

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

Regular Session

Tuesday

September 1, 2009

Supervisor Monteith absent

Pledge of Allegiance to the Flag

A moment of silence was held for Lina Ruppel, former Assistant Director of HSA.

Karen Williams from the Stanislaus Literacy Center presented information on International Literacy Day and received the proclamation.

Chiesa/O'Brien (4-0)(Monteith absent) Adopted the consent calendar after removing from consent items

**\*A5** Approval to Commend the City of Patterson Upon their 100th Anniversary of Incorporation; and,

**\*B4** Approval of the Real Estate Fraud Prosecution Trust Fund Annual Report Covering Fiscal Year 2008-2009 – DA

**\*A1a** Approved the minutes of 08/11//2009

**\*A1b** Approved the minutes of 08/18/2009

**\*A2** Reappointed David Cooper to the Children and Families Commission 2009-547

**\*A3a** Appointed Tim Ogden to the Economic Development Action Committee 2009-548

**\*A3b** Appointed Daryl Poppen to the Keyes Fire Protection District Board of Directors 2009-549

**\*A3c** Appointed Mark Heinzinger to the 49-99 Library System Advisory Board 2009-550

**\*A4** Declared a vacancy on the Stanislaus Economic Development and Workforce Alliance 2009-551

**\*A6a** Proclaimed September 2009 as National Preparedness Month 2009-552

**\*A6b** Proclaimed October 2009 as Arts and Humanities Month 2009-553

**\*B1** Approved a resolution to levy FY 2009-2010 to benefit assessment rates for the following lighting districts: Airport Neighborhood, Almond Wood, Country Club – Zone A, Country Club – Zone B, Crows Landing, Deo Gloria, Denair, Empire, Fairview, Gibbs Ranch, Gilbert Road, Golden State, Hillcrest, Mancini Park Homes, Monterey, North Oaks, North McHenry, Olympic, Peach Blossom, Richland, Salida, Schwartz Baize, Sunset Oaks, Sylvan Village and Tempo Park; and, authorized the Auditor-Controller to add the assessments to the 2009-2010 tax roll – Auditor-Controller 2009-554

**\*B2** Adopted the 1% tax rate authorized by §93(b) and 135 of the Revenue and Taxation Code; adopted the tax rates that are "...needed to make annual payments for the interest and principal on general obligation bonds or other indebtedness approved by the voters" to be levied pursuant to Revenue and Taxation Code 93(a) and 93(c); adopted the Countywide Unitary Tax rate authorized by §100 of the Revenue and Taxation Code; and, adopted the .8714% tax rate for the territory formerly served by the lower San Joaquin Levee District – Auditor-Controller 2009-555

**\*B3** Accepted the Stanislaus County Treasury Pool's July 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 to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2009-556

