

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

Regular Session

Tuesday

May 6, 2008

All Supervisors Present

Pledge of Allegiance to the Flag

The Chairman presented the resolution proclaiming May 2008 as Asthma Awareness Month to Dr. Wallace Carroll of the Stanislaus County Asthma Coalition.

Commission on Aging member Mickie Peabody accepted the May 2008 as Older American Month proclamation from the Chairman.

The Chairman presented the May 2008 as Elder and Dependent Adult Abuse Awareness Month proclamation to Jose Michel from Adult Protective Services.

Monteith/Grover unan. Adopted the consent calendar after removing from consent items ***A2c** Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1036 to Establish New Fees and Amend Existing Fees for the Department of Environmental Resources; and, item ***B6** Approval to Expand the Boundaries for the South Modesto Municipal Advisory Council and Amend their Bylaws Including the Boundary Map and Legal Descriptions – Chief Executive Office

***A1** Approved the minutes of 4/22/08

***A2a** Adopted and waived the second reading of Ordinance C.S. 1034 to amend the Indigent Cremation/Burial Fees to cover basic costs of cremation and/or burial in the Sheriff's Department Coroner's Division ORD-55-G-7 2008-299

***A2b** Adopted and waived the second reading of Ordinance C.S. 1035 to establish new fees for the Clerk Recorder's Department ORD-55-G-8 2008-300

***A2d** Adopted and waived the second reading of Ordinance C.S. 1038 to establish new fees for the Stanislaus County Assessment Appeals Board BD-9-A-10; ORD-55-G-11 2008-301

***A2e** Adopted and waived the second reading of Ordinance C.S. 1040 to establish the Stanislaus Family Justice Center Commission BD-84-1; ORD55-H-2 2008-302

***A3a** Accepted the resignation of Vicki Bauman from the Advisory Board on Substance Abuse Programs 2008-303

***A3b** Accepted the resignation of Doris Foster from the Child Abuse Prevention Council 2008-304

***A4a** Accepted the vacancy on the Stanislaus County Animal Advisory Board 2008-305

***A4b** Accepted the vacancy on the Rock Creek Water District Board of Directors 2008-306

***A5** Appointed Gurnam Hayre to the Stanislaus County Economic Development Action Committee 2008-307

***A6a** Proclaimed 5/11-18/08 as AmeriCorps Week 2008-308

***A6b** Proclaimed May 2008 as Foster Care Awareness Month and 5/15/08 as Foster Parent and Relative Care Provider Appreciation Day 2008-309

***A6c** Proclaimed May 2008 as Mental Health Month 2008-310

***A6d** Proclaimed 5/6-12/08 as Nurses Week 2008-311

***A7** Accepted the Clerk-Recorder's Certified Statement of the Results of the Oak Valley Hospital District special election held Tuesday, 4/29/08; and, declared the results of the election pursuant to the Clerk-Recorder's Certified Statement 2008-312

