

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

Regular Session

Tuesday

March 30, 2010

All Supervisors Present

Pledge of Allegiance to the Flag

Two adoptable pets were shown by the Department of Animal Services, and the Adopt a Pet program was discussed.

Dave Cerutti, Chairman of the Animal Advisory Board, presented the Animal Advisory Board's Annual Report.

The Chairman presented an Employee Service Award and a commendation for David Ingersoll, Director of Child Support Services, upon his retirement.

O'Brien/Chiesa unan. Adopted the consent calendar after removing from consent items ***A6d** Approval to Proclaim March 30, 2010, as "Welcome Home Vietnam Veterans Day" in Stanislaus County; and, ***B4** Approval to Purchase an Explosive Ordinance Disposal (EOD) Robot from iRobot Corporation with Funding through the Fiscal Year 2008 Homeland Security Grant

***A1** Approved the minutes of 03/16/2010

***A2** Adopted and waived the second reading of Ordinance C.S. 1079 to amend §11.08.110 of the Stanislaus County Code to repeal blue curb markings on Lapham Drive (south Modesto area), Atlantic Drive (south Modesto area), and Magnolia Street (Salida area) – PW
ORD-55-L-12 2010-142

***A3** Set a public hearing on 04/20/2010, at 6:50 p.m., to consider an appeal of the Planning Commission's denial of Use Permit Application No. 2009-10 – Catholic Cemetery Dakota Avenue 2010-143

***A4a** Appointed Jose Aldaco, Richard Holmer, Farrell Jackson, Bob Martina, Sam Cuellar and Mary Mendoza to the Stanislaus Economic Development and Workforce Alliance 2010-144

***A4b** Appointed Steve Boyd to the Stanislaus County Planning Commission 2010-145

***A4c** Appointed Ritta Sudnikoff to the Stanislaus County Mental Health Board 2010-146

***A4d** Appointed Dr. Mark Fahlen to the Stanislaus County Community Health Center Board 2010-147

***A4e** Appointed George Boodrookas to the Economic Development Action Committee 2010-148

***A5** Approved a commendation for Sharon Cummings upon her retirement from the Stanislaus County Office of County Counsel 2010-149

***A6a** Proclaimed 04/07/2010 as National Start! Walking Day 2010-150

***A6b** Proclaimed 04/11/2010 – 04/17/2010 as Safety Seat Checkup Week 2010-151

***A6c** Proclaimed April 2010, as Child Abuse Prevention Month and 04/23/2010 as Children's Memorial Day; authorized County Departments to fly the Children's Memorial Flag on 04/18/2010 – 04/24/2010; and, authorized the recognition of the Child Abuse Prevention Council Art Contest Winners at the 04/20/2010 Board meeting – CSA 2010-152

