

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

October 20, 2009

**Recessed to Closed Session at 5:00 p.m.** for Conference with Legal Counsel - Existing Litigation: Two Cases: Committee Concerning Community Improvement, et al. vs. County of Stanislaus, et al., United States District Court, Eastern District California, Case No. SIV F 04-6121 LJO DLB; and Arenivaz, et al. vs. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 628471. Government Code Section 54956.9 (a). Conference with Legal Counsel - Anticipated Litigation - One Case. Government Code Section 54956.9(c).

**Reconvened at 6:30 p.m. for Regular Session**

**Closed Session announcement:** Grover/Monteith unan. Authorized the filing of a petition for rehearing of the decision on appeal by the Ninth Circuit Court of Appeal regarding the case Committee Concerning Community Improvement, et al. vs. County of Stanislaus, et al., United States District Court, Eastern District California, Case No. SIV F 04-6121 LJO DLB. Government Code Section 54956.9 (a).

2009-685

Chairman Sheridan Beuving of the Stanislaus County Free Library Advisory Board gave a verbal report on the status of the Library.

Kathleen Allen, Chair of the Empire MAC, spoke regarding the increased sewer rates for the Empire Sanitary District. She requested that the Board of Supervisors look into the matter. Supervisor O'Brien noted that the Board does not have authority over the Empire Sanitary District Board other than as the appointing authority for vacancies during the in-lieu election process. He said that he had met with the Empire Sanitary District regarding the rate increase process. He will continue to find out more information.

Monteith/O'Brien unan. Adopted the consent calendar

- \*A1 Approved the minutes of 10/06/2009
- \*A2 Appointed Supervisor Vito Chiesa as the Primary Member and Chairman Jim DeMartini as the Alternate Member to the California State Association of Counties Board of Directors for 2010 2009-686
- \*A3 Commended Ken Diehl and Calvin Bright Upon Receiving the Greater Yosemite Council Boy Scouts of America's 2009 Annual Distinguished Citizens of the Year Award 2009-687
- \*A4 Authorized the Chairman to sign and vote in support on the Property Owner Assessment ballots for the formation of County Service Area (CSA) No. 27 – Empire and the method of calculation for the annual assessments 2009-688
- \*A5 Accepted the resignation of Aaron Trott and approved the appointment of Laura Anhalt to the Reclamation District #2091 (Chase Levee) Board of Directors 2009-689
- \*A6 Proclaimed 11/15/2009, as America Recycles Day 2009-690

- \*B1 Approved a revision to the Sheriff's Department Central Area Command office, hours open to the public from 24 hours, 7 days a week to Monday through Friday from 8:00 a.m. to 5:00 p.m. with emergency phone access available 24-hours a day – Sheriff  
2009-691
- \*B2 Approved Addendum No. 1 to the agreement between the City of Modesto and County of Stanislaus relating to the administration, development and operation of the Geer Road Sanitary Landfill; authorized the CEO to sign Addendum No. 1 to the agreement; authorized staff to issue a RFQ for a potential solar farm ground lease at the Geer Road Landfill Site; and, upon evaluation of candidate qualifications, directed staff to return to the Board for final selection of a candidate with which to enter a 12 month exclusive right to negotiate period – CEO  
2009-692
- \*B3 Approved a resolution to designate the Stanislaus County Equal Rights Award as the Stanislaus County Dale Butler Equal Rights Award; and, approved resolutions commending Ramon Bawan, Human Resources Manager, District Attorney's Office and Brandi Welsh, Management Consultant, Chief Executive Office upon on being selected as the 2009 recipients – CEO  
2009-693
- \*B4 Approved dissolution of the Stanislaus County Children's Council upon unanimous vote of the Council Members – CEO  
BD-65-28 2009-694
- \*B5 Authorized the Area Agency on Aging/Veterans Services to temporarily double-fill a Veterans Service Representative position from 10/24/2009 through 11/28/2009 – CEO  
2009-695
- \*B6 Accepted the FY 2009-2010 Grant from the Department of Insurance for the District Attorney's Office Automobile Insurance Fraud Program totaling \$249,412; authorized the DA to sign the grant award agreement including any extension, or amendments; approved a formal resolution as required by the State to receive this grant funding; and, directed the Auditor-Controller to decrease appropriations and estimated revenue in the amount of \$65,052 as detailed in the Budget Journal form – DA  
2009-696
- \*B7 Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at (CE No. 09-0306) 721 Atlantic Drive, Modesto, CA – DER  
2009-697
- \*B8 Approved the Stanislaus County California Children's Services (CCS) and Child Health and Disability Prevention (CHDP) Plans for 2009-2010; and, authorized the Chairman to sign the Certification Statements for Children's Services (CCS) and Child Health and Disability Prevention (CHDP) programs – HSA  
2009-698
- \*B9a Authorized the expenditure of Public Facilities Fees for the purchase of collection materials such as books, DVDs, audio visual and other materials for the Stanislaus County Library; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the Library budget unit in the amount of \$300,000 through a transfer from Public Facilities Fees – Library  
M-64-I-1 2009-699
- \*B9b Authorized the expenditure of Public Facilities Fees to purchase equipment and software necessary to upgrade the data infrastructure to enhance the library mail notification system, improve the web filter and the email software capacities, and add four additional servers to handle the increased internet and wireless usages at the Stanislaus County Library; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the Library budget unit in the amount of \$23,980 through a transfer from Public Facilities Fees – Library  
M-64-I-2 2009-700
- \*B10 Approved the request from the Stanislaus County District Attorney Victim Services Unit to have exclusive use of the Courthouse lawn and the Victim's Garden of Healing on Wednesday, 12/09/2009, from 5:00 p.m. until 8:00 p.m. for their 12<sup>th</sup> Annual Homicide Victims' Memorial Tree and Candlelight Vigil; directed the Stanislaus County District Attorney Victim Services Unit 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 Courthouse lawn area and Victim's Garden of Healing – Parks and Recreation 2009-701

