2007-686

***A2c** Appointed in-lieu of election where no candidates filed to the Orestimba Creek Flood Control District Board 2007-687

***A2d** Appointed in-lieu of election where no candidates filed to the West Stanislaus Irrigation District Board, Divisions 2 and 5 2007-688

***A2e** Appointed in-lieu of election where no candidates filed to the to the Keyes Municipal Advisory Council 2007-689

***A2f** Appointed in-lieu of election where no candidates filed to the to the Empire Sanitary District Board 2007-690

***A2g** Appointed in-lieu of election where no candidates filed to the Rock Creek Water District Board 2007-691

***A3a** Appointed in-lieu of election and vacancies Ben J. Cassinetto to the Knights Ferry Community Services District Board 2007-692

***A3b** Appointed in-lieu of election and vacancies David J. McNeir, Sebastian Jones and Bettie J. Yelder to the Monterey Park Tract Community Services District Board 2007-693

***A3c** Appointed in-lieu of election and vacancies Ronald S. Roberts and Curtis D. King to the Burbank-Paradise Fire Protection District Board 2007-694

***A3d** Appointed in-lieu of election and vacancies Kevin P. Voss and Doug Humphreys to the Hughson Fire Protection District Board 2007-695

***A3e** Appointed in-lieu of election and vacancies John J. Kilcoyne to the Westport Fire Protection District Board 2007-696

***A3f** Appointed in-lieu of election and vacancies Karrie Jo Cairns to the Empire Municipal Advisory Council 2007-697

***A3g** Appointed in-lieu of election and vacancies Stephanie A. Dampier and Mike Lutterman to the Hickman Municipal Advisory Council 2007-698

***A3h** Appointed in-lieu of election and vacancies Kassandra Ingram and Eric Lee (Rick) Feichter to the Knights Ferry Municipal Advisory Council 2007-699

***A3i** Appointed in-lieu of election and vacancies John Beltran and Fred Vogel to the Oak Flat Water District Board 2007-700

- ***A4a** Appointed in-lieu of election James G. Crecelius, Roy A. Johnson and Dan Terwilliger to the Sand Creek Flood Control District Board 2007-701
- ***A4b** Appointed in-lieu of election Coleen Sanguinetti and Mercy Mora to the Crows Landing Community Services District Board 2007-702
- ***A4c** Appointed in-lieu of election Ronald C. Allen, Tommy Joseph “TJ” McDonald and Karl F. Curnow to the Denair Community Services District Board 2007-703
- ***A4d** Appointed in-lieu of election Helen Padilla Pulido, Lulu Polk and Maricela Vela to the Grayson Community Services District Board 2007-704
- ***A4e** Appointed in-lieu of election Rudy Caro, Diana M. Gonzalez-Alvarez, Kelland Murphy and Dixielee Swatman to the Riverdale Park Tract Community Services District Board 2007-705
- ***A4f** Appointed in-lieu of election Jerry Hancock and Harlan E. Smith to the Ceres Fire Protection District Board 2007-706
- ***A4g** Appointed in-lieu of election Emil A. Rusca and Mark Brubaker to the Salida Fire Protection District Board 2007-707
- ***A4h** Appointed in-lieu of election John E. Kidd, Division 5 to the Modesto Irrigation District Board 2007-708
- ***A4i** Appointed in-lieu of election Al Bairos, Jr., Division 4 to the Oakdale Irrigation District Board 2007-709
- ***A4j** Appointed in-lieu of election John Azevedo, Division 3 and Dan Robinson, Division 5 to the Patterson Irrigation District Board 2007-710
- ***A4k** Appointed in-lieu of election Phillip N. Short, Division 1 to the Turlock Irrigation District Board 2007-711
- ***A4l** Appointed in-lieu of election Dennis R. Findley, Sr. and Kim Runyan to the Denair Municipal Advisory Council 2007-712
- ***A4m** Appointed in-lieu of election John L. Clawson and Jeanette L. Moore to the Salida Municipal Advisory Council 2007-713
- ***A4n** Appointed in-lieu of election Raymond S. Castro, Darren Schafer and John L. Swicegood to the South Modesto Municipal Advisory Council 2007-714
- ***A4o** Appointed in-lieu of election Veryl “Butch” Watkins, Joe Sallaberry, Phillip Souza and Albert M. Mendes, Jr. to the Reclamation District #2063 2007-715
- ***A4p** Appointed in-lieu of election Ivan E. Bays, Division 2; Fred Vogel, Division 4; Earl Perez, Division 5; and, Jim Jasper, Division 7 to the Del Puerto Water District Board 2007-716
- ***A4q** Appointed in-lieu of election Albert Rossini and Ward Burroughs to the Eastside Water District Board 2007-717
- ***A4r** Appointed in-lieu of election Edward Bettencourt, Shane Donlon and Thomas Morris to the El Solyo Water District Board 2007-718
- ***A5** Approved a commendation for the 100th anniversary of the City of Hughson 2007-719
- ***A6** Appointed Patricia Segoviano De Pier to the Stanislaus County Parks and Recreation Commission 2007-720
- ***B1** Adopted the 2007-2008 Property Tax rates; adopted the 1% tax rate authorized by Revenue and Taxation Code §93(b) and §135; adopted tax rates that are “...needed to make annual payments for the interest and principal on general obligation bonds or other indebtedness approved by the voters” to be levied pursuant to Revenue and Taxation Code §93(b) and §93(c); adopted the Countywide Unitary Tax rate authorized by Revenue and Taxation Code §100; and, adopted the .8714% tax rate for the territory formerly served by the lower San Joaquin Levee District - Auditor-Controller 2007-721
- ***B2** Approved the extension of the Stanislaus County Refuse Removal Franchise Agreement (Area 3) with Modesto Garbage Co., Inc., through 11/05/08; adopted amendment No. 2 to the Stanislaus County Refuse Removal Franchise Agreement (Area 3); and, authorized the