***B1** Approved and adopted the proposed amendment to the Mental Health Board Bylaws – BHRS
BD-31-C-33 2010-153

- ***B2** Authorized the BHRS Director to accept the American Recovery and Reinvestment Act Justice Assistance Grant – Offender Treatment Recovery Act Program funding award for the period of 10/01/2009 through 03/31/2011 and execute the Offender Treatment Recovery Act Program pursuant to guidelines – BHRS 2010-154
- ***B3** Approved Leroy Egenberger, LMFT to be credentialed by the Managed Care Division of Stanislaus County BHRS as a Behavioral Health Panel Provider for Medi-Cal; and, authorized the Chairman to sign the Provider Credentialing Form – BHRS 2010-155
- ***B5** Approved the Second Amended California Statewide Automated Welfare System Consortium IV (C-IV) Joint Exercise of Powers Agreement; authorized the Chairman of the Board to sign the amendment to the agreement; approved the new MOU between the California Statewide Automated Welfare System C-IV Joint Exercise of Powers and the County of Stanislaus; authorized the Chairman to sign the new MOU; approved the California Statewide Automated Welfare System C-IV, County Purchase Approval ST-01-2010 to purchase scanners; and, authorized the Director of CSA, or her Designee, to execute Purchase Approval ST-01-2010 – CSA 2010-156
- ***B6** Authorized the Director of DER, or her Designee, to accept 15th Cycle Used Oil Recycling Block Grant funds in the amount of \$54,968 from the Department of Resources Recycling and Recovery, for FY 2009-2010 through FY 2011-2012, to promote used oil and used oil filter recycling – DER 2010-157
- ***B7a** Set a public hearing on 05/18/2010, at 6:35 p.m., to introduce and waive the first reading of an ordinance to establish new fees and amend existing fees for planning services – Planning ORD-55-L-15 2010-158
- ***B7b** Set a public hearing on 05/18/2010, at 6:35 p.m., to introduce and waive the first reading of an ordinance to establish new fees and amend existing fees for building permits – Planning ORD-55-L-16 2010-159
- ***B8** Authorized the Chief Probation Officer to accept an Edward Byrne Memorial Justice Assistance Grant from the California Emergency Management Agency for \$698,884 to provide evidence-based supervision, programs and services to Adult Felon Probationers; authorized the Chief Probation Officer to sign all the necessary documents related to the Grant; and, directed the Auditor-Controller to establish a new fund for the Probation Department as a separate legal budget as authorized by SB 678 – Probation 2010-160
- ***B9** Approved the replacement of one canine in the Sheriff’s Department Canine Unit – Sheriff 2010-161
- ***B10** Accepted the following audited financial reports for the fiscal year ended 06/30/2009, prepared by Brown Armstrong Accountancy Corporation: 1) Agreed Upon Conditions Report Designed to Increase Efficiency, Internal Controls and/or Financial Reporting – Annual Financial Report and Single Audit, 2) Annual Financial Report, 3) Required Audit Communication – Annual Financial Report and Single Audit, 4) Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards, 5) Report on Compliance with Requirements Applicable to Each Major Program and Internal Control Over Compliance in Accordance with OMB Circular A-133, 6) Single Audit Report, 7) Annual Financial Report – Health Services Agency Clinics and Ancillary Services Enterprise Fund, 8) Required Audit Communication – Health Services Agency and Ancillary Services Enterprise Fund – Auditor-Controller 2010-162
- ***B11** Appointed the CEO, or his Designee, as the Interim Administrator of the Department of Child Support Services in accordance with California Family Code §17304; and, authorized the CEO to conduct a classification review for the Administrator position, and within one-year recommend to the Board of Supervisors a candidate for appointment as the Administrator of the Department of Child Support Services – CEO 2010-163

- *C1 Set a public hearing on 05/04/2010, at 9:10 a.m. to introduce and waive the first reading of the Subdivision Ordinance Amendment changing Subsection "A" of §20.52.200, Dedications, and Subsection "A" of §20.16.090, Improvements Required, of the Stanislaus County Code – PW
ORD-55-L-13
ORD-55-L-14 2010-164
- *C2 Adopted a Resolution of Necessity to acquire real property or interest in real property by Eminent Domain for the State Route 219 Widening Project, parcel owner Joseph K. Fluence, Trustees, et ux., for APN: 004-057-004; and, made the findings contained therein – PW
2010-165
- *C3 Approved the purchase agreement to acquire road right-of-way for the Hatch Road at Santa Fe Avenue Intersection Improvement Project, parcel owners Nino and Grace Masellis (APN: 018-065-006); authorized the Chairman to execute the agreement; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$63,150, payable to Chicago Title Company, for the purchase amount of \$61,650 and \$1,500 for estimated escrow fees and title insurance – PW
2010-166
- *D1 Approved and established the following findings for Minor Lot Line Adjustment 2009-15, Houret and Radovich: a) the new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years, b) 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, c) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts, d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in §51222, e) 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, f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use, and g) 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 portions of Williamson Act Contract No. 1974-1555 and 1978-3535 (located on the north and south sides of Yosemite Boulevard, in the La Grange area); approved new contracts pursuant to Minor Lot Line Adjustment 2009-15, Houret and Radovich; and, authorized the Director of Planning and Community Development to execute the new contracts pursuant to Minor Lot Line Adjustment 2009-15 – Planning
2010-167
- *D2 Set a public hearing for 04/20/2010, at 6:45 p.m., to consider Planning Commission's recommendation for approval of Rezone Application No. 2009-04, Bronco Wine Co., a request to rezone the parcel from A-2-40 (General Agriculture) to PD (Planned Development) on property located at 800 E. Keyes Road, southeast corner of E. Keyes and Bystrum Roads, in the Ceres area (APN: 041-046-019); and, authorized the Clerk of the Board to publish notice of hearing as required by law – Planning
ORD-55-L-17 2010-168

Chiesa/DeMartini unan. *A6d Proclaimed 03/30/2010, as "Welcome Home Vietnam Veterans Day"
2010-169

Monteith/O'Brien unan. A7 Accepted the resignation of George Gaekle and approved the appointment of Matthew Machado to the San Joaquin Valley Rail Committee
2010-171

O'Brien/DeMartini unan. ***B4** Authorized the GSA to purchase an Explosive Ordinance Disposal (EOD) Robot for the Sheriff's Department bomb team from iRobot Corporation, not to exceed \$116,248
– OES/Fire Warden 2010-170