- \*B5 Approved contract SC38383-08-04 effective 08/01/2008 through 12/31/2008, with the California State University Fresno Foundation for the Central California Regional Obesity Prevention Program, to replace the intended contract SC38383-06-01 previously approved by the Board of Supervisors on 10/21/2008; approved contract SC38632-09-04 effective 01/01/2009 through 01/30/2010, with the California State University Fresno Foundation for the Central California Regional Obesity Prevention Program; and, authorized the HSA Managing Director, or her Designee, to sign both contracts and any amendments thereafter – HAS 2009-557
- \*B6 Approved the list of Independent Contractor Agreements between the Stanislaus County HSA and various contractors for FY 2009-2010 for the provision of health care and Public Health mandates; authorized the HSA Managing Director, or her Designee, to sign the agreements; and; authorized the HSA Managing Director, or her Designee or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 – HAS 2009-558
- \*B7 Approved the closure of the Riverbank Library on Saturday, 10/10/2009, during the 33rd Annual Riverbank Cheese and Wine Exposition – Library 2009-559
- \*B8a Approved request from Escalon High School to have exclusive use of Woodward Reservoir areas designated for cross-country trails on 10/07/2009, beginning at 1:00 p.m. and ending no later than 7:00 p.m. for their Annual Cross Country Invitational; directed Escalon High School and its staff to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use, reservation, bus and vehicles fees for the Annual Cross Country Invitational – Parks and Recreation 2009-560
- \*B8b Approved request from JAFCO Canine Management to have exclusive use of the Woodward Reservoir Area BB from Wednesday, 09/16/2009 beginning at 12:00 p.m. (noon) to Sunday, 09/20/2009, ending at 4:00 p.m. for their 28th Annual Canine Water Working Seminar for Law Enforcement Officers; directed JAFCO Canine Management to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use, reservation fees and the reduced fees from \$15 to \$7 per vehicle per night for camping – Parks and Recreation 2009-561
- \*B8c Approved request from Boy Scout Troop 2 to have exclusive use of the Kiwanis Camp from Friday, 09/18/2009, beginning at 10:00 a.m. to Sunday, 09/20/2009, ending at 5:00 p.m. for their overnight camping activities; directed Boy Scout Troop 2 to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use and reservation of the Kiwanis Camp – Parks and Recreation 2009-562
- \*B8d Approved request from the Christian Service Brigade at Calvary Baptist Church to have exclusive use of the Kiwanis Camp starting Friday, 10/02/2009, beginning at 10:00 a.m. and ending on Sunday, 10/04/2009, at 5:00 p.m. for their Annual Father/Son Team Day and Overnight Camping Activities; directed the Christian Service Brigade at Calvary Baptist Church to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use and reservation of the Kiwanis Camp – Parks and Recreation 2009-563
- \*B9 Approved the agreement with Sierra Vista Child and Family Services for the First Step Perinatal Treatment Program through the end of FY 2009-2010; approved the amendment to the agreement with Debra A. Johnson, Ph.D., a Psychology Corporation, to provide sexual abuse treatment services through the end of FY 2009-10; authorized the BHRS Director, or her Designee, to sign the agreement and amendment; and, authorized the BHRS Director, or her Designee, to negotiate and sign amendments to all agreements to add services and payment for services up to \$75,000 per agreement, budget permitting, throughout FY 2009-10 – BHRS 2009-564

- \***B10** Authorized the Sheriff to enter into and sign an agreement to purchase one canine from the Stanislaus Sheriff's K9 Association – Sheriff 2009-565
- \***C1** Authorized the Director of Public Works to sign and submit the application for the renewal of the General Lease with the California State Lands Commission for the Grayson Road bridges at San Joaquin River and Laird Slough – PW 2009-566
- \***C2** Adopted a resolution initiating proceedings for the formation of the Marshall Avenue Lighting District; directed the Public Works Department to prepare and file the required Engineer's Report; approved the use of \$3,200 of Community Development Funds for initial start up costs associated with the formation of the Marshall Avenue Lighting District; and, directed the Auditor-Controller to increase appropriations as detailed in the Budget Journal Form – PW 2009-567
- \***C3** Awarded a consulting contract for engineering services to Tremaine & Associates, Inc., not to exceed \$140,000 for the Cultural Resources Study for RSTP Roads Projects; authorized the Director of Public Works to execute a contract with Tremaine & Associates, Inc., not to exceed \$140,000, and to sign necessary documents; and, directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW 2009-568
- \***D1** Approved the finding that the proposed City of Hughson's Sphere of Influence expansion is logical and orderly; and, directed the Chief Executive Officer to notify the Local Agency Formation Commission of the County's agreement with the expansion request – Planning 2009-569
- \***D2** Authorized the release of the Fiscal Year 2008-2009 Draft Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant Program for a public review to end on 09/22/2009; and set a public hearing on 09/22/2009, at 9:15 a.m., to consider adoption of the Community Development Block Grant Fiscal Year 2008-2009 Consolidated Annual Performance Evaluation (CAPER) – Planning 2009-570

