

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

June 24, 2008

Christine Applegate, Director of CSA, and Kathy Harwell, Assistant Director of CSA, gave a presentation regarding 06/23/08 – 06/27/08 as Family Services Specialist Recognition Week in Stanislaus County.

Debra Harper read a continuation of the Universal Declaration of Human Rights into the record.

Monteith/Grover unan. Adopted the consent calendar

- *A1 Approved the minutes of 06/10/08
- *A2 Accepted the resignation of Cathy Walke and Sharon Patterson from the Stanislaus County Child Abuse Prevention Council 2008-431
- *A2b Accepted the resignation of Sidney Pete Moon from the Keyes Community Services District 2008-432
- *A2c Accepted the resignation of Warren Brumley from the Empire MAC 2008-433
- *A2d Accepted the resignation of George Sharp from the Stanislaus County Parks and Recreation Commission 2008-434
- *A2e Accepted the resignation of Tyler Downing from the Stanislaus County Mental Health Board 2008-435
- *A3a Reappointed Ross Briles, John Evans, Rick Fritzemeier, Marty Fox, Brad Hawn, Tom Norquist, Tom Van Gronigen, Sean Carroll, Joe Duran, Jan Ennenga, Richard Hagerty, Corwin Harper, Brian Hogan, Craig Lewis, Joy Madison and Sharon Silva to the Stanislaus Economic Development and Workforce Alliance Board 2008-436
- *A3b Reappointed Vicki Fontana, Jeri Trainor, Karen Servas, Robin Dickinson and Juan Ramirez to the Stanislaus County Child Abuse Prevention Council 2008-437
- *A3c Reappointed Charles E. Aguilar to the Stanislaus County Mental Health Board 2008-438
- *A3d Reappointed Kennan Beard III to the Oakdale Rural Fire Protection District Board of Directors 2008-439
- *A3e Reappointed Daniel Downey and Eileene King to the Commission on Aging 2008-440
- *A3f Reappointed Elwood Escobar and Dennis Hartman to the Denair Fire Protection District Board of Directors 2008-441
- *A3g Reappointed Robert Ott to the Woodland Avenue Volunteer Fire Protection District Board of Directors 2008-442
- *A3h Reappointed Roy Johnson, Mike Passalacqua and Martin Reyes to the East Stanislaus Resource Conservation District Board of Directors 2008-443
- *A3i Reappointed Alan Cover, Norman Kline and Lisa Alamo to the Agricultural Advisory Board 2008-444
- *A3j Reappointed Angela Sue Henderson to the Stanislaus County Free Library Advisory Board 2008-445
- *A3k Reappointed Robert Kimball to the West Stanislaus Fire Protection District Board of Directors 2008-446
- *A3l Reappointed Mickey Peabody to the Nuisance Abatement Hearing Board 2008-447

- ***A3m** Reappointed Cindy Woolston to the Regional Advisory Committee of the Mountain-Valley
Emergency Medical Services Agency 2008-448
- ***A3n** Reappointed Keenon Krick, Andrew Langtry and Kristin Peterson to the Stanislaus Child
Development Local Planning Council 2008-449

