

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

Regular Session

Tuesday

November 3, 2009

All Supervisors Present

Pledge of Allegiance to the Flag

A resolution was presented proclaiming November 2009 as Adoption and Permanency Awareness Month in Stanislaus County.

Ken Kirby, Executive Advisor for FloodSAFE California, gave a presentation regarding the Central Valley Flood Protection Plan.

Monteith/Grover unan. Adopted the consent calendar after removing from consent items **\*A3f** Approval of the Reappointment of Donald Lee Runyan to the Denair Municipal Advisory Council; and, **\*B2** Approval to Use Community Development Funds to Assist with Implementation of the Keyes Community Services District Plan to Sustain their Street Light Program and Related Actions

**\*A1** Approved the minutes of 10/27/2009

**\*A2a** Appointed Frank Freitas and Mike Borba to the Newman Drainage District Board of Directors  
2009-728

**\*A2b** Appointed Kelland Murphy to the Burbank-Paradise Fire Protection District Board of Directors  
2009-729

**\*A2c** Appointed Paul Souza and Charles Thornsberry to the Empire Sanitary District Board of Directors  
2009-730

**\*A2d** Appointed Elizabeth Gripenstraw and Derek Davis to the Oakdale Rural Fire Protection District Board of Directors  
2009-731

**\*A2e** Appointed Nancy Osmundson to the Valley Home MAC  
2009-732

**\*A2f** Appointed Nathan Cary to the Empire MAC  
2009-733

**\*A2g** Appointed Susan Renee Harris to the Hickman MAC  
2009-734

**\*A2h** Appointed Mary Ann Riner and Dorinda Soiseth to the Denair MAC  
2009-735

**\*A3a** Reappointed Angela Alvarado and Rosenda Mataka to the Grayson Community Services District Board of Directors  
2009-736

**\*A3b** Reappointed Grady Jordan, Sr. to the Monterey Park Tract Community Services District Board of Directors  
2009-737

**\*A3c** Reappointed Raymond Lopes to the Newman Drainage District Board of Directors  
2009-738

**\*A3d** Reappointed Robert R. Rensted to the Ceres Fire Protection District Board of Directors  
2009-739

**\*A3e** Reappointed Bobby Yamamoto, Greg Petz, David Goubert, Kenneth Bays and Lee DelDon to the West Stanislaus Irrigation District Board of Directors  
2009-740

**\*A3g** Reappointed Richard Walke to the Hickman MAC  
2009-741

**\*A3h** Reappointed John Swicegood to the South Modesto MAC  
2009-742

**\*A3i** Reappointed Dan Lamb and Wendel Trinkler to the Reclamation District 2091 Board of Directors  
2009-743

**\*A3j** Reappointed Kathy Gabrielson and Pamela Hillar to the Burbank-Paradise Fire Protection District Board of Directors  
2009-744

**\*A4a** Approved commendation for Ron Emerzian upon being named the Citizen of the Year by the American Legion, Post 74  
2009-745

- \*A4b Approved commendation for Richard Edgecomb for his Outstanding Service to the Community and the Veterans of Stanislaus County 2009-746
- \*A5 Approved amending the Board of Supervisors 2009 Meeting Calendar to hold a meeting on 12/22/2009 2009-747
- \*B1 Accepted the Fiscal Year 2009 State Homeland Security Grant from the California Emergency Management Agency to enhance local Homeland Security efforts; authorized the HSA to administer the Metropolitan Medical Response System program; and, directed the Auditor-Controller to establish a new Special Revenue Fund Budget Unit in the amount of \$1,453,670 and establish appropriations consistent with the Budget Journal, rolling over funds at fiscal year end – OES 2009-748
- \*B3 Awarded an agreement for employment services to International Rescue Committee for the provision of employment services for the Stanislaus County refugee population for the contract period of 11/04/2009 through 06/30/2011, in an amount not to exceed a total of \$662,500; and, authorized the Director of CSA, or her Designee, to sign the agreement and any amendments, not to exceed the agreement amount of \$662,500 – CSA 2009-749
- \*B4 Approved the sample agreement to lease real property for dry-land farming on approximately 700 acres of property adjacent to the Fink Road Landfill in Crows Landing, California, for the period of 11/06/2009 to 11/30/2010; and, authorized the Director of DER, or her Designee, to award and execute the lease agreement on or after 11/06/2009, at 4:30 p.m., to the party whose offer is most advantageous to Stanislaus County – DER 2009-750
- \*B5 Approved selling tax-defaulted properties, pursuant to Revenue and Taxation Code §3694 for the minimum bid as described in the staff report; and, pursuant to Revenue and Taxation Code §3698.5(c), authorized the Treasurer-Tax Collector to re-offer those parcels which do not obtain the minimum bid at a price which is deemed appropriate by the Treasurer-Tax Collector – T/TC 2009-751
- \*C1 Awarded contract to Granite Construction Company, of Watsonville, California, for the construction of the Empire Improvement Project - Phase 1A, in the amount of \$2,091,987; awarded contract to Nolte Associates, Inc., of Manteca, California, for construction management and inspection services associated with the Empire Improvement Project - Phase 1A, in the amount of \$199,476; authorized the Director of Public Works to execute a contract with Granite Construction Company, in the amount of \$2,091,987 and to sign necessary documents; authorized the Director of Public Works to execute a contract with Nolte Associates, Inc. in the amount of \$199,476 and to sign necessary documents; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, §20142; upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; and, authorized the Construction Manager to issue a Notice to Proceed, contingent upon receipt of proper insurance and bonds – PW 2009-752

