

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

Special and Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

September 15, 2009

Recessed to Closed Session at 5:30 p.m. for Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: California Nurses' Association (CNA); Stanislaus County Employees Association (SCEA)/AFSCME Local 10; Service Employees' International Union (SEIU), Local 521; Committee of Interns and Residents (CAIR/CIR); County Attorneys' Association (CAA); Deputy Sheriffs' Association (DSA); Stanislaus County Sheriffs Supervisors' Association (SCSSA); Stanislaus County Deputy Probation Officers' Association; Stanislaus Regional Emergency Dispatchers' Association; Stanislaus County Group Supervisors' Association; Stanislaus County Sheriff Management Association; Stanislaus County District Attorney Investigators' Association; Stanislaus Sworn Deputy Association (SSDA); and, United Domestic Workers (UDW). Government Code §54957.6.

Reconvened at 6:35 p.m. for Regular Session

A moment of silence was held in memory of James Layton, a Riverbank Navy corpsman killed in Afghanistan last week.

Mike Lynch, representing the California High Speed Rail Authority, announced that there will be scoping hearings on 10/28/2009 at the Tenth Street Place Chambers in Modesto, and on 10/29/2009 at the Assyrian American Civic Club in Turlock, regarding the potential alignments for the Sacramento to Merced corridor.

Joseph W. Carcione, Jr. voiced concerns regarding the location of the traffic limit line at the intersection of Claribel Road and Terminal Avenue.

Susanna Mendieta Beasley thanked Stanislaus County for the continued support of the International Festival, and invited the Board and the public to attend this festival on Saturday, 10/03/2009 from 11am to 5pm at the Gallo Center for the Arts.

John Mitchell from the Riverbank School District also voiced concerns regarding the intersection of Claribel Road and Terminal Avenue and noted that they have 40 to 60 buses a week that cross the train tracks at this intersection.

Grover/Monteith unan. Adopted the consent calendar after removing from the agenda item ***B6** Approval to Amend and Extend the Agreement with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc., for Environmental Monitoring, Testing, and Reporting Services, at the Fink Road and Geer Road Landfills, and for Operations, Maintenance, and Monitoring Services at the Geer Road Landfill – DER

***A1** Approved the minutes of 09/01/2009

***A2** Set a Public Hearing on 10/06/2009, at 9:15 a.m., to consider an appeal of the Planning Commission's denial of Use Permit Application No. 2008-26 - Eastlake Baseball Complex
2009-606

- ***A3a** Appointed Rebecca Robinson to the Stanislaus Child Development Local Planning Council 2009-607
- ***A3b** Appointed Raynold Kablanow to the Hazardous Waste Management Advisory Committee 2009-608
- ***A3c** Appointed Carla Doshas to the Knights Ferry Municipal Advisory Council 2009-609
- ***A4** Appointed in-lieu of election where no candidates filed for the Reclamation District #2091 (Chase) Board of Directors 2009-610
- ***A5** Appointed in-lieu of election Fred Beltran and Steve Arnaudo and a vacancy to the Oak Flat Water District Board of Directors 2009-611
- ***A6a** Appointed in-lieu of election Ray Gene Veldhuis and Mark Hodges to the Sand Creek Flood Control District Board of Directors 2009-612
- ***A6b** Appointed in-lieu of election Armelin De Sousa and Albert M. Mendes, Jr. to the Reclamation District #2063 (Carpenter) Board of Directors 2009-613
- ***A6c** Appointed in-lieu of election Michael Berg to the Wendt Ranch Reclamation District Board of Directors 2009-614
- ***A6d** Appointed in-lieu of election Bill Koster, Peter Lucich and Thomas W. Dompe to the Del Puerto Water District Board of Directors 2009-615
- ***A6e** Appointed in-lieu of election James Crecelius, David Long and Tim Johnson to the Eastside Water District Board of Directors 2009-616
- ***A6f** Appointed in-lieu of election James W. Lopes and Steve McManis to the El Solyo Water District Board of Directors 2009-617
- ***A6g** Appointed in-lieu of election Allison S. Fahey, Anita Moran Slicton and Wayne McCurley to the Rock Creek Water District Board of Directors 2009-618
- ***A6h** Appointed in-lieu of election Guillermo Marrero, Bryan Domyan, Carmen Kearney, Ruby Beltran and Douglas Kearney to the Western Hills Water District Board of Directors 2009-619
- ***A7a** Proclaimed 09/20-26/2009, as Fall Prevention Awareness Week 2009-620
- ***A7b** Proclaimed 09/15 through 10/15/2009, as National Hispanic Heritage Month 2009-621
- ***A7c** Proclaimed 10/03-15/2009, as Binational Health Week 2009-622
- ***B1** Approved the Internal Audit Division's Audit Schedule for the Period July 2009 to June 2010 – Auditor-Controller 2009-623
- ***B2** Approved the closure of all Stanislaus County Libraries on 12/24/2009 – Library 2009-624
- ***B3** Accepted the responses to the 2008-2009 Stanislaus County Civil Grand Jury Final Report, with any modifications made after consideration by the Board of Supervisors, and authorized the Chairman to forward the response to the Presiding Judge of the Superior Court; and, directed the CEO to ensure that the recommended actions approved by the Board of Supervisors be followed and completed by each County Department and report back to the Board as appropriate – CEO M-39-L-7 2009-625
- ***B4** Accepted the Report of Multi-Department Contracts and Agreements for the Period July 2007 through June 2008 – GSA 2009-626
- ***B5** Adopted the County's Final Capital Improvement Plan (CIP) for FY 2009-2010 based on the 2009-2010 Preliminary CIP Project List approved by the BOS on 08/04/2009, now that the Stanislaus County Planning Commission has found it in conformance with the County's General Plan; and, authorized staff to produce the Final Capital Improvement Plan for FY 2009-2010 for distribution with the FY 2009-2010 Final County Budget – CEO 2009-627
- ***B7** Conducted a public meeting on the Negative Declaration and Mitigation Monitoring Plan for the Heron Point Boat Launching Facility Project; approved the Negative Declaration and Mitigation Monitoring Plan with any comments received during the public review process; finds on the basis of the whole record before the Board that there is no substantial evidence