- Chairman to sign the amendment No. 2 to the Stanislaus County Refuse Removal Franchise Agreement (Area 3) – DER 2007-722
- *B3** Approved the amendment to the agreement between Doctors Medical Center Foundation and Stanislaus County HSA for Ryan White Title II Grant Funding for HIV/AIDS Intervention; and, authorized the HSA Managing Director, or her Designee, to sign the amended agreement – HSA 2007-723
- *B4** Approved amending the Pay for Performance Guidelines to require adoption of a development plan for all existing unrepresented, unclassified management and confidential employees by 01/01/08; approved amending the Pay for Performance Guidelines to remove any language referring to an employee without a development plan and require all Pay for Performance evaluations to include evaluation of the Development Plan by 01/01/08; and, approved amending the rating scale in the Pay for Performance Guidelines effective upon adoption of this recommendation – CEO 2007-724
- *B6** Adopted a resolution authorizing the Sheriff/Public Administrator to destroy, without microfilming, Public Administrator records, papers and documents that are over five (5) years old and not prepared or received pursuant to a State statute or County charter, as the need arises – Sheriff 2007-725
- *B7** Authorized the Sheriff to submit a grant application to the California State Parks, Off-Highway Motor Vehicle Recreation Division OHV grant program for increased Law Enforcement services at Frank Raines Regional Park and La Grange Park in Stanislaus County; and, adopted the resolution to apply for the California State Parks Off-Highway Vehicle grant – Sheriff 2007-726
- *B8** Accepted a grant from the State of California Department of Boating and Waterways for marine law enforcement services in Stanislaus County; authorized the Sheriff-Coroner to sign and administer the DBW grant from the State of California, Department of Boating and Waterways; directed the Auditor-Controller to increase estimated revenue and expense appropriations in the amount of \$80,000, according to the budget journal; and, approved the resolution for the acceptance of the grant and identification of the signing authority for the grant – Sheriff 2007-727
- *B9** Approved the recommendation of the Stanislaus County Employees' Retirement Association's (StanCERA) Board of Retirement to approve the United Way of Stanislaus as a charitable organization for retirees to allow deductions from their monthly payroll – StanCERA 2007-728
- *C1** Finds that Ordinance C.S. 1004 amending §11.08.020 and 11.08.050 of the Stanislaus County Code, adding a red curb marking (No Parking Zone) and a Green Curb Marking (One Hour Parking Zone) on Reno Avenue in the Modesto area is not subject to the CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1004 – PW ORD-55-D-2 2007-729
- *C2** Approved the agreement with the City of Turlock regarding the paving of East Marshall Road; and, authorized the Director of Public Works to sign the agreement – PW C-5-E-10 2007-730
- *C3** Approved the request from The Healing Nations to hold a parade on several County roads on 09/22/07; and, authorized the Director of Public Works to issue a permit for said event - PW 2007-731
- *E1** Finds that Ordinance C.S. 1007 amending §6.74.020 of the Stanislaus County Code relating to Junk Dealers and Scrap Metal Recyclers is not subject to the CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1007 – County Counsel ORD-55-D-3 2007-732

Grover/Mayfield unan. ***B5** Accepted the donation of physical fitness equipment to the Ray Simon Regional Criminal Justice Training Center from Costco Corporation; and, recognized Costco Corporation for their generous donation – Sheriff 2007-733

Grover/Mayfield unan. **B10** Accepted the donation in the amount of \$16,970.13 to the Ray Simon Regional Criminal Justice Training Center from the Simon Family Criminal Justice Foundation for the purchase of physical fitness equipment; recognized the Simon Family Criminal Justice Foundation for their generous donation; and, directed the Auditor-Controller to increase appropriations and estimated revenue by \$16,970.13 consistent with the budget journal – Sheriff 2007-734

Mayfield/Grover unan. **B11** Approved the Stanislaus County 2007 Business Technology Strategy (BTS) 2007-735

Recessed at 10:00 a.m.

Reconvened at 10:12 a.m.

