

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

Regular Session

Tuesday

April 27, 2010

All Supervisors Present

Pledge of Allegiance to the Flag

A presentation was made proclaiming May as Older Americans Month.

Chiesa/DeMartini unan. Adopted the consent calendar

- *A1 Approved the minutes of 04/20/2010
- *A2a Proclaimed May 2010 as Elder and Dependent Adult Abuse Awareness Month; and, adopted a resolution highlighting the need for elder and dependent adult abuse awareness 2010-221
- *A2b Proclaimed May 2010 as Foster Care Awareness Month 2010-222
- *A2c Proclaimed May 2010 as Mental Health Month 2010-223
- *A3 Accepted the resignation of Newmon W. Fink from the Tuolumne River Regional Park Citizens Advisory Committee 2010-224
- *A4 Declared a vacancy on the Tuolumne River Regional Park Citizens Advisory Committee 2010-225
- *B1 Approved and authorized the Agricultural Commissioner to sign two new contracts with the California Department of Food and Agriculture: Asian Citrus Psyllid contract for FY 2009-2010 and FY 2010-2011, and European Grapevine Moth Contract for FY 2009-2010; and, directed the Auditor-Controller to adjust appropriations and estimated revenue in the amount of \$64,752 as detailed in the budget journal form – Agricultural Commissioner 2010-226
- *B2 Approved the 2010-2011 Megabyte Automated Property Tax System Maintenance Agreement with Megabyte Systems, Inc.; and, authorized the CEO upon recommendation by the Assessor, Auditor-Controller and Treasurer/Tax-Collector to sign the 2010-2011 annual maintenance agreement with Megabyte Systems, Inc. – Assessor 2010-227
- *B3 Approved the use of \$3,000 of Community Development Funds for the purpose of assisting the Crows Landing CSD with minor water system improvements; and, authorized the CEO to execute an agreement with the Crows Landing CSD for receipt of available funding from the Community Development Fund – CEO DCS-11-19 2010-228
- *B4 Approved the extension of the current MOU between the County and the Stanislaus Sworn Deputies Association from 12/31/2010 to 06/30/2012; and, authorized the CEO and all parties to sign the extension agreement – CEO 2010-229
- *B5 Approved the extension of the current MOU between the County and the Stanislaus County Sheriff’s Management Association from 02/28/2011 to 06/30/2012; and, authorized the CEO and all parties to sign the extension agreement – CEO 2010-230
- *B6 Approved the provisions of the tentative agreement between the County and the Stanislaus County Sheriff’s Supervisor Association representing the Sergeants bargaining unit; and, authorized the Chairman of the Board and all parties to sign the agreement – CEO 2010-231
- *B7 Approved the provisions contained in the tentative labor agreement reached between the County and the Stanislaus County District Attorney Investigators’ Association representing the District Attorney Investigators’ Bargaining Unit; and, authorized the Chairman of the Board and all parties to sign the agreement – CEO 2010-232

- *B8 Approved the provisions contained within the tentative labor agreement reached between the County and the Stanislaus Deputy Sheriff's Association representing the Custodial Sheriff's Bargaining Unit; and, authorized the Chairman of the Board and all the parties to sign the agreement – CEO 2010-233
- *B9 Approved the Underground Storage Tank Local Oversight Program Contract No. 10-020-250 with the State Water Resources Control Board; authorized the DER Director, or her Designee, to sign the contract; and, authorized the DER Director, or her Designee, to sign any amendments to contract No. 10-020-250 – DER 2010-234
- *B10 Accepted HSA's 2010 Annual Public Health Report to the Board of Supervisors – HAS 2010-235
- *B11 Accepted Public Work's 2009 Annual Report to the Board of Supervisors – PW 2010-236
- *B12 Approved the request from Boy Scout Troop No. 119 to have exclusive use of the Kiwanis Camp for their Overnight Family Camp-Out beginning 9:00 a.m., Friday, 04/30/2010 and ending 6:00 p.m., Sunday 05/02/2010; directed the Boy Scouts Troop No. 119 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 2010-237
- *B13 Approved the Department of Parks and Recreation to apply for the State of California Off-Highway Vehicle Grant