

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

March 16, 2010

Recessed to Closed Session at 5:30 p.m. for conference with Legal Counsel - Anticipated Litigation: One Case. Government Code §54956.9(c); conference with Legal Counsel - Significant Exposure to Litigation: One Case. Government Code §54956.9(b); and, 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.

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

Kate Trompetter and Vicki Maldonado received the resolution proclaiming the first Saturday of May as Bette Belle Smith Day of Service in Stanislaus County.

O'Brien/Monteith unan. Adopted the consent calendar after removing from consent item ***B4** Implementation of Last, Best, and Final Offer From the County to the Sergeant's Bargaining Unit Represented by the Stanislaus County Sheriffs' Supervisor Association

***A1** Approved the minutes of 03/09/2010

***A2a** Appointed Carmen Morad to the Stanislaus County Equal Rights Commission

2010-118

***A2b** Appointed Kelly Hayes to the Stanislaus County Animal Advisory Board

2010-119

***A2c** Appointed Kristi Lynn Ah You to the Stanislaus County Child Abuse Prevention Council

2010-120

***A3** Commended Edwin Espinosa upon his retirement from Stanislaus County Department of Parks and Recreation

2010-121

***A4** Reappointed Harold Junker and Nelda Parman to the Stanislaus County Child Abuse Prevention Council

2010-122

***A5** Commended George Gaekle for his representation on the Central Valley Rail Committee

2010-123

***B1** Approved issuance of a RFP for FY 2010-2011 Older Americans Act Title III and Title VII Programs for various services for seniors; authorized the GSA Purchasing Agent to issue a notice inviting proposals on 03/17/2010, for Older Americans Act Title III and Title VII programs for FY 2010-2011; and, authorized staff to accept proposals and open the proposals on 04/19/2010 immediately after 2:30 p.m. and to return to the Board of Supervisors to recommend an award – Aging & Veterans Services

2010-124

- ***B2** Approved modification by unanimous vote of the West Stanislaus Resource Conservation District's required financial audit from annual to a biennial audit – Auditor-Controller
DRC-6-30 2010-125
- ***B3** Approved the amendment to an agreement with Crestwood Behavioral Health, Inc. for mental health services through the end of FY 2009-2010; authorized the BHRS Director, or her designee, to sign the amendment to the agreement; and, authorized the BHRS Director, or her designee, to negotiate and sign amendments to the agreement to add services and payment for services up to \$50,000, budget permitting, throughout FY 2009-2010 – BHRS
2010-126
- ***B5** Authorized the Director of the Department of Parks and Recreation, or her designee, to enter into and sign an agreement with PSOMAS for master planning, design and construction support services related to the upgrades of the Frank Raines Regional Park Water Filtration System (Potable and Non-Potable) in the total cost amount of \$209,283; authorized the Director of the Department of Parks and Recreation, or her designee, to sign amendments to the contract; directed the Auditor-Controller to establish a project budget for upgrades to the Frank Raines Regional Park Water Filtration System (Potable and Non-Potable) and to increase appropriations per the budget journal in the amount of \$313,875; and, approved the decrease in Parks Designation of \$313,875 for the Frank Raines Regional Park Water Filtration System – DER
2010-127
- ***B6a** Adopted the decision of the Nuisance Abatement Hearing Board (Environmental Resources) regarding nuisances at 1215 Imperial Avenue, Modesto, CA, CE No. 09-0744 – DER
2010-128
- ***B6b** Adopted the decision of the Nuisance Abatement Hearing Board (Environmental Resources) regarding nuisances at 1219 Imperial Avenue, Modesto, CA, CE No. 09-0731 – DER
2010-129
- ***B7a** Set a public hearing on 04/27/2010, at 9:10 a.m. to introduce and waive the first reading of an ordinance to amend existing fees for the DER to include a new fee for the Aboveground Petroleum Storage Act (APSA) Program – DER
ORD-55-L-7 2010-130
- ***B7b** Set a public hearing on 04/27/2010, at 9:10 a.m. to introduce and waive the first reading of an ordinance to amend existing fees for the Department of Public Works Engineering Division – PW
ORD-55-L-8 2010-131
- ***B7c** Set a public hearing on 04/27/2010, at 9:10 a.m. to introduce and waive the first reading of an ordinance to adopt a Parking Penalties Schedule and adjust existing Parking Penalties collected by the Sheriff's Department – Sheriff
ORD-55-L-9 2010-132
- ***B7d** Set a public hearing on 04/27/2010, at 9:10 a.m. to introduce and waive the first reading of an ordinance to adopt a Fee Schedule and increase existing Fees collected by the Sheriff's Department for Carry Concealed Weapons Permits and Livescan/Fingerprint Fees – Sheriff
ORD-55-L-10 2010-133
- ***B8** Set a Public Hearing on 05/18/2010, at 6:35 p.m. to introduce and waive the first reading of an ordinance increasing existing Used Book Fees at the Stanislaus County Library
ORD-55-L-11 2010-134
- ***B9** Approved request from the Backcountry Horsemen of California, Mid-Valley, to have exclusive use utilizing areas of Woodward Reservoir Regional Park for their American Competitive Trail Horse Association, Competitive Trail Challenge beginning Friday, 04/02/2010 and ending Sunday, 04/04/2010 and waiver of fees for exclusive use; directed Backcountry Horsemen of California, Mid-Valley, to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use – Parks and Recreation
2010-135
- ***B10** Approved request from Nineveh Outreach, a division of the Calvary Temple Worship Center, to have exclusive use utilizing areas of Oregon Drive and Salida Neighborhood Parks on