- \*B11** Approved the request from the California Off-Road Vehicle Association, Northern Region to have exclusive use of Frank Raines Regional Park's Barbeque Barn and Recreation Hall from Friday, 10/23/2009, beginning at 9:00 a.m. to Sunday, 10/25/2009, ending no later than 6:00 p.m. for their Annual Northern Jamboree; directed the California Off-Road Vehicle Association, Northern Region to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for the exclusive use, reservation and Recreation Hall for the California Off-Road Vehicle Association, Northern Region – Parks and Recreation 2009-702
- \*B12** Approved the request from the Stanislaus County Patriot Progressives to have exclusive use of the Courthouse lawn on Sunday, 11/01/2009, from 1:00 p.m. to 5:00 p.m. for their support of the Public Health Insurance Options event; and, directed the Stanislaus County Patriot Progressives to adhere to the requirements set forth by the Department of Parks and Recreation – Parks and Recreation 2009-703
- \*B13** Declared one County vehicle as surplus and authorized this vehicle to be auctioned; and, directed the Auditor-Controller to deposit all receipts from the sale of the vehicle into the California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET) fund 1780.0028886.46000 – Sheriff 2009-704
- \*B14** Approved GSA Fleet Services Division to retain one filled full-time Equipment Services Technician position previously approved for a RIF to support the Sheriff's Office Patrol Division, effective upon Board approval; and, directed the Auditor-Controller to increase appropriations and revenue \$151,932 for GSA Fleet Division per the budget journal form – CEO 2009-705
- \*C1** Accepted the Sterling Ranch Unit No. 5 Subdivision improvements required by the Subdivision Improvement Agreement, executed by JKB Homes NORCAL, Inc., and the Stanislaus County Board of Supervisors, on 06/14/2005; the improvements have been constructed to the satisfaction of Stanislaus County and certified by the Department of Public Works; find that the said agreement was recorded on 03/17/2006, as Document No. 2006-0040497-00 and filed with the Stanislaus County Clerk Recorder's Office, pursuant to section 66499.7(a) of the Subdivision Map Act, authorize the release of Bond No. 567372S from The Insko Dico Group in the amount of \$966,794 for faithful performance of the Subdivision Improvement Agreement; pursuant to Section 66499.7(b) of the Subdivision Map Act, upon receipt of a Mechanic's Lien Guarantee, authorized the release of Labor and Materials Bond No. 567372S from The Insko Dico Group in the amount of \$483,397. The Mechanic's Lien Guarantee must be dated a minimum of 35 days after the filing of the appropriate Notice of Completion; be in the amount of \$483,397, be prepared by a title company, be to the benefit of Stanislaus County, and state that there are no liens of record. A one year Warranty Bond has been received on 10/16/2009 from Insko Dico Group, Bond No. 567372S – PW 2009-706
- \*D1** Approved and established the following findings for Minor Lot Line Adjustment 2009-04, Trinkler and De Sousa: (a) 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. (b) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts. (c) 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. (d) 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. (e) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use. (f) 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; rescinded all of Williamson Act Contract No. 2003-4514 (located on Clausen Road, east of Patterson); rescinded part of Williamson Act Contract No. 1973-1352 (located on Bradbury Road, east of Patterson); approved new contracts pursuant to Minor Lot Line Adjustment 2009-04, Trinkler and De Sousa; and, authorized the Planning Director to execute the new contracts pursuant to Minor Lot Line Adjustment 2009-04 – Planning 2009-707

Chiesa/Grover unan. **B15** Accepted the Mental Health Board Annual Report – BHRS 2009-708

**Corr 1** Referred to the Auditor-Controller and the CEO the Law Library Board of Trustees' Annual Financial Report for Fiscal Year 2008-2009.

**Corr 2** Referred to the Department of Animal Services a letter from the Village Oak Veterinary Hospital regarding an update of Project X, a low cost spay and neuter program.

**Corr 3** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Araceli Sabiniano Bulaon on behalf of Shiy Sabiniano, a minor; Michelle Canela; Mary Tyler; Marvin Ring; and, Mark Neri

Chairman DeMartini reported on the Clean-Up day in the Schackelford area and thanked the volunteers, the Sheriff's Department, CEO Department and the Department of Planning and Community Development for their efforts. He noted that at the next Board meeting another adoptable dog and cat will be highlighted from the Animal Shelter.

The CEO reported on the Federal SAFETEA-LU, the transportation bill will move forward under a continuing resolution and it won't be passed until after next year's election. The Governor has signed 478 out of the 707 bills as the water discussions are moving forward in a positive way. The bills that were signed including SB 65, clean-up legislation regarding highway user tax, allowing back payments to be made by the end of the month. These payments will fund our transportation programs but there are still concerns about the long-term funding for County roadways. SB67, a clean-up bill for Proposition 1A is still floundering. Senator Cogdill's bill, SB 85, which will provide Stanislaus County with some nominal relief from the negative bail out which would provide up to \$200,000 per year. He noted that Stanislaus County has paid to the State over \$50 million of local property taxes over the years since the early 1980s.

The Chairman announced that the 21st Annual Equal Rights Awards Ceremony will be held on Wednesday, 10/21/2009 at 3:00 p.m. in the Basement Chambers at 1010 10<sup>th</sup> Street, Modesto, CA

Adjourned at 7:08 p.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus  
State of California

BY: CHRISTINE FERRARO TALLMAN, 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.)