- ***A3o** Reappointed Michael Loeffler, Allen Mitterling and Jeffery Olson to the Stanislaus County
Animal Court 2008-450
- ***A3p** Reappointed Adam Christianson, Thomas Ciccarelli, Laura Ochoa-Sanchez, Rhonda Parker,
Roy Wasden, Rosemary Crippen and Rod Landes to the Stanislaus County Children’s
Council 2008-451
- ***A3q** Reappointed Mike Fisher and Michael Lynch to the Stanislaus County Employees Retirement
Board (StanCERA) 2008-452
- ***A4a** Consolidated the Municipal Election for the City of Oakdale with the Presidential General
Election to be held on Tuesday, 11/04/08 2008-453
- ***A4b** Consolidated the Municipal Election for the City of Newman with the Presidential General
Election to be held on Tuesday, 11/04/08 2008-454
- ***A4c** Consolidated the Municipal Election for the City of Turlock with the Presidential General
Election to be held on Tuesday, 11/04/08 2008-455
- ***A5** Approved the request from the Mid-Valley Water Ski Club for use of the Modesto Reservoir
Water Ski Course on most Mondays and Wednesdays from 06/25/08 through 07/23/08
2008-456
- ***A6** Appointed Aphisong Sangbouasy to the Advisory Board on Substance Abuse Programs
2008-457
- ***A7** Accepted the Clerk-Recorder’s Certified Statement of Results of the Senate District 12 Special
Recall Election held on Tuesday, 06/03/08; and, declared the results of the election
pursuant to the the Clerk-Recorder’s Certified Statement – Clerk Recorder 2008-458
- ***B1** Approved the purchase of three replacement vehicles for the Agricultural Commissioner’s
Office; and, authorized the Auditor-Controller to increase appropriations and estimated
revenue by \$51,570 per the Budget Journal Form – Agricultural Commissioner 2008-459
- ***B2** Approved scope modifications to an existing planning and environmental contract with ESA
Airports related to the Crows Landing Air Facility Development Project; and, authorized
the CEO, or his Designee, to sign the amended contract for services – CEO 2008-460
- ***B3** Authorized the CEO to submit a grant application to the Bureau of Justice Assistance for the
2008 Edward Byrne Memorial Justice Assistance Grant funding to enhance criminal
justice processes; directed the Auditor-Controller to establish a budget unit with estimated
revenue and appropriations accounts in the amount of \$31,825 when the grant is approved
according to the budget journal; and, approved the recommendations of the CEO for use of
2008 Edward Byrne Memorial Justice Assistance Grant to continue funding for existing
Sheriff and Probation Department staff – CEO 2008-461
- ***B4** Approved an amendment to the agreement between Stanislaus County and Claims
Management Inc. Third Party Administrator for claims management service from 07/01/08
to 12/31/08; and, authorized the Chairman to sign the amendment – Risk Management
2008-462
- ***B5** Approved agreement #MS-0809-14 with the California Department of Aging for
administration of the Multipurpose Senior Services Program (MSSP) for frail elderly
residents of Stanislaus County for Fiscal Years 2008-2010; and, authorized the Director of
CSA, or her Assistant Director Designee, to sign the agreement #MS-0809-14 and any
amendments, not to exceed the agreement amount of \$1,542,600 – CSA 2008-463

- *B6 Approved FY 2008-2009 renewal agreements for contracted services with various local providers for individuals and families receiving Child Welfare Services and Adult Protective Services; and, authorized the Director of CSA, or her Assistant Director Designee, to sign the agreements and any amendments not to exceed the original contract amounts – CSA 2008-464
- *B7 Authorized the Director of DER, or her Designee, to allow access and use of property near the Tuolumne River at the Geer Road Landfill – DER 2008-465
- *B8 Adopted a Resolution to authorize the Director of DER, or her Designee, to apply for the 14th Cycle Used Oil Recycling Block Grant from the California Integrated Waste Management Board and if awarded, accept and administer the grant; authorized the Director of DER, or her Designee, to apply for the 14th Cycle Used Oil Recycling Block Grant from the California Integrated Waste Management Board and if awarded, sign an agreement to accept and administer the grant for expenditures incurred in FY 2008-2009 through 2010-2011; and, authorized the submittal of a joint funding request to the California Integrated Waste Management Board for the 14th Cycle 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 – DER 2008-466
- *B9 Approved the extension of the Stanislaus County Refuse Removal Franchise Agreement (Area 3) with USA Waste of California, Inc., through 11/05/09; adopted Amendment No. 3 to the Stanislaus County Refuse Removal Franchise Agreement (Area 3); and, authorized the Chairman to sign the Stanislaus County Refuse Removal Franchise Agreement (Area 3) – DER 2008-467
- *B10 Set a public hearing for 07/22/08, at 9:15 a.m., to consider adjustments to Stanislaus County Franchise Maximum Rates for Solid Waste Collection Services and the Bulky-Item Curbside Collection Program – DER 2008-468
- *B11 Authorized the Managing Director of HSA, or her Designee, to submit the Federally Qualified Health Center Look-Alike Recertification Application; authorized the CEO, or his Designee, to sign the Second Amended Affiliation Agreement between Stanislaus County and the Stanislaus County Community Health Center Board; and, authorized the CEO, or his Designee, to sign required documents as part of the Federally Qualified Health Center Look-Alike Recertification Application – HAS 2008-469
- *B12 Approved the list of Independent and Personal Services Contractor Agreements between the Stanislaus County HSA and various contractors for FY 2007-2008 and FY 2008-2009; authorized the HSA Managing Director, or her Designee, to sign the agreements included in this agenda item; and, authorized the HSA Director, or her Designee or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 – HAS 2008-470
- *B13 Approved the Holiday Closure Schedule for the Urgent Care Center operations of the HSA; and, authorized the Managing Director of HSA to take those reasonable actions necessary to implement the Holiday Closure Schedule for the Urgent Care Center operations – HAS 2008-471
- *B14 Approved the contract 03-75843 A02 amendment with the State of California Department of Public Health Services, Office of Family Planning Information and Education Program, for the Teen Pregnancy Prevention Program from 11/01/03 through 06/30/2011; authorized the HSA Managing Director, or her Designee, to sign the contract amendment; and, authorized the Chairman to sign the contract amendments – HAS 2008-472
- *B15 Accepted the IHSS Advisory Committee FY 2007-2008 Report to the Community – IH 2008-473

