

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

Regular Session

Tuesday

April 28, 2009

All Supervisors Present

Pledge of Allegiance to the Flag

The Chairman presented resolutions proclaiming May 2009 as Older Americans Month and Elder Abuse Prevention Month.

Maggie Meja from the Latino Community Roundtable asked the Board for information concerning Swine Flu. She invited the Board members to the Cinco de Mayo Parade being held on Crows Landing Road on Saturday 05/02/09 and the Cinco de Mayo Fiesta being held in Tuolumne Park on Sunday, 05/03/2009.

Ricardo Cardenas from the Crows Landing Road Business Association thanked the Board and the Sheriff's Department for their support. He spoke regarding the Día de Niño event being held this Thursday at 1700 Crows Landing Road.

The CEO thanked Maggie Meja, the Sheriff's Department and the Public Works Department for their work in making the Cinco de Mayo event happen. He gave an update regarding the distribution of information regarding Swine Flu, and noted that the County is actively engaged in sharing information with the Latino community.

Dr. Walker, County Health Officer, gave an update regarding the County's efforts in addressing Swine Flu. He reported that an English/Spanish information page and poster was distributed yesterday throughout the community. He noted that Public Health has activated the flu hotline, and is posting information on the OES website: stanemergency.com.

Monteith/Grover unan. Adopted the consent calendar

- *A1 Approved the minutes of 04/21/2009
- *A2a Proclaimed 05/01/2009 as Silver Star Banner Day 2009-257
- *A2b Proclaimed 05/10-16/2009 as AmeriCorps Week 2009-258
- *A2c Proclaimed May as Foster Care Awareness Month and 05/19/2009 as Foster Parent and
Relative Care Provider Appreciation Day 2009-259
- *A2d Proclaimed 05/11-15/2009 as Juror Appreciation Week 2009-260
- *A3 Commended Randy Siefkin upon receiving the 2009 Liberty Bell Award from the Stanislaus
County Bar Association 2009-261
- *B1 Approved the Area Agency on Aging Four-Year (2009-2012) Area Plan; and, authorized the
Chairman and the Director of AAA to sign the transmittal letter to the California
Department of Aging – AAA 2009-262
- *B2 Approved the 2009-2010 Megabyte Automated Property Tax System Maintenance Agreement
with Megabyte Systems, Inc.; and, authorized the CEO, upon recommendation by the
Assessor, Auditor-Controller and Treasurer/Tax Collector, to sign the agreement
– Assessor 2009-263
- *B3 Adopted the Property Tax Administration Cost Recovery Plan; approved the report
determining the Property Tax Administration Costs for FY 2007/2008 are \$6,671,798 and
establishing the proportion of said costs attributable to incorporated cities and other

- jurisdictions in FY 2008/2009; and, authorized the collection of said costs pursuant to the provisions of the Revenue and Taxation Code §95.3 and 97.75, and Stanislaus County Code §4.44.010 – Auditor-Controller 2009-264
- *B4** Approved the provisions contained within the tentative agreement reached between the County and the Stanislaus County Sheriff’s Management Association representing the Lieutenant and Custodial Lieutenant Bargaining Unit; amended the Salary and Position Allocation Resolution to reflect the changes included in the tentative agreement; and, authorized the Chairman and all parties to sign the agreement – CEO 2009-265
- *B5** Approved the final completion and acceptance of the tenant and site improvements for the unfinished space of the 5th floor of the 12th Street Office Building; approved the final contract with Simile Construction Services, Inc. of Modesto, California as follows: original contract in the amount of \$395,000; total change orders in the amount of \$7,225; for a total contract cost of \$402,225; and, authorized the Project Manager, on behalf of the Board as the awarding authority, to sign the completion documents, record the Notices of Completion, release retention, and process all remaining close out activities for the above contracts – CEO 2009-266
- *B6** Determined that the bid received from C.S. & W. Contractors, Inc., is non-responsive and rejected their bid for the Fink Road Landfill, Landfill 2, Cell No. 5, Construction Project on that basis; awarded contract in the amount of \$4,020,322 to DeSilva Gates Construction, LP., of Dublin, CA, for the construction of the Fink Road Landfill, Landfill 2, Cell No. 5, Construction Project; authorized the Director of DER, or her Designee, to execute a contract with DeSilva Gates Construction, LP., in the amount of \$4,020,322 and to sign necessary documents; authorized the Director of DER, or her Designee, to execute change orders in accordance with Public Contract Code §20142; and, upon project completion, authorized the Director of DER, or her Designee, to accept the completed improvements and perform all necessary closeout activities – DER 2009-267
- *B7** Accepted the Stanislaus County Treasury Pool’s March 2009 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 has been distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman of the Board to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2009-268
- *B8** Approved the distribution of excess proceeds of \$124,111.76 from the 02/27/08 sale of tax defaulted properties; and, authorized the Auditor’s Office to issue checks totaling \$124,111.76 per the list of claims for excess proceeds submitted in accordance with Revenue and Taxation Code §4675 – T/TC 2009-269
- *B9** Authorized the Director of DER and Parks and Recreation, or her Designee, to submit an Application for American Recovery and Reinvestment Act of 2009 funds for diesel emissions reductions – DER 2009-270
- *B10** Upon concurrence of the Modesto City Council, approved the issuance of a Notice of Intent to exercise the existing six-year contract extension with Covanta Stanislaus, Inc.; authorized staff to continue ongoing negotiations; and, authorized the CEO to sign the Notice of Intent – DER 2009-271
- *B11** Approved the Department of Parks and Recreation to apply for the State of California Off-Highway Vehicle Grant Program in the amount of \$489,969; authorized the Director of Parks and Recreation to sign and submit the grant application to the State of California Natural Resources Agency; and, approved the State of California Off-Highway Vehicle Program Grant Resolution – Parks and Recreation 2009-272