DeMartini/Grover (4-0)(Monteith absent)\***A5 Amended** the item to read as follows: "Approval to Commend the City of Patterson upon their 100th Anniversary of their Founding"; and, approved the commendation as amended 2009-571

Grover/Chiesa (4-0)(Monteith absent)\***B4** Accepted the report of the District Attorney's Office regarding Real Estate Fraud Prosecution Trust Fund pursuant to California Government Code §27388, sub-sections (d)(1) and (d)(2); and, approved the continuation of this program and current funding levels in the 2009-2010 Fiscal Year – DA 2009-572

Grover/O'Brien (4-0)(Monteith absent) **9:15 am** Conducted a public hearing to consider changes to the Medically Indigent Adult program to include: (a) the reduction to the income limits at which patient cost sharing applies, (b) the reduction to the Asset Limits for eligibility; (c) a reduction in the Dental Scope of Benefits; and, (d) an increase in patient cost sharing specifically for major restorative Dental Services; approved the reduction to the Income Limits at which patient cost sharing applies effective 10/01/2009; approved the reduction in the Asset Limits for eligibility effective 10/01/2009; approved the reduction to the Dental Scope of Benefits effective 10/01/2009; approved the increase in patient cost sharing specifically for major restorative Dental Services effective 10/01/2009; and, authorized the HSA Managing Director to fulfill the operational activities associated with the implementation of the above recommendations – HAS 2009-605

- Chiesa/O'Brien (4-0)(Monteith absent) **A7a** Approved appointments in-lieu of election where no candidates filed for the Grayson Community Services District Board of Directors – Registrar of Voters 2009-573
- Chiesa/O'Brien (4-0)(Monteith absent) **A7b** Approved appointments in-lieu of election where no candidates filed for the Monterey Park Tract Community Services District Board of Directors – Registrar of Voters 2009-574
- Chiesa/O'Brien (4-0)(Monteith absent) **A7c** Approved appointments in-lieu of election where no candidates filed for the Riverdale Park Tract Community Services District Board of Directors – Registrar of Voters 2009-575
- Chiesa/O'Brien (4-0)(Monteith absent) **A7d** Approved appointments in-lieu of election where no candidates filed for the Newman Drainage District Board of Directors – Registrar of Voters 2009-576
- Chiesa/O'Brien (4-0)(Monteith absent) **A7e** Approved appointments in-lieu of election where no candidates filed for the Ceres Fire Protection District Board of Directors – Registrar of Voters 2009-577
- Chiesa/O'Brien (4-0)(Monteith absent) **A7f** Approved appointments in-lieu of election where no candidates filed for the West Stanislaus Irrigation District Board of Directors – Registrar of Voters 2009-578
- Chiesa/O'Brien (4-0)(Monteith absent) **A7g** Approved appointments in-lieu of election where no candidates filed for the Denair MAC – Registrar of Voters 2009-579
- Chiesa/O'Brien (4-0)(Monteith absent) **A7h** Approved appointments in-lieu of election where no candidates filed for the Hickman MAC – Registrar of Voters 2009-580
- Chiesa/O'Brien (4-0)(Monteith absent) **A7i** Approved appointments in-lieu of election where no candidates filed for the Burbank-Paradise Fire Protection District Board of Directors – Registrar of Voters 2009-581
- Chiesa/O'Brien (4-0)(Monteith absent) **A8a** Approved appointments in-lieu of election and vacancies: Levurn Berberia and Lance Perry to the Crows Landing Community Services District Board of Directors – Registrar of Voters 2009-582
- Chiesa/O'Brien (4-0)(Monteith absent) **A8b** Approved appointments in-lieu of election and vacancies: Donald A. Little, Ida Tucker and Henry R. Galvan to the Westley Community Services District Board of Directors – Registrar of Voters 2009-583
- Chiesa/O'Brien (4-0)(Monteith absent) **A8c** Approved appointments in-lieu of election and vacancies: Cherrie Renfro to the Empire Sanitary District Board of Directors – Registrar of Voters 2009-584
- Chiesa/O'Brien (4-0)(Monteith absent) **A8d** Approved appointments in-lieu of election and vacancies: Kathaleen Allen, Curtis Erickson and Paul R. Souza to the Empire MAC – Registrar of Voters 2009-585
- Chiesa/O'Brien (4-0)(Monteith absent) **A8e** Approved appointments in-lieu of election and vacancies: Shavon D. Haskell to the Knights Ferry MAC – Registrar of Voters 2009-586