Chiesa/Monteith unan. **B12** Approved the rescission of the reduction to the Income Limits at which patient cost sharing applies in the Medically Indigent Adult program effective 04/01/2010 and reinstate the respective policy which existed prior to the Board's action on 09/01/2009; approved the rescission of the increase in patient cost sharing specifically for major restorative dental services in the Medically Indigent Adult program effective 04/01/2010 and reinstate the respective policy which existed prior to the Board's action on 09/01/2009; and, authorized the HSA Managing Director to fulfill the operational activities associated with the implementation of these recommendations – HAS 2010-172

O'Brien/DeMartini unan. **9:05 am** Conducted a public hearing to consider the adoption of the revised Public Facility Impact Fee Schedule; accepted the 03/23/2010 Public Facilities Fee Study; approved and adopted the findings set forth in the Public Facilities Impact Fee Study and in this item, and as required by California Government Code §66001; approved the revised Public Facilities Impact Fees as recommended in the Study to be effective 60 days from date of adoption, Monday, 05/31/2010; authorized staff to meet with all nine cities and StanCOG to discuss the potential formation of an inclusive Regional Transportation Impact Fee (RTIF) program; directed staff to return to the Board within 90 days with recommendations regarding the Regional Transportation Impact Fee component; authorized the CEO to enter into contract amendment with Willdan and Associates in an amount not to exceed \$70,000 for additional traffic modeling, facilitation and fee development services to be funded through the use of PFF Administrative Funds; authorized the Auditor-Controller to increase appropriations and revenue per the budget journal to fund the additional contract services; and, approved the revised PFF Committee Administrative Guidelines consistent with the program update – CEO 2010-173

Corr 1 Referred to the Department of Public Works, a letter from the U.S. Surface Transportation Board regarding the reopening of the proceedings for the abandonment of the 5.18-mile line of railroad known as the McHenry Industrial Lead.

Corr 2 Referred to the Department of Planning and Community Development, the Department of Parks and Recreation and the Fish and Wildlife Committee, two notices of proposed regulatory actions from the State Fish and Game Commission concerning the finding that the California tiger salamander warrants listing to threatened species status, and the requirement for houndsmen who use GPS and radio telemetry on their dog collars to register their frequencies with the Department of Fish and Game.

Corr 3 Referred to the Department of Planning and Community Development and Fish and Wildlife Committee, a notice from the U.S. Fish and Wildlife Service regarding the designation of 1.6 million acres as critical habitat for the federally protected California red-legged frog within 27 California counties.

Corr 4 Referred to the Department of Environmental Resources, a letter from the California Department of Toxic Substances Control regarding an environmental investigation and cleanup of the Proposed Alternative Education School located at 1013 S. Yosemite Avenue in Oakdale, CA; and, also included is a Community Survey.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Miguel Gonzalez; Gonzalo Vega; Henry Telles; Henry Telles, Sr. and, Israel Valadez Mendez.

Supervisor Chiesa reported that he attended the CSAC Board of Directors meeting last week. He noted that they set their State and Legislative policy and took a position to oppose Proposition 16 (which would require a two-thirds majority to set up or expand an electrical district). CSAC has also created a task force regarding the State budget, and a Medical Marijuana Working Group. He also noted that there is a blog site available on CSAC's website.

Supervisor DeMartini reported that the West Side Health Care Task Force, in conjunction with the City of Patterson's Parks Department, is sponsoring "Bikes & Hikes for Your Health". He noted that he and his wife participated in one of the events last weekend and hiked around Del Puerto Creek. The next bike ride will be 04/17/2010 and the next hike will be 04/24/10.

Supervisor Grover reported that he represented the County last Friday in Fresno regarding the Regional Council (Association of Council of Governments from the 8-county valley area). He noted that the meeting addressed how the Governor's Partnership for the San Joaquin Valley and the Regional Council were going to move forward. At this meeting, it was decided that the Regional Council will go forward as the leader and cooperate with the Partnership in regards to government, land use planning, and AB 32 and SB 375.

The CEO reported that the State legislature is in recess this week. He spoke regarding the public comment made earlier regarding the County budget and public safety. He noted that we are in an unprecedented time of discretionary revenue reductions, and we will find ourselves in this position for at least the next two years. We are anticipating cuts of \$35-40 million over the next 18 months, which will unfortunately affect every level of local government, including public safety programs. He stated that the County will do its very best to be responsive and sensitive to the needs of the community, but the reality is that we will not be able to provide the level of services that our residents are accustomed to. He also noted that due to budget constraints, the County will not renew its NACo membership.

Adjourned to closed session at 10:54 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.

Adjourned at 12:20 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.)