Saturdays between 8:00 a.m. to 12:00 p.m. from 03/27/2010 and ending on Saturday, 12/18/2010 to provide food and clothing to needy and low income families; directed Nineveh Outreach, a division of the Calvary Temple Worship Center 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 for this outreach service – Parks and Recreation 2010-136

***C1** Finds that Ordinance C.S. 1079 is not subject to the CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance 1079 to amend §11.08.110 of the Stanislaus County Code, to repeal blue markings on Lapham Drive (South Modesto area), Atlantic Drive (South Modesto area) and Magnolia Street (Salida area) – PW
ORD-55-L-12 2010-137

***C2** Set a public hearing on 05/04/2010, at 9:05 a.m., or as soon thereafter as the matter may be heard, regarding the formation of the CSA 28-Grayson and the levy of a specific benefit assessment; approved the Engineer's Report and the annual budget appropriations for the formation of the CSA 28-Grayson; authorized an assessment ballot procedure in conformance with the California Constitution Article XIII (C) & (D) for CSA 28-Grayson, and notice given pursuant to Government Code §6061 per 25211.3(b); and, directed the Clerk of the Board to send notification of the public hearing and the prepared notice to the Executive Officer of the LAFCO per Government Code §25211.3(b) – PW
CSA-28-2 2010-138

***D1** Released the FY 2010-2011 Annual Action Plan (AAP), the amendment to the FY 2007-2012 Consolidated Plan (CP), and the amendment to the FY 2008-2009 Annual Action Plan for the required 30-day public comment period; and, set a public hearing for April 27, 2010 at 9:05 a.m., to close the public comment period and consider approval of the FY 2010-2011 Annual Action Plan, the amendment to the FY 2007-2012 Consolidated Plan, and the amendment to the FY 2008-2009 Annual Action Plan – Planning 2010-139

O'Brien/Monteith unan. ***B4** In accordance with Employee Relations Ordinance 3.68.370 and Government Code §3505.4, approved implementation of the provisions of the County's last, best, and final offer to the Sergeant's Bargaining Unit represented by the Stanislaus County Sheriffs' Supervisor Association – CEO 2010-140

Chiesa/DeMartini unan. **B11** Accepted the Internal Audit Reports prepared by the Internal Audit Division of the Auditor-Controller's Office 2010-141

Corr 1 Referred to the Department of Planning and Community Development and the Department of Parks and Recreation a letter from the City of Waterford regarding their plans to purchase land for their River Front Parkland on the Tuolumne River off of Hickman Road in Waterford, CA.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Bertha Durham; Debra Harper; Tabita McNutt; Paul D. Yankey; and, Kamisha Lyles.

Supervisor DeMartini reported that tomorrow he is going to the El Solyo Water District and the Patterson Irrigation District to explain the proposed ordinance regarding the exportation of ground water out of Stanislaus County. He has already been to the Del Puerto Water District and the West Stanislaus Irrigation District regarding this proposed ordinance.

The CEO reported that SB 1356 (Denham), which would provide reimbursement to counties for homicide trials for law enforcement officers killed in the line of duty, has a hearing date set for 04/07/10. 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, has had its hearing date reset for 03/23/2010. He noted that there is an ongoing effort to develop a bill, similar to AB 1770, that would have statewide implications. The Transportation Funding Bill has gone to the Governor, and it is likely that the Governor will veto it because he has said that it does not meet the needs of California. The CEO also reported that the County has reached tentative agreements with labor groups for a 5% salary reduction. These agreements are subject to ratification by the members of the labor organizations. He is hopeful that the agreements will be finalized by the end of March. He expressed his appreciation to the StanCERA Board for offsetting the County's FY 2010-2011 allocation by \$19 million. The County's total cost will increase by \$4.5 million instead of \$23 million in FY 2010/2011. The StanCERA Board did note that the County should not expect to come back in FY 2011-2012 to request additional funds. The County expects there will be an estimated \$35 million deficit in FY 2011-2012.

Adjourned at 7:16 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.)