

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

Regular Session

Tuesday

December 9, 2008

Chairman Mayfield absent

Pledge of Allegiance to the Flag

Kate Trompetter, Program Coordinator for the Center for Human Services presented awards for the Red Ribbon Week 2008 Best Decorated School Contest to 1st Place Winners: Thomas Downey High School, Evelyn Hanshaw Middle School and Enslen Elementary School; 2nd Place Winners: Hughson High School, Waterford Middle School and Cunningham Elementary School; and, 3rd Place Winners: Oakdale High School, Daniel J. Savage Middle School and Hughson Elementary School.

Debra Harper spoke regarding different types of discrimination and how it should not be tolerated.

Monteith/Grover (4-0)(Mayfield absent) Adopted the consent calendar

- ***A1** Approved the minutes of 11/25/08
- ***A2** Adopted and waived the second reading of Ordinance C.S. 1047 Adding Chapter 14.14 to the Stanislaus County Code Relating to Storm Water Management and Discharge Control
– Public Works ORD-55-I-3 2008-816
- ***A3** Appointed Greg Pires to the Stanislaus County Planning Commission 2008-817
- ***A4** Appointed, in-lieu of election, George Schmidt to the West Side Community Healthcare District Board of Directors 2008-818
- ***A5** Adopted the Conflict of Interest Code for Wendt Ranch Reclamation District 2008-819
- ***A6a** Adopted the amendment to the Stanislaus County Employees’ Retirement Association (StanCERA) Conflict of Interest Code 2008-820
- ***A6b** Adopted the amendment to the Modesto City Schools Conflict of Interest Code 2008-821
- ***A7** Accepted the resignation of Nancy Millberry from the Stanislaus County Child Abuse Prevention Council 2008-822
- ***B1** Approved and authorized the Chairman to sign a resolution evidencing compliance with Internal Revenue Ruling 2006-43 regarding pre-tax status of employee retirement contributions per Internal Revenue Code §414(h)(2) – Auditor-Controller 2008-823
- ***B2** Approved and authorized the Chairman to sign the following FY 2008/2009 contracts with the California Department of Food and Agriculture: Nursery Stock Inspection and Sudden Oak Death Programs; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$12,958 as detailed in the Budget Journal Form – Ag Commissioner 2008-824
- ***B3** Approved the Standard Agreement for the State’s Emergency Medical Services Appropriation for FY 2008/2009 for Stanislaus County; and, authorized the HSA Managing Director, or her Designee, to sign the agreement – HSA 2008-825
- ***B4** Approved the closure of all Stanislaus County Libraries on various days in 2009 and 2010 as delineated in the item – Library 2008-826
- ***B5** Authorized the use of the E-Payment Process for DER Annual Program Fees and for the implementation of the Online Stanislaus County Parks Reservation System – DER 2008-827

- *C1 Authorized the Director of Public Works to sign a Grade Crossing Signal and Surface Installation Agreement with Burlington Northern Santa Fe Railroad for the Hatch Road at Santa Fe Avenue Intersection Improvement Project; and, directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW
2008-828
- *C2 Set a public hearing on 1/13/09, at 9:15 a.m., to consider revising the load carrying capacity of Crabtree Road Bridge over Dry Creek (38C-0009), per California Vehicle Code §35754; ordered the Clerk of the Board to publish a notice of such hearing pursuant to Government Code §6066; and, requested that the California Department of Transportation (Caltrans) Division of Structure Maintenance and Investigations attend the public hearing per California Vehicle Code §35751 – PW
2008-829
- *D1 Approved and authorized the Chairman to sign the 2009 Williamson Act Contracts; and, directed the Clerk of the Board to forward the contracts to the Clerk-Recorder’s Office prior to 1/1/09 for recording – Planning
2008-830

Recessed to sit as the Stanislaus County Redevelopment Agency at 9:15 a.m.

Grover/O’Brien (4-0)(Mayfield absent) **9:15 am** Adopted the consent calendar

9:15 am *III-A Approved the minutes of 11/4/08

9:15 am *VII-A Authorized the expenditure of \$25,000 of Housing Set-Aside funds to increase the funding assistance to Habitat for Humanity for the rehabilitation of a home at 1020 Tenaya Drive; and, authorized the Interim Executive Director to sign and negotiate on behalf of the Agency
2008-833

O’Brien/Grover (4-0)(Mayfield absent) **9:15 am VII-B** Accepted the Fiscal Year 2007-08 Financial Report including the Annual Audit as prepared; accepted the 2007-08 Redevelopment Agency Activities Report; and, authorized the submittal to the Board of Supervisors
2008-834

Reconvened to sit as the Stanislaus County Board of Supervisors at 9:19 a.m.

Monteith/O’Brien (4-0)(Mayfield absent) **B6** Accepted the Stanislaus County Children’s Council 2008 Annual Report to the Community – CSA
2008-831

O’Brien/Monteith (4-0)(Mayfield absent) **B7** Authorized the Vice-Chairman of the Board of Supervisors to execute the Modesto Main Courthouse and Hall of Records Transfer Agreement, the Joint Occupancy Agreement and the closing documents and other associated documents on behalf of the County in order to transfer the operational responsibility effective after Board approval and title thereafter, to the Main Modesto Courthouse including the Secure Parking Lot (Transferred Parking Area) and the Hall of Records Facilities located at 800 11th Street and 1100 I Street respectively in Modesto, CA; authorized the County Surveyor of the Public Works Department to approve and record a Record of Survey that will subdivide the property consisting of an entire city block into four parcels consisting of Parcel A, the park fronting I Street on the Courthouse block; Parcel B, Stanislaus County Jail and Jail Sallyport; Parcel C, Main Courthouse and Hall of Records; and Parcel D, Transferred Parking Area in order to implement the provision of the Trial Court Facilities Act of 2002 enabling the County to transfer title of Parcels C and D to the State of California while retaining title to the park fronting I Street on the Courthouse block and the Jail and the Jail Sallyport as described on Attachment A; directed the Auditor-Controller to make quarterly installments of the County Facilities Payment associated with the Modesto Main Courthouse and the Hall of Records facilities of approximately \$445,670 annually, adjusted by an inflation index established in accordance with Government Code 70362 which provides that the preliminary inflation index prepared by the State Department of Finance will be recalculated at the beginning of the fiscal year following the date of transfer to reflect the final, revised inflation index with any over or underpayment

reflected as a one-time adjustment to the first quarterly payment the next fiscal year; authorized the Reduction-In-Force of two filled positions and two vacant positions in the GSA Facilities Maintenance budget effective 1/17/09 based on the Administrative Office of the Courts decision to contract for these services; amended the Salary and Position Allocation Resolution to reflect the recommended changes as outlined in the Staffing Impacts section of the agenda item; after approval of the Record of Survey and after fulfilling the remaining requirements in the Transfer Agreement, authorized the Chairman of the Board to sign the Grant Deed for the conveyance of the Modesto Main Courthouse and the Hall of Records (Parcel C) and the Transferred Parking Area (Parcel D) to the State, which will be approved as to form by County Counsel, similar in form and content to that included as Exhibit I to the Transfer Agreement once the State Public Works Board agrees to accept title to these properties on behalf of the State of California; authorized the CEO to finalize and execute an agreement(s) between the Superior Court and/or the Administrative Office of the Courts for Superior Court use of County space in the Hall of Records, Juvenile Justice Facility and for Department 16, Family Law Court located at 801 11th Street; authorized the CEO to execute any other documents necessary to complete the transfer, upon approval as to form by County Counsel; and, finds that the recommended actions are exempt from the provisions of CEQA – CEO 2008-832

Corr 1 Referred to the Agricultural Commissioner-Sealer of Weights and Measures and the Stanislaus Economic Development and Workforce Alliance, a letter from the Governor’s Office of Emergency Services regarding the U.S. Small Business Administration declaring Stanislaus County, as a contiguous County, a disaster area due to the economic impacts caused by Dry Lightening Wildfires that occurred June 8, 2008, through August 20, 2008.

Corr 2 Referred to Behavioral Health and Recovery Services, a copy of “Navigating the Currents: A Guide to California’s Public Mental Health System” from Eli Lilly and Company.

Corr 3 Referred to the Department of Parks and Recreation, a letter from the California Department of Parks and Recreation regarding the Statewide Park Development and Community Revitalization Act of 2008 (Statewide Park Program), a new grant program that will award funds to critically underserved communities for the creation of new parks and facilities.

Corr 4 Referred to the CEO, a letter from the City of Ceres regarding animal control services in Stanislaus County.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Dawn Ken; Houret Cattle Co.; Esperanza Ramirez; Columbus Allen Jr. II; and, Brooke Gray.

Vice-Chairman DeMartini reported that he, Supervisor Monteith, and Supervisor-Elect Chiesa, attended the annual CSAC Conference last week in San Diego. He noted that of particular interest was the State Budget and the substantial impact on the counties. Governor Schwarzenegger was there and stated that he would not support the State taking any of the Prop 42 (sales tax on fuel) money, or borrowing any money through the provision of Prop 1A.

Supervisor Grover learned during the meeting, that the County’s network is down and that people are currently unable to make their property tax payments online. The CEO commented that the network should be fixed this morning, and that taxpayers still need to pay their property taxes by 12/10/08 and that they may want to contact the Treasurer-Tax Collector to make other arrangements if they are unable to make their payment online.

Supervisor Grover reported that he took part in the partial recount last week regarding the Measure S Election. He noted that they focused on the 14,000 ballots that had not been counted because of lack of registrations and the 7,400 under votes. He reported that the integrity of the Clerk-Recorder's system is very good, and that the Election staff was very courteous and helpful.

Adjourned to closed session at 10:09 a.m. for conference with Legal Counsel - Anticipated Litigation - One Case. Government Code §54956.9(c).

Adjourned at 11:13 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.)