- *A8 Approved request from the Hobiecat Division 3 for use of the Woodward Reservoir for their 17th Annual Regatta on 5/16-18/08; and, directed the Hobiecat Division 3 to adhere to the requirements set forth by the Department of Parks and Recreation 2008-313
- *A9 Approved the Conflict of Interest Code for the Stanislaus County Child Abuse Prevention Council BD-81-3 2008-314
- *B1 Set a public hearing on 5/20/08, at 6:35 p.m., to adopt the Property Tax Administration Cost Recovery Plan for FY 2007-2008 – Auditor-Controller 2008-315
- *B2 Approved contracting with the CPA firm of Brown Armstrong Accountancy Corporation to conduct the annual County Audit for FY ending 6/30/08; authorized the Purchasing Agent to negotiate and sign an addendum to the contract for an independent review of agreed upon procedures and random testing of transactions of the Public Guardian; and, authorized the Purchasing Agent to negotiate and sign the final contract – Auditor-Controller 2008-316
- *B3 Directed County Departments to destroy backup tapes greater than 24 months old in accordance with Records Retention Requirements unless otherwise authorized in writing by the CIO – CEO 2008-317
- *B4 Approved the submission of an application to the State of California, Department of Boating and Waterways (DBW), Boating Safety and Enforcement Financial Aid Program, for funding in the amount of \$336,942 for FY 2008-09, for the Stanislaus County Sheriff's Department's Marine Program; authorized the Sheriff-Coroner to sign and submit the application to the State of California, Department of Boating and Waterways; authorized the Sheriff-Coroner and Auditor-Controller to accept the funding, if awarded, and establish estimated revenue of \$336,942; and, approved the resolution for the acceptance of the funding and identification of the signing authority for the grant – Sheriff 2008-318
- *B5 Accepted the Stanislaus County Treasury Pool's March 2008 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 Treasury Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2008-319
- *C1 Awarded contract in the amount of \$174,562 to Pacific Excavation, Inc., of Elk Grove, California, for the construction of the Sisk Road at Bangs Avenue Traffic Signal, Federal-Aid Project No. CML-5938(139); authorized the Director of Public Works to execute a contract with Pacific Excavation, Inc., for \$174,562 and to sign necessary documents; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, §20142; and, upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities – PW 2008-320
- *C2 Finds that all subdivision improvements required for the Hillsborough Estates Subdivision Unit No. 2 by the Subdivision Improvement Agreement, executed by Stanislaus Development LLC and the Stanislaus County Board of Supervisors, on 6/5/07 have been constructed to the satisfaction of Stanislaus County, finds that the said agreement was recorded on 6/8/07, as Document No. 2007-0076772-00, and filed with the Stanislaus County Clerk Recorder's Office, the improvements being accepted are to existing roads; pursuant to §66499.7(a) of the Subdivision Map Act, authorized the release of the Irrevocable Letter of Credit No. MCB/BOS07-004, issued by the Bank of Stockton in the amount of \$254,418 for the faithful performance of the additional agreement for the off-site improvements to State Route 108/120; 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 Letter of Credit No. MCB/BOS06-009, issued by the Bank of Stockton in the amount of \$127,209 for labor and materials for the off-site improvements; and, the Mechanics Lien Guarantee must be dated a minimum of 61 days after the filing of the appropriate Notice of Completion, be in the amount of \$246,454, be prepared by a title company, be to the benefit of Stanislaus County, and state that there are no liens of record
- PW 2008-321

***D1** Rescinded all or a portion of Williamson Act Contract No. 1973-1236 and 1973-1283 (Hart and Beckwith Roads, West of Modesto) and approved a new contract pursuant to Minor Lot Line Adjustment 2008-03, Christiansen-Beck; authorized the Planning Director to execute a new contract; finds the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years; finds there is no net decrease in the amount of the acreage restricted; in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in §51222; finds the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; finds the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan – Planning 2008-322

***D2** Rescinded all or a portion of Williamson Act Contract No. 1971-137 and 1972- 729 (Moran Road, Southwest of the Community of Crows Landing) and approved a new contract pursuant to Minor Lot Line Adjustment 2007-48, Correia-Hansen and authorized the Planning Director to execute a new contract; finds the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years; finds there is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in §51222; finds the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; finds the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan – Planning 2008-323

DeMartini/Grover (4-0)(O'Brien abstained) ***A2c** Adopted and waived the second reading of Ordinance C.S. 1036 to establish new fees and amend existing fees for the Department of Environmental Resources
ORD-55-G-9 2008-324

DeMartini/Grover unan. **B6** Approved expanding the boundaries for the South Modesto MAC; and, amended their bylaws including the boundary map and legal descriptions – CEO