***D1** Rescinded all of Williamson Act Contract No. 1971-0009 and a portion of Williamson Act Contract No. 1972-0771, (Yosemite Blvd., southeast of La Grange) and authorized the Planning Director to execute new contracts pursuant to Minor Lot Line Adjustment 2008-32 – Rodden-Coleman; finds the new 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 Section 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; and, 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 2009-273

O'Brien/Grover unan. **9:15 am A.** Introduced and waived the first reading of Ordinance C.S. 1059 to establish new fees and amend existing Fees for Building Permits – Planning ORD-55-J-6 2009-278

Grover/Chiesa unan. **9:15 am B.** Introduced and waived the first reading of Ordinance C.S. 1060 to establish new fees and amend existing Fees for Planning Services – Planning ORD-55-J-7 2009-279

Chiesa/O'Brien unan. **9:15 am C.** Introduced and waived the first reading of Ordinance C.S. 1055 to amend the existing fees in the Probation Department; and, **amended** Ordinance C.S. 1055 to increase the Juvenile Hall Fee to \$24.41 and to increase the Department of Juvenile Justice Fee to actual cost billed to the County up to the maximum allowed by the State – Probation ORD-55-J-2 2009-280

O'Brien/Monteith unan. **9:15 am D.** Introduced and waived the first reading of Ordinance C.S. 1057 to amend Stanislaus County Code §7.32.110 Voluntary Surrender and to Adopt the 2009 Fee Schedule in accordance with Stanislaus County Code Chapter 7.50 Animal Services Fees ORD-55-J-4 2009-281

Grover/O'Brien unan. **B12** Approved agreements with County labor organizations to authorize the use of up to 104 hours (13 days) of unpaid employee furloughs in FY 2009/2010; authorized the use of up to 104 hours (13 days) of unpaid employee furloughs for unrepresented Management and Confidential Employees in FY 2009-2010; authorized the CEO to sign employee furlough agreements with County labor organizations and negotiate specific provisions for individual bargaining units as necessary to finalize the implementation of employee furlough procedures; and, authorized the CEO and County Auditor-Controller to implement changes in the Salary and Position Allocation Resolution as necessary to implement employee furlough, in compliance with applicable State and Federal laws – CEO 2009-274

Monteith/Grover unan. **B13** Accepted the 2008 Public Works Annual Report 2009-275

Chiesa/Grover unan. **B14** Accepted the 2009 Health Services Agency Public Health Division Annual Report 2009-276

O'Brien/Grover unan. **B15** Approved the agreement between the County of Stanislaus and California Correct Care Solutions, PC for inmate health care services; and, authorized the Chairman of the Board to sign the agreement for the initial period of 07/01/2009–06/30/2014, with possible extension through 06/30/2016 – CEO 2009-277

Corr 1 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, six copies of Petitions for Temporary Transfer of Water/Water Rights from MBK Engineers.

Corr 2 Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from NI Industries, a TriMass Company, regarding their plans to extend the mass layoff of 8 positions scheduled for April 24, 2009 to on or before May 8, 2009, due to unexpected production delays at its facility at 5300 Claus Road in Riverbank, CA per the Worker Adjustment and Retraining Notification (WARN) Act.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Ernie Valdez; James Crowley; and, John Medeiros.

The CEO gave a report regarding CSAC's opposition to AB 155 (Mendoza), and noted that he has prepared a letter of opposition for the Chairman to sign. He also gave an update regarding the County's activities in addressing the Swine Flu and reported that a Threat Assessment Group (TAG) meeting was held on Friday made up of representatives of OES, Public Health, the medical community, education, local cities, agriculture and law enforcement. The next TAG meeting will be held on Friday 05/01/2009. He noted that no cases of Swine Flu have been identified in Stanislaus County. A Stan MAC (Multi-Agency Coordinating Council) meeting has been scheduled for today to establish an action plan in the event that Swine Flu does reach our community. He encouraged the public to obtain information regarding Swine Flu at the www.stanemergency.com website.

Adjourned at 11:06 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.)