Amended the 9:15am Public Hearing to Consider the Adoption of the Final Budget for FY 2007-2008 to take **five votes as follows:**

First Vote: Mayfield/Grover unan. Approved Staff Recommendations Nos. 1-7, 9 and 10 as follows: accepted and approved the recommended Final Budget for FY 2007-2008 from the CEO as detailed in the Final Budget Addendum; conducted the public hearing to receive public comment and input on the final recommended spending plan; authorized the CEO and the Auditor-Controller to make the necessary technical adjustments to implement the approved Final Budget; directed the CEO and the Auditor-Controller to prepare the Final Budget document in accordance with State law and submit it to the State Controller prior to 12/03/07; amended the Salary and Position Allocation Resolution to reflect the recommended changes as outlined in the Staffing Impacts section of this report and detailed in Attachment A to be effective with the start of the first pay period beginning 09/15/07, unless specified otherwise; approved contracts and/or agreements listed on Attachment B in cumulative amounts of \$100,000 or greater as of 07/01/03; approved increasing designations for carryover appropriations in the General Fund by \$2,472,706 for a total of \$6,396,329 and for the Economic Development Bank by \$2,487,814 for a total of \$3,811,264; and, re-established appropriations in FY 2007-2008 for encumbrances and carry forward appropriations in all funds totaling \$33,982,566

Second Vote: Grover/DeMartini (3-2) (Monteith and Mayfield opposed) **Motion failed** for lack of a 4/5th majority vote, to amend Staff Recommendation No. 8 to create a Community Development Fund of \$1.5 million to be administered by the CEO-Community and Economic Development Division; and, approval of \$100,000 being re-directed to the CEO-Economic Development budget unit for the development of a Stanislaus Regional Growth Management Strategy

Third Vote: Grover/Mayfield unan. **Amended** Staff Recommendation No. 8 to approve the creation of a Community Development Fund of \$1.5 million re-designated from the Economic Development Bank funding to be administered by the CEO-Community and Economic Development Division with no funding allocated for the development of a Stanislaus Regional Growth Management Strategy in the Economic Development budget as recommended in the Final Budget Addendum

Fourth Vote: Mayfield/DeMartini (4-1)(O'Brien opposed) **Amended** Staff Recommendation No. 11 to amend the Salary and Position Allocation Resolution to reflect the recommended salary changes to certain appointed Department Head classifications (as outlined in the Staffing Impacts section of this report and detailed in Attachment D), and Assistant Department Head classifications (as outlined in the Staffing Impacts section of this report and detailed in Attachment A), effective with the start of the first pay period beginning 09/15/07; and, removed the elected Department Heads salaries changes

Fifth Vote: DeMartini/Grover (4-1)(Mayfield opposed) **Amended** the Budget to authorize the transfer of \$86,000 from Appropriations for Contingencies to increase expenditures for the District Attorney Real Estate Fraud Budget 2007-737

Recessed at 11:24 a.m.

Reconvened at 11:33 a.m.

Mayfield/Grover unan. **B12** Accepted the initial report from HFS Consultants on the Health Services Agency Strategic Planning and Financial Evaluation Project; set a public hearing pursuant to the Health and Safety Code § 1442.5 on 10/16/07 at 6:40 p.m. to consider: a) the reduction in clinic capacity of the Urgent Care Center; b) the elimination of the direct provision of clinical laboratory services; c) the elimination of the direct provision of radiology services; and, d) a reduction in the maximum eligibility for Medically Indigent Adults (MIA) from 250% to 200% of the Federal Poverty Level; directed the HSA Managing Director to renegotiate and/or terminate commercial insurance contracts, including the Healthy Cubs contract; approved the addition of co-pays to the zero share of cost currently applied to the MIA program recipients; and, directed the HSA Managing Director to implement the efficiency improvements outlined in the HFS Consultants report – HSA 2007-736

Corr 1 Referred to the Committee on Fish and Wildlife and to the Department of Parks and Recreation, a copy of a Notice of Availability and Intent to Adopt an Initial Study/Negative Declaration for the Proposed Increase in the Daily Bag Limit of Canvasback Ducks from the State Department of Fish and Game.

Corr 2 Referred to the CEO - OES and the Agricultural Commissioner and Sealer of Weights and Measures, a letter from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration's declaration of Stanislaus County as a contiguous County as a disaster area due to the designation on August 9, 2007 by the USDA for the agricultural losses caused by the drought that began on 01/01/07, and continuing.

Corr 3 Referred to the Department of Public Works, a report from the Salida Fire Protection District regarding their Annual Development Fees.

Corr 4 Referred to the HSA and the Auditor-Controller, a letter from the California Department of Public Health regarding the revised Final Fiscal Year 2005-06 Maintenance of Effort (MOE) Table for Proposition 99 funding that reflects the actual sales tax and vehicle license fees (VLF) revenues received by each County.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Russ Overstreet; Carie Harris; Shalendra Ram; Genaro Reyes; and, Pamela M. Lial.

Adjourned to closed session at 12:03 p.m. for Conference with Legal Counsel – Existing Litigation: Committee Concerning Community Improvement, et al. vs. County of Stanislaus, et al. Case No. United States District Court, Eastern District California, SIV F 04-6121 LJO DLB. Government Code §54956.9.

Adjourned at 12:35 p.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.)