- ***B16** Authorized the Auditor Controller to increase appropriations by \$74,000 and estimated revenue by \$40,700 as detailed in the financial transaction sheet – PW 2008-474
- ***B17** Authorized the CEO to sign the amended the Stanislaus County Drug Enforcement Agency (SDEA) Joint Powers Agreement – CEO 2008-475
- ***B18** Authorized the Director of Parks and Recreation, or her Designee, to execute a new Grazing Lease with Larry A. Byrd for 694 acres of non-irrigated rolling hills adjacent to Modesto Reservoir for \$25 per acre, the term from 07/01/08 to 06/30/13; and, authorized the Director of Parks and Recreation, or her Designee, to exercise the options to renew the Grazing Lease for three 5 year extensions from the term of this lease on the same terms, covenants and conditions contained or any other terms mutually agreed to by both parties - Parks and Recreation 2008-476
- ***B19** Approved a contract amendment with California Forensic Medical Group (CFMG) provide medical services to adults and juveniles in detention facilities in Stanislaus County; and, authorized the CEO to sign the amendments effective for the period of 07/01/08 to 06/30/09 – CEO 2008-477
- ***B20** Authorized the CEO and the Auditor Controller prior to year-end, transfer existing appropriations previously allocated to the Public Defender-Indigent Defense budget to the Public Defender budget in the amount up to \$50,000 to ensure the Public Defender budget ends the year in a positive financial position; authorized the CEO and the Auditor Controller prior to year-end, to increase both appropriations and estimated revenue in the GSA-Fleet Services Division budget in an amount not to exceed \$110,000; authorized the CEO and the Auditor Controller prior to year-end, to transfer existing appropriations within the Sheriff’s Administration, Detention and Operations budget; and, authorized the CEO and the Auditor Controller prior to year-end, to increase both appropriations and estimated revenue in the DA’s Criminal Division budget in an amount not to exceed \$60,000 – CEO 2008-478
- ***C1** Approved Amendment No. 3 to Agreement No. 2004-1 with Wood Rodgers to add additional engineering services for the improvements at the Ladd Road and McHenry Avenue intersection; authorized the Director of Public Works to execute the amendment; and, directed the Auditor-Controller to increase appropriations and estimated revenue for the Ladd Road at McHenry Avenue Improvement Project per the financial transaction sheet - PW 2008-479
- ***D1** Finds the conditions and contingencies of the Tentative Certificate of Cancellation for Williamson Act Contract No. 2002-4481 – Richard Landucci (Friends of the Tuolumne) have been satisfied; and, directed the Clerk of the Board to execute and record the Certificate of Cancellation by 07/24/08 - Planning 2008-480
- ***E1** Authorized an increase of \$75,000 in the maximum amount of the contract with Meyers Nave for legal services related to the Crows Landing Air Facility for the period of 01/01/08 through 06/30/08, for a total cumulative total contract amount of \$290,624 for FY 2007-08 – County Counsel 2008-481
- ***E2** Introduced and waived the first reading of Ordinance C.S. 1044 amending Stanislaus County Code §2.08.050 to authorize the CEO to oversee county operations and activities on non-County owned property – County Counsel ORD-55-H-6 2008-482
- ***E3** Adopted a resolution authorizing the issuance and sale of Ceres Unified School District FY 2008-2009 Tax and Revenue Anticipation Notes; and, authorized the Chairman to sign the resolution – County Counsel 2008-483