- Chiesa/O'Brien (4-0)(Monteith absent) **A8f** Approved appointments in-lieu of election and vacancies: Silvia Camarillo, Rebecca A. Harrington and Jaime Jay Lomeli, Jr. to the South Modesto MAC – Registrar of Voters 2009-587
- Chiesa/O'Brien (4-0)(Monteith absent) **A8g** Approved appointments in-lieu of election and vacancies: Sharon Hofmann to the Valley Home MAC – Registrar of Voters 2009-588
- Chiesa/O'Brien (4-0)(Monteith absent) **A9a** Approved appointments in-lieu of election: Donald George Smith, Jr. and Diedre Thomas to the Denair Community Services District Board of Directors – Registrar of Voters 2009-589
- Chiesa/O'Brien (4-0)(Monteith absent) **A9b** Approved appointments in-lieu of election: Henry Benavides, Harinder Grewal, Davie Landers, Jr. and Casey Chadwick to the Keyes Community Services District Board of Directors – Registrar of Voters 2009-590
- Chiesa/O'Brien (4-0)(Monteith absent) **A9c** Approved appointments in-lieu of election: Ben J. Cassinetto, Glenda Maisel, Eric R. Ulrich, Timothy McKinsey and William Telfair to the Knights Ferry Community Services District Board of Directors – Registrar of Voters 2009-591
- Chiesa/O'Brien (4-0)(Monteith absent) **A9d** Approved appointments in-lieu of election: David S. Absher and Jeffrey Serpa to the Hughson Fire Protection District Board of Directors – Registrar of Voters 2009-592
- Chiesa/O'Brien (4-0)(Monteith absent) **A9e** Approved appointments in-lieu of election: David E. Boyd, Thomas J. Burns and Gerald De Boer to the Salida Fire Protection District Board of Directors – Registrar of Voters 2009-593
- Chiesa/O'Brien (4-0)(Monteith absent) **A9f** Approved appointments in-lieu of election: Eddie Amador, Jr. and Martin L. Avila to the Westport Fire Protection District Board of Directors – Registrar of Voters 2009-594
- Chiesa/O'Brien (4-0)(Monteith absent) **A9g** Approved appointments in-lieu of election: Kirk Jensen to the Central California Irrigation District Board of Directors – Registrar of Voters 2009-595
- Chiesa/O'Brien (4-0)(Monteith absent) **A9h** Approved appointments in-lieu of election: Steve Webb and Jack D. Alpers to the Oakdale Irrigation District Board of Directors – Registrar of Voters 2009-596
- Chiesa/O'Brien (4-0)(Monteith absent) **A9i** Approved appointments in-lieu of election: Alfred Scheuber, David Reichmuth, and David Fantozzi to the Patterson Irrigation District Board of Directors – Registrar of Voters 2009-597
- Chiesa/O'Brien (4-0)(Monteith absent) **A9j** Approved appointments in-lieu of election: Charles Fernandes to the Turlock Irrigation District Board of Directors – Registrar of Voters 2009-598
- Chiesa/O'Brien (4-0)(Monteith absent) **A9k** Approved appointments in-lieu of election: Brad Johnson, Frank Ploof, Thomas W. Reeves and Walid Ali to the Salida MAC – Registrar of Voters 2009-599
- Chiesa/O'Brien (4-0)(Monteith absent) **A9l** Approved appointments in-lieu of election: Harinder Grewal and Karen Poppen to the Keyes MAC – Registrar of Voters 2009-600