Chiesa/O'Brien unan. \*A3f Amended the item to appoint Mark Swartz to the Denair MAC 2009-753

Chiesa/Grover unan. \*B2 Approved the use of \$42,000 of Community Development Funds for the purpose of assisting the Keyes Community Services District with the implementation of their plan to sustain their street light program; authorized the CEO to execute an agreement with the Keyes Community Services District for receipt of available funding from the Community Development Fund; and, directed the Auditor-Controller to increase appropriations in the amount of \$42,000 as detailed in the Budget Journal form – CEO DCS-1-A-12 2009-754

Grover/Monteith unan. **B6** Accepted the CEO's First Quarter Financial Report for FY 2009-2010; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the First Quarter Financial Report; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the First Quarter Financial Report, 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 11/07/2009; approved the reduction-in-force of three filled positions in the HSA-Public Health budget effective 01/02/2010; and, approved contracts and/or agreements listed on Attachment B in cumulative amounts of \$100,000 or greater since 07/01/2003 – CEO 2009-755

Grover/O'Brien unan. **9:15 am** Finds that the notice of the public hearing was given pursuant to Streets and Highway Code §19052; conducted the public hearing to receive comments regarding: the formation of the Marshall Avenue Lighting District, the proposed method of calculating the amount of the annual assessment, and the levy of the annual assessment to pay for the street light service; authorized the Clerk of the Board to oversee the tabulation of the sealed ballots and determine whether a majority protest against the assessment exists; the Clerk announced that the ballot passed by a majority of landowners in support of the formation of the Marshall Avenue Lighting District and the proposed method for calculating the annual assessment (support: 13 ballots, 13.51 weighted votes; protest: 2 ballots, 2 weighted votes; incomplete: 1 ballot, 1 weighted vote); finds that the formation and assessments are necessary to meet operating and maintenance expenses, meet financial reserve needs, and are required to maintain the proposed service levels within the proposed district area; formed the Marshall Avenue Lighting District and confirmed the boundary of the district as those being described on Exhibits "A" and "B", which are made a part hereof; directed the Department of Public Works to file the formation with the California State Board of Equalization; confirmed and approved the method of calculating the amount of the annual assessment that will be used to pay for street lighting service; levied the FY 2010-2011 annual assessment at \$38.80 per equivalent benefit unit (EBU); the parcels subject to the annual assessment are shown on Exhibit "C", which is a part hereof; authorized the Auditor-Controller to add the annual assessment to the 2010-2011 Tax Roll; and, made the revised Engineer's Report a part of the record of this proceeding – PW DL-44-2 2009-756

**Corr 1** Referred to the Fish and Wildlife Committee, a Notice of Findings regarding the American pika from the State Fish and Game Commission.

**Corr 2** Referred to OES and the Stanislaus Economic Development and Workforce Alliance, a letter from the California Emergency Management Agency regarding the designation of Stanislaus County, and contiguous counties, as disaster areas by the U.S. Small Business Administration as a result of the economic impacts caused by the Modesto Office Complex Fire that occurred 08/02/2009.

**Corr 3** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Sonya Wright; and, Thomas W Cabral.

Chairman DeMartini reminded everyone that it is Election Day and to vote.

The CEO reported that SAFTEA-LU, the Federal transportation bill, was passed by the House and the Senate. He noted that at the State level, discussions are focused on water issues and that several legislators are working on legislation to address water issues.

Adjourned at 10:29 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.)