Monteith/DeMartini unan. **A8** Accepted the Clerk-Recorder’s Certified Statement of Results of the Statewide Direct Primary Election held Tuesday, 06/03/08; and, declared the results of the election pursuant to the Clerk-Recorder’s Certified Statement 2008-484

Grover/O'Brien unan. **9:10 am** Introduced and waived the first reading of Ordinance C.S. 1041 amending transit fares for Stanislaus Regional Transit (StaRT); finds and determined that the proposed ordinance is not subject to CEQA (Public Utility Code, §2100 et seq.); and, **corrected** the typographical error located on Exhibit "A" of the ordinance for the Route 70 Senior/Disabled Fare to reflect the correct proposed increase as \$0.50 – PW ORD-55-H-3 2008-487

Recessed to sit as the In-Home Supportive Services Public Authority of Stanislaus County at 9:51 am

DeMartini/Monteith unan. **9:15 am** Approved the consent calendar

9:15 am *II-A Approved the minutes of 09/18/07

DeMartini/Grover unan. **9:15 am V-A** Accepted the In-Home Supportive Services Advisory Committee FY 2007-2008 report to the community 2008-488

Reconvened to sit as the Stanislaus County Board of Supervisors at 10:03 am

Recessed to sit as the Stanislaus County Capital Improvements Financing Authority at 10:03 am

DeMartini/O'Brien unan. **9:20 am** / Adopted the consent calendar

9:20 am *II-A Elected Board of Supervisors Chairman Mayfield as the Chairman of the Capital Improvements Financing Authority and Board of Supervisors Vice Chairman DeMartini as the Vice-Chairman of the Authority 2008-489

9:20 am *II-B Approved the minutes of 01/16/07

Monteith/Grover unan. **9:20 am III-A** Authorized the Chairman of the Stanislaus County Capital Improvement Financing Authority to sign the resolution that authorizes the substitution of the County's Minimum Security Housing Unit for current County assets pledged to secure the COP, Series B of 1997; approved Amendment No. 2 to the Site Agreement, Amendment No. 2 to the Lease Agreement and Amendment No. 2 to the Assignment Agreement that make possible an asset substitution to the existing COP, Series B of 1997; authorized the CEO to sign and deliver all Amendments and other documents necessary to complete the substitution of assets for the COP, Series B of 1997 borrowing; authorized the CEO to enter into all necessary professional agreements including, but not limited to services from the County's Financial Advisor, Bond Counsel, Bond Insurer and Escrow Agent; authorized all County officers, employees and agents to take all actions and to execute all documents necessary to complete the substitution of assets 2008-490

Reconvened to sit as the Stanislaus County Board of Supervisors at 10:07 am

Recessed to sit as the Stanislaus County Redevelopment Agency at 10:07 am

Grover/O'Brien unan. **9:25 am** / Adopted the consent calendar

***III-A** Approved the minutes of 06/10/08

***VI-A** Finds that the Archway Commons housing project will be of benefit to the County project area by providing much-needed rental housing to those in targeted income groups; approved a gap financing loan in the amount of up to \$200,000 of housing set-aside funds with EAH Housing for a 150-unit affordable housing project (Archway Commons); and, authorized the Interim Executive Director to sign and negotiate on behalf of the Agency 2008-491

Reconvened to sit as the Stanislaus County Board of Supervisors at 10:08 am

Monteith/O'Brien unan. **B21** Approved and authorized the Chairman to sign the resolution authorizing the substitution of the County's Minimum Security Housing Unit for current County assets pledged to

secure the COP, Series B of 1997; approved Amendment No. 2 to the Site Agreement, Amendment No. 2 to the Lease Agreement and Amendment No. 2 to the Assignment Agreement that make possible an asset substitution to the existing COP, Series B of 1997; authorized the CEO to sign and deliver all Amendments and other documents necessary to complete the substitution of assets for the COP, Series B of 1997 borrowing; authorized the CEO to enter into all necessary professional agreements including, but not limited to services from the County's Financial Advisor, Bond Counsel, Bond Insurer and Escrow Agent; and, authorized all County officers, employees and agents to take all actions and to execute all documents necessary to complete the substitution of assets – CEO 2008-485