the project will have a significant effect on the environment; finds that the Negative Declaration reflects the independent judgment and analysis of the Board; and, adopted the Negative Declaration and Mitigation Monitoring Plan – Parks and Recreation 2009-628

- *B8** Approved the use of up to \$5,000 of Community Development Funds to partially fund garbage disposal fees incurred during the Airport Neighborhood Cleanup Event held on 09/12/2009; and, directed the Auditor-Controller to increase appropriations in the amount of \$5,000 as detailed in the Budget Journal Form – CEO 2009-629
- *B9** Authorized the sole-source purchase of portable radios for local law enforcement and the fire service with Homeland Security Grant funds; authorized the Purchasing Agent to issue a PO to Motorola in the amount of \$367,936.26; and, directed the Auditor-Controller to transfer \$369,990 within Fixed Assets to Service and Supplies as detailed in the Budget Journal – OES 2009-630
- *C1** Approved Amendment No. 1 to the Professional Design Services Agreement with Rajappan & Meyer Consulting Engineers to perform additional engineering and environmental studies for the project approval and environmental document phase of the Kiernan Avenue interchange project; authorized the Director of Public Works to execute the amendment; and, directed the Auditor-Controller to increase appropriations and estimated revenue for the Kiernan Avenue interchange project per the financial transaction sheet – PW 2009-631
- *C2** Set a public hearing on 11/03/2009 at 9:15 a.m., or as soon thereafter as the matter may be heard, regarding the formation of the Marshall Avenue Lighting District and the levy of a specific benefit assessment; approved the Engineer's Report for the formation of the Marshall Avenue Lighting District; authorized an Assessment Ballot Procedure in conformance with Proposition 218 for the Marshall Avenue Lighting District and notice given pursuant to Government Code §53753(B); and, ordered that the notice of the public hearing be given pursuant to the Highway Lighting District Act Code §19050 – PW DL-44-2 2009-632
- *C3** Adopted a resolution initiating proceedings for the formation of County Service Area 27-Empire; directed the Public Works Department to prepare and file the required Engineer's Report; approved the use of up to \$5,000 of Community Development Funds for initial start up hard costs associated with the formation of County Service Area 27-Empire; and, directed the Auditor-Controller to increase appropriations as detailed in the budget journal form – PW CSA-27-1 2009-633

