

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

Regular Session

Tuesday

March 2, 2010

All Supervisors Present

Pledge of Allegiance to the Flag

Christine Applegate gave a presentation regarding March 2010 as Social Worker Recognition Month in Stanislaus County.

Chiesa/O'Brien unan. Adopted the consent calendar after removing from consent item **\*C2** Approval to Appoint Curt Chappell as the Interim County Surveyor

**\*A1** Approved the minutes of 02/16/2010

**\*A2a** Appointed Arleen Hernandez to the South Modesto Municipal Advisory Council 2010-90

**\*A2b** Appointed Dolleen Haskell to the Knights Ferry Municipal Advisory Council 2010-91

**\*A2c** Appointed Miguel Monteon to the Crows Landing Community Services District Board of Directors 2010-92

**\*A3a** Accepted the resignation of Theodore Reimers from the Stanislaus County Planning Commission 2010-93

**\*A3b** Accepted the resignation of Derek Davis from the Oakdale Rural Fire Protection District Board of Directors 2010-94

**\*A4** Proclaimed the first Saturday of May as the Bette Belle Smith Day of Service 2010-95

**\*A5** Approved a commendation for Michael Franck upon his retirement from the Department of Environmental Resources 2010-96

**\*B1** Accepted the Stanislaus County Treasury Pool's Annual Audit for year ending 06/30/2009 prepared by Brown Armstrong Accountancy Corporation and reviewed for conformity with State law by the Stanislaus County Treasury Oversight Committee; accepted the Annual Certificates of Compliance from the Treasury Oversight Committee members for year ending 12/31/2009; and, approved the amendment to the Stanislaus County Treasury Pool Investment Policy, to be effective 03/16/2010 – T/TC 2010-97

**\*B2** Accepted the Stanislaus County Treasury Pool's January 2010 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 of Supervisors that the report has been reviewed and accepted – T/TC 2010-98

**\*B3** Finds that Ordinance C.S. 1073 is not subject to CEQA (Public Resources Code §2100 et seq.); and, introduced and waived the first reading of Ordinance C.S. 1073 repealing Chapter 9.65 of the Stanislaus County Code regarding establishment of the Stanislaus Family Justice Center Commission – CEO BD-84-2 ORD-55-L-6 2010-99

**\*C1** Finds the McHenry Avenue Widening – Phase 1 (Ladd Road to Hogue Road) Project is consistent with the overall goals and policies of the Stanislaus County General Plan; adopted the Negative Declaration pursuant to CEQA Guidelines §15074(B), by finding on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis; and, ordered the filing of a Notice of Determination with the

Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21125 and CEQA Guidelines §15075 – PW 2010-100

- \*D1** Finds that the conditions and contingencies of the Tentative Certificate of Cancellation for a 114.8 acre portion of Williamson Act Contract #1975-1888, Sun Dry Products, have been satisfied; and, directed the Clerk of the Board to execute and record the Certificate of Cancellation by 03/10/2010 – Planning 2010-101

DeMartini/Monteith unan. **B4** Adopted a resolution initiating a Sixth Expansion of the Stanislaus Enterprise Zone by approximately 101.65 acres in unincorporated Stanislaus County; and, authorized staff to prepare and submit a Zone Expansion Application Request to the State of California – Housing and Community Development Agency (HCD) – CEO 2010-103

O'Brien/Chiesa unan. **B5** Accepted the CEO's Mid-Year Financial Report for FY 2009-2010; authorized the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the Mid-Year Financial Report; authorized the use of \$997,825 in Appropriations for Contingencies as recommended in the Mid-Year Report; authorized the undesignation of \$7,866,152 due to the suspension of Proposition 1A for the State to borrow against local property tax allocations; authorized the undesignation of \$64,895 from the Tobacco Settlement Fund to be transferred to Chief Executive Office – County Match for the payment to the City of Waterford for the balance of the payment of Contract Cities fund balance; directed the CEO to implement a budget reduction strategy for the Proposed Budget for FY 2010-2011 and FY 2011-2012; amended the Salary and Position Allocation Resolution as outlined on Attachment A effective the start of the 03/13/2010 pay period as recommended in this report; approved contracts and/or agreements listed on Attachment B in cumulative amounts of \$100,000 or greater since 07/01/2003; approved contracts and/or agreements listed on Attachment C in cumulative amounts of \$50,000 (but is under the cumulative \$100,000 threshold) or greater since 07/01/2003; and, **amended** the item to direct the CEO to review the County's contract with the City of Waterford for the Sheriff to provide law enforcement services and to determine if it makes financial sense to continue with the contract, and directed the Sheriff to provide services to the City of Waterford that are either mandated by law or included within the contract – CEO 2010-104