Grover/O'Brien unan. **B22** Authorized the Chairman to execute the Ceres Superior Court Transfer Agreement and the Closing documents and other associated documents on behalf of the County in order to transfer the operational responsibility effective June and title shortly thereafter, to the Ceres Superior Court facility located at 2744 2nd Street, Ceres, California; find that the recommended actions are exempt from the provisions of the California Environmental Quality Act (CEQA) Direct the Auditor-Controller to make quarterly installments of the County Facilities Payment associated with the Ceres Court facility, totaling approximately \$16,421 on an annual basis in accordance with Government Code 70362 (b) and (d) which provides that the initial County Facilities Payment which is calculated using the preliminary inflation index prepared by the State Department of Finance will be recalculated at the beginning of the following fiscal year to reflect the final, revised inflation index for the date of transfer of that facility with any over or underpayment reflected as a one-time adjustment to the first quarterly payment the next fiscal year; authorized the Chairman to sign the Grant Deed, which will be approved as to form by County Counsel, similar in form and content to that included as Exhibit C to the Transfer Agreement upon agreement to accept title by the State of California; and, authorized the CEO to execute any other documents necessary to complete the transfer, upon approval as to form by County Counsel – CEO 2008-486

Corr 1 Referred to the CEO and Alliance Worknet, 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, a disaster area due to the economic impacts caused by the 2008 salmon fishery closure on the California coast.

Corr 2 Referred to the CEO and HSA, a letter from the San Joaquin Valley Air Pollution Control District requesting participation in the Healthy Air Living initiative.

Corr 3 Referred to the CEO, a letter from State Senator Don Perata requesting support of SB 1407 which would provide \$5 billion over the next four years to rebuild and repair courthouses categorized as either immediately or critically in need of repair.

Corr 4 Referred to the Sheriff, District Attorney and Chief Probation Officer, a copy of the 2008 California Report on "Recent Developments in Federal, State and Local Gun Laws" from the Legal Community Against Violence.

Corr 5 Referred to the Sheriff, District Attorney and Chief Probation Officer, a copy of the "6th Year Progress Report" from the California Multi-Jurisdictional Methamphetamine Enforcement Team.

Corr 6 Referred to the Department of Parks and Recreation and the Fish and Wildlife Committee, a notice from the California Department of Fish and Game regarding the Bay-Delta Sport Fishing Enhancement Stamp 2008 Proposal.

Corr 7 Referred to the Auditor-Controller, a letter from the Stanislaus Consolidated Fire Protection District requesting “dry-period” financing for Fiscal Year 2008-09

Corr 8 Referred to the Chief Executive Office-Capital Projects, a letter from the State Department of Corrections and Rehabilitation regarding AB 478 and the minimum standards relative to the care of pregnant inmates.

Corr 9 Referred to the Department of Planning and Community Development, a letter from the U.S. Bureau of Land Management regarding the 90-day comment period for the Draft Programmatic Environmental Impact Statement (PEIS) for leasing Federal geothermal resources in the Western States and Alaska.

Corr 10 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Rae’Anne R. Brown; the heirs of Heather Miller: Ronald, Diesta, Leah, Megan, and Christian Miller; the heirs of Brandon Keith Ellis: Vincent Ellis and Lorraine Gonzales; the heirs of Bradly Conn: Cierra and Cienna Conn C/O Thomas O. Gillis, Attorney; Rebecca Anne Burke; Kymberley Kay Obert; Eric James Burke; Alberto Chavez Mondragon Jr.; and, Dennis B. Duncan and Beverly Duncan.

The CEO reported that the Assessor has released the Stanislaus County 2008/2009 Property Tax Roll and noted that there has been a reduction of property values from \$43 billion from 2007/2008 to \$40 billion for 2008/2009. He also gave an update regarding the State Budget for FY 2008/2009 and noted that funding for Stanislaus County is at risk in the following areas: Safety, Local Property Taxes, Proposition 10 (Children and Families Commission), Proposition 63 (Mental Health Services Act), and Proposition 42 (Health and Human Services). He will continue to keep the Board updated on the State Budget issue.

Adjourned to closed session at 10:33 a.m. for Conference with Legal Counsel - Existing Litigation: Two Cases: 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; City of Patterson v. Stanislaus County, Stanislaus County Superior Court Case No. 626800. Government Code §54956.9. Conference with Legal Counsel - Significant Exposure to Litigation: One Case. Government Code §54956.9 (b). Conference with Legal Counsel - Anticipated Litigation: One Case. Government Code §54956.9(c).

Adjourned at 12:22 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.)