MAC-07-02 2008-325

Grover/O'Brien unan. **9:15 am** Conducted a public hearing to amend the Fire Protection Facilities Fees for the Salida Fire Protection District based upon the fee study prepared for the Salida Fire Protection District, testimony and other information received at the public hearing; and, authorized imposing the Fire Protection Facilities Fees on all building permits that are issued in the Salida Fire Protection District after 7/07/08 in the fee amount that is in effect at the time the building permit is issued – CEO

M-64-H-7 2008-326

Monteith/O'Brien unan. **9:20 am** Approved the introduction and waived the first reading of Ordinance C.S. 1039 to amend existing parties of interest research fees for the Treasurer-Tax Collector's Office

ORD-55-H 2008-327

Monteith/DeMartini unan. **B7** Accepted the CEO's Third Quarter Financial Report for FY 2007-2008; authorized the use of \$706,074 in Appropriations for Contingencies as recommended in the Third Quarter Financial Report by 4/5 vote of the Board of Supervisors; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the Third Quarter Financial Report; authorized the CEO to make necessary budget adjustments to achieve an appropriate fund balance at the end of the FY 2007-2008; 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 Attachment "A" effective the start of the 5/10/08 pay period; approved contracts and/or agreements listed in Attachment "B" in cumulative amounts of \$100,000 or greater since 7/01/03; and, set a public hearing for consideration and adoption of the FY 2008-2009 Proposed Budget on 6/10/08, at 9:15 a.m., and continue to 6/11/08 at 9:00 a.m., and 6/12/08 at 9:00 a.m., if necessary; directed the Clerk of the Board to advertise the public hearing; and, authorized the Clerk of the Board to make appropriate changes to the public notice if fee increases are proposed as part of the budget process – CEO

2008-328

Corr 1 Referred to the Department of CEO-Office of Emergency Services, a letter from Senator Boxer regarding her concerns of the adequate number of Federal firefighting forces in the U.S. Forest Service in California.

Corr 2 Referred to the Alliance Worknet, and the Stanislaus Economic Development and Workforce Alliance, a letter from Indalex, Inc., regarding their plans to permanently close their Modesto facility located at 4555 North Star Way in Modesto, CA, with all employees at this facility being separated from the company, and the first separations are expected to occur during the 14-day period beginning on June 24, 2008, per the Worker Adjustment and Retraining Notification (WARN) Act.

Corr 3 Referred to the Auditor-Controller, a letter from the Westport Fire Protection District requesting the implementation of a bi-annual audit instead of an annual audit.

Corr 4 Referred to County Counsel and the Department of Planning and Community Development, a letter from Morrison Foerster, LLP, regarding Measure E (SOS Initiative) on the Salida Area Planning Initiative.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Larry Hayes; Anthony Navarro; Lydia Lopez; Claudia Gonzalez; Rebecca Nicole Hernandez Salamanca; Reina Maria Hernandez Salamanca; Roberto Hernandez Salamanca; Miguel Angel Salamanca; Maria Guadalupe Salamanca; Ruby Salamanca; Raul Salamanca Jr.; Juana Salamanca; Raul

Salamanca; Ron Lawrence; Susan Backus; James Dean Chipponeri; Stefani King, for Trenton Bowers, a minor; Ambrosio Rodriguez; Luis Ortega; and, Lois Nuckolls.

The CEO gave an update regarding the Governor's May Revised Budget which is expected on 5/14/08. He reported that CEO staff is working with the cities regarding the transportation tax measure and the animal services facility and continued operations.

Adjourned to closed session at 10:07 a.m. for Conference with Legal Counsel - Existing Litigation: Committee Concerning Community Improvement, et al. vs. County of Stanislaus, et al., United States District Court, Eastern District California, Case No. SIV F 04-6121 LJO DLB. Government Code §54956.9. Conference with Real Property Negotiator: Property: Stanislaus Waste-to-Energy Facility, 4040 Crows Landing Road, Crows Landing, California. Agency Negotiator: Richard Robinson. Owner Negotiator: Covanta Stanislaus, Inc. Under Negotiation: Both Lease Terms and Price. Government Code §54956.8.

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.)