Chiesa/O'Brien unan. **B10** Accepted a donation in the amount of \$5,000 to the Sheriff's Department Detectives Division from the Stanislaus County Farm Bureau for the purchase of surveillance equipment for the purpose of law enforcement services in Stanislaus County; recognized Wayne Zipser, General Manager of the Stanislaus County Farm Bureau, for the generous donation; and, authorized the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$5,000 in the Sheriff's Department Operation budget, Detectives Division, for FY 2009-2010 as detailed in the budget journal form – Sheriff 2009-634

Monteith/Grover unan. **6:35 pm** Accepted the recommended Final Budget for FY 2009-2010 from the CEO; conducted the scheduled public hearing to receive public comment and input on the proposed spending plan; adopted the Final Budget for FY 2009-2010; authorized the CEO and the Auditor-Controller to make the necessary technical adjustments to implement the approved Final Budget; directed the CEO and the Auditor-Controller to prepare the Final Budget document in accordance with State law and submit it to the State Controller prior to 12/01/2009; amended the Salary and Position Allocation Resolution to reflect the recommended changes in the Final Budget, (as outlined in the Staffing Impacts section of the report and detailed in Attachment "A") to be effective with the start of the first pay period

beginning after 09/26/2009; approved the reduction-in-force of three filled full-time positions in Area Agency on Aging and three filled full-time positions in the General Services Agency effective 10/24/2009; approved contracts and/or agreements listed on Attachment "C" in cumulative amounts of \$100,000 or greater as of 07/01/2003; authorized CSA to implement two regulatory program changes in the General Assistance Program in the areas of maximum grant amount and permanently disabled aid as described in the 2009-2010 Final Budget Addendum; authorized Behavioral Health and Recovery Services to transfer \$666,384 from the departmental contingency account into other accounts in order to appropriately reflect the funds budgeted use; approved the revised General Services Agency Purchasing Division operating hours that would eliminate extended hours for the Purchasing Division Monday through Friday from 7:30 a.m. - 8:00 a.m. to the modified business hours of Monday through Friday, 8:00 a.m. to 5:00 p.m. effective 09/21/2009; approved an increase in three existing designations: the State 1A Funding Exposure Designation by \$3,425,267 for potential exposures associated with Proposition 1A; the Litigation Designation in the amount of \$1 million for potential exposures associated with a change in venue for a capital murder trial; and the Contingency Designation in the amount of \$1,722,422 using uncommitted funds from the Economic Development Bank; authorized the establishment of a new Retirement Designation in the amount of \$2,000,000 for future retirement exposures; approved the request by the Auditor-Controller to establish a Teeter Obligation Designation in the amount of \$13,344,174 to fund future increases to the Teeter Receivable; approved the re-designation of \$41,939 of unused Tobacco Settlement funding which is being returned to Tobacco Settlement through County Match from the Salida Regional Library remodel project; and, approved decreasing three Carryover Appropriations Designations: the General Fund by \$1,796,456 for a total of \$2,808,872; the Economic Development Bank by \$1,224 for a total of \$32,959; and the Community Development Fund by \$1,400,000 for a total of \$100,000 – CEO 2009-635

Corr 1 Referred to the Agricultural Commissioner and Sealer of Weights and Measures, a letter from the State Water Resources Control Board regarding an order approving a petition for temporary change to authorize the transfer of up to 667 acre-feet of water from the City of Sacramento to the 2009 Drought Water Bank.

Corr 2 Referred to the Agricultural Commissioner and Sealer of Weights and Measures and the Office of Emergency Services, a letter from the California Emergency Management Agency regarding the U.S. Department of Agriculture's granting of a Secretarial disaster designation for the primary County of Tuolumne and Stanislaus County as a contiguous county due to the agricultural losses caused by the freeze that occurred 04/15/2009.

Corr 3 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Modesto Irrigation District; Suzan Younan; Bata Younan; Heather Heiman c/o Gordon Allred, Arnold Law Firm; Lilliana Marie Chaparro; Jacob, Albert, and Lois Cicairos, Paul Cipriano; and, Richard Cano.

The CEO noted that the State legislature has adjourned. He gave an update regarding several bills of interest to the County including SB 684 (Negative Bailout), SB 85, SB 532, and SB 716. He reported that no additional actions were taken to restore Williamson Act funding, and Prop 1A securitization was not passed. Latest projections show the 2010/2011 State budget at a \$7.4 billion deficit, the 2011/2012 budget at a \$15.5 billion deficit, and the 2012/2013 budget at a \$15.1 billion deficit.

Adjourned at 7:48 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.)