Chiesa/O'Brien (4-0)(Monteith absent) **A9m** Approved appointments in-lieu of election: Gary Dew and Lana Moore to the Salida Sanitary District Board of Directors – Registrar of Voters 2009-601

Chiesa/Grover (4-0)(Monteith absent) **B11** Accepted the third annual report on A Strong Agricultural Economy/Heritage Board Priority Goals and Performance Measures – CEO 2009-602

O'Brien/Chiesa (4-0)(Monteith absent) **B12** Accepted the third annual report on A Safe Community Priority Goals and Performance Measures – CEO 2009-603

Grover/O'Brien (4-0)(Monteith absent) **B13** Accepted the third annual report on A Healthy Community Priority Goals and Performance Measures – CEO 2009-604

**Corr 1** Referred to HSA, a letter from Lilly USA regarding the broadening of the income eligibility for their patient assistance programs for access to prescription medication.

**Corr 2** Referred to the DER and the Fish and Wildlife Committee, a notice from the California State Fish and Game Commission regarding a proposed emergency regulatory action relating to incidental taking of California tiger salamanders.

**Corr 3** Referred to the Agricultural Commissioner and Sealer of Weights and Measures, a letter from the California Regional Water Quality Control Board regarding an upcoming public workshop for the Ammonia Summit: Accessing the Role of Ammonia/UM in the Delta and Suisun Bay Ecosystem.

**Corr 4** Referred to the Agricultural Commissioner and Sealer of Weights and Measures, a letter from the State Water Resources Control Board regarding the temporary change to authorize the transfer of up to 2,902 acre-feet of water from the City of Sacramento and the Sacramento Suburban Water District to the 2009 Drought Water Bank.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Matthew Wagner; Stephen Mason; United Parcel Service; Anthony Shairo; Michael Piazza; Gustavo Leal; Karin Chavez-Pantoja, Miguel Chavez-Guzman, Guadalupe Pantoja; Richard Eldon Garcia; and, Britta A Villarreal.

Supervisor Chiesa reported that he, Chairman DeMartini, the Executive Director of the Farm Bureau, and the Director of Planning and Community Development attended a meeting yesterday in Fresno regarding the Williamson Act. Also attending were Supervisors from the counties of Kings, Fresno, Tulare, Madera and Merced. He requested that an item be brought to the Board in the near future regarding Williamson Act funding.

Supervisor O'Brien reported that he, Supervisor Grover, representatives from water districts, and the City of Modesto toured a couple of waste water plants in the Monterey area that recycle their water for agricultural purposes. He stated that this is an ideal time for Stanislaus County to look at doing something similar.

Chairman DeMartini reminded everyone that this weekend is the City of Patterson's Centennial of its founding, and the City of Newman's Fall Festival. There is also a new self-guided tour available on CD which highlights historical points of interest on the West Side of Stanislaus County.

The CEO reported that SB 684-Cogdill (Negative Bailout) has been held up and that there could be some significant problems getting this bill moved forward. He gave an update regarding SB 716, which would

restrict the use of local transportation funds for counties with a population over 500,000 and cities with a population over 100,000. Stanislaus County is on record strongly opposing the restriction of local transportation funding. The State legislature is scheduled to adjourn its regular session on 09/11/2009. A number of issues are still outstanding which could adversely affect the budget. The State Department of Finance has released that the 2010/2011 budget deficit is already at \$7.5 billion.

Adjourned to closed session at 11:10 a.m. for Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: Stanislaus Sworn Deputies Association and Stanislaus County Sheriffs' Supervisor Association. Government Code §54957.6.

Adjourned at 11:40 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.)