O'Brien/Chiesa unan. **\*C2** Appointed Curt Chappell, Professional Land Surveyor (PLS 7992), as the Interim County Surveyor with full authority accorded by law to the County Surveyor in those duties related to land survey, until such time as a permanent County Surveyor is appointed – PW 2010-102

DeMartini/Monteith unan. **C3** Adopted a resolution initiating proceedings for the formation of CSA 28-Grayson; directed the Public Works Department to prepare and file the required Engineer's Report; authorized the use of up to \$10,000 of Community Development Funds for initial start up costs associated with the formation of CSA 28-Grayson; and, directed the Auditor-Controller to increase appropriations as detailed in the Budget Journal Form – PW CSA-28-1 2010-105

**Corr 1** Referred to the Fish and Wildlife Committee, four letters from the California Fish and Game Commission regarding proposed regulatory action concerning Mammal Hunting, Central Valley sport fishing, ocean salmon sport fishing, and Klamath Trinity River sport fishing.

**Corr 2** Referred to the Department of Public Works, a letter from the U.S. Surface Transportation Board regarding the abandonment of the 5.18-mile line of railroad known as the McHenry Industrial Lead.

**Corr 3** Referred to the Department of Planning and Community Development and the Auditor-Controller, two letters from the City of Newman regarding the Proposed 2010 Amendment to the Redevelopment Plan for the Newman Redevelopment Project.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Rachel Prescott, Analeyna Prescott, Chalyn Prescott, Raynelle Prescott, Mariah Prescott, Talaya Prescott and Yvana Prescott; Joan Carole Guerrero; Steve Hatzigeorgiou; Debra Harper; Vanessa Rubio; Elonda Warner; Sprint PCS et al; Robert Rowe; Carol Bushway; and, Julian Lopez.

Supervisor DeMartini spoke regarding the proposed ordinance concerning the exportation of groundwater out of the county. He noted that the comment period has been extended for another 60 days. He will be speaking about the proposed ordinance this Thursday at the Annual Farm Bureau meeting, and he has been to the Del Puerto Water District. In addition, he will be meeting with the El Solyo, West Stanislaus, and Patterson Water Districts. Information regarding the proposed ordinance is available from the Agricultural Commissioner's Office.

Supervisor O'Brien reported that he, along with Chairman Grover, went to Washington D.C. last week as part of the Stanislaus County Collaborative.

Supervisor Chiesa noted that the majority of land owners in the community of Keyes voted to increase their lighting district assessment.

The CEO gave an update regarding State legislation. He reported that SB 85 - Negative Bailout was signed by the Governor and noted that the following bills have been introduced: SB 1356 (Denham), which would provide reimbursement to counties for homicide trials for law enforcement officers killed in the line of duty; and, AB 1770 (Galgiani), which would allow the County to charge a \$2.00 fee for certified copies of vital records to use for the administration of the Family Justice Center.

Adjourned to closed session at 10:34 a.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 (SCDPOA); Stanislaus Regional Emergency Dispatchers' Association (SREDA); Stanislaus County Group Supervisors' Association (SCGSA); Stanislaus County Sheriff Management Association (SCSMA); Stanislaus County District Attorney Investigators' Association (SCDAIA); and, Stanislaus Sworn Deputy Association (SSDA). Government Code §54957.6. Conference with Legal Counsel - Existing Litigation: One Case: Tamara Smith, et al. v. County of Stanislaus, et al., United States District Court, Eastern District of California, Case No. 07-CV-00860-OWW-NEW. Government Code §54956(a). Conference with Legal Counsel - Significant Exposure to Litigation: One Case. Government Code §54956.9(b).

Adjourned at 11:23 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.)