

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

Regular Session

Tuesday

February 10, 2009

All Supervisors Present

Pledge of Allegiance to the Flag

David Dolener, Deputy Executive Officer, gave a presentation recognizing Stanislaus County's Safety Leadership.

Chairman DeMartini presented Annette Patton, Deputy Director of Animal Services; Nicole Montroy from the Alley Cat Guardians; Pam Mather from the Stanislaus County Humane Society; and, Nancy Smith from the Animal Advisory Board a resolution proclaiming February 2009 as Spay and Neuter Month and 02-24-2009 as Spay Day in Stanislaus County.

Debra Harper spoke regarding her suspensions from the Stanislaus County Library and the Law Library.

Monteith/Grover unan. Adopted the consent calendar

\*A1 Approved the minutes of 02/03/09

\*A2a Appointed Chad Kennedy to the Stanislaus County Parks and Recreation Commission

2009-98

\*A2b Appointed Gary Hampton to the Emergency Medical Services Committee

2009-99

\*A2c Appointed Thomas Maring to the Agricultural Advisory Board

2009-100

\*A3 Reappointed Jim Jasper to the Hills Ferry Cemetery District Board of Directors

2009-101

\*A4 Adopted an Amendment to the Conflict of Interest Code of the Stanislaus Council of Governments (StanCOG)

2009-102

\*A5 Accepted the resignation of Johnathan Parker from the Keyes Community Services District Board of Directors

2009-103

\*B1 Approved request from Boy Scout Troop No. 28 to have exclusive use of the Kiwanis Camp from Friday 2/13/09, at 12:00 p.m. to Sunday 2/15/09, ending at 5:00 p.m. and from Friday, 2/20/09 at 12:00 p.m. to 2/22/09, ending at 5:00 p.m. for overnight camping activities; directed Boy Scout Troop No. 28 to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for the exclusive use and reservation of the Kiwanis Camp – Parks and Recreation

2009-104

\*B2 Approved an application to be submitted for the 2009 National Association of Counties (NACO) Achievement Award for the successful accomplishments in the category of the Arts to highlight the partnership between the County and the Central Valley Center for the Arts (CVCA) for the construction of the Gallo Center for the Arts; authorized the Chairman of the Board to sign the application on behalf of the Board of Supervisors; and, authorized the CEO to submit the application to NACO – CEO

2009-105

\*B3 Approved the issuance of a RFP for Stanislaus County refuse removal in Franchise Area No. 3; and, directed the Director of DER, or her Designee, to return to the Board with a recommendation following the review of the responses to the RFP – DER

2009-106

\*B4 Rejected all bids from the Fink Road Landfill, Landfill 2, Cell No. 5, Excavation Project, that had a bid opening date and time of 11/26/08, at 2:00 p.m.; authorized DER to solicit new bids by combining Phases One and Two into one larger project; the Fink Road Landfill, Landfill 2, Cell No. 5, Construction Project; adopted the plans, specifications, and working

details for the Fink Road Landfill, Landfill 2, Cell No. 5 Construction Project; directed the Department of Public Works staff to mail the notice inviting bids to trade journals and newspaper advertisement as required by law; directed the Clerk of the Board to publish the Invitation to Bidders for the project as required by law; and, set the deadline for submission of the bid as 3/18/09, prior to 2:30 p.m. – DER 2009-107

\*C1 Approved the County Diesel Vehicle Idling Policy – PW 2009-108

Chiesa/Grover unan. **B5** Accepted the CEO's update on the status of City and County negotiations regarding Animal Services; approved the Facility Program as prepared by Richard Rauh, an architectural corporation, in collaboration with Rauhaus, Freedendfeld and Associates for a future animal shelter, for a multi-agency program and a County program plan; authorized staff to develop public policy strategy options for future consideration for a possible low cost spay/neuter clinic at the shelter that involves participation of public, private and non-profit groups consistent with the recommended Facility Plan; authorized the Design and Project Team to proceed to the design phase for the two options for a future animal shelter project; a multi-agency program plan and a County program plan, and retain the necessary professional services such as geotechnical engineering and others needed to complete the next phase of work; authorized the Project Manager to reform and amend the agreement with the architects for the scope of work change associated with the two program plan approach; authorized the Department of Planning and Community Development to initiate formal environmental review of the Stanislaus County Public Safety Center buffer area for the construction of the new animal shelter, including contracting for professional services needed, such as traffic and noise studies to complete the environmental review; directed the Auditor-Controller to transfer \$60,000 in existing appropriations from the CEO Plant Acquisition budget and increase appropriations and revenue of \$60,000 in the new Animal Facility Capital Project Fund as detailed in the Budget Journal (these funds were previously approved by the Board of Supervisors for this project); and, approved a reimbursement resolution related to expenditures for the construction of the New Animal Shelter allowing the County to be reimbursed for expenditures that occurred prior to the formation of the Animal Services Joint Powers Authority – CEO

2009-109

**Corr 1** Referred to the CEO, a letter from the Patterson, Newman and Gustine Historical Societies regarding the location of a pioneer cemetery at the former naval air station in Crows Landing.

**Corr 2** Referred to the CEO and County Counsel, a letter from R&B Electronics protesting the low bid for the Stanislaus County Juvenile Justice Center Fire Protection and Security Electronics Upgrade project.

**Corr 3** Referred to the CEO and County Counsel, a letter from Industrial Electronic Systems, Inc. protesting the low bid for the Stanislaus County Juvenile Justice Center Fire Protection and Security Electronics Upgrade project.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claim: Lynette Reid.

Chairman DeMartini reported that he, along with Supervisor Grover, CEO Robinson, and David Jones, Director of Communication and Legislative Affairs, went to Washington D.C. last week to meet with our federal representatives, the Army Corp. of Engineers, and the County's lobbyist regarding the County's Legislative Platform. Chairman DeMartini also spoke regarding Correspondence No. 1 concerning the location of a pioneer cemetery at the former naval air station in Crows Landing. He has requested that Congressman Radanovich's office contact the Navy to see if there are aerial photographs of the site that

may show the location of a cemetery. He noted that if there is a pioneer cemetery on the site that it should be preserved, and the County is looking into this.

The CEO reported that the State Senate and Assembly are meeting today but are not scheduled to vote on the Budget. He noted that they may vote on the Budget later this week, or wait until it is known what the federal economic stimulus package will be offering California. He stated that County staff and Department Heads continue to contact our local delegation expressing the adverse impacts the deferral of payments is having on delivering services to our community. The estimated cost of the deferrals to the County for the month of February = \$11.75 million; a three month deferral = \$27.92 million; and, a seven month deferral = \$53.5 million.

Adjourned to closed session at 10:40 a.m. for conference with Legal Counsel - Anticipated Litigation: Two Cases. Government Code §54956.9(c). Conference with Legal Counsel - Existing Litigation: Clark & Sullivan Builders, Inc. vs. County of Stanislaus, Stanislaus County Superior Court Case No. 612057. Government Code §54956.9(a).

**Closed Session Announcement:** Chiesa/Grover unan. The Board authorized County Counsel to join other counties in filing a lawsuit to compel the State Controller to issue payment of the State share of local aid payments and, in the alternative, to authorize the reduction of County aid payments in proportion to the amount of State aid withheld from the County 2009-110

Adjourned at 11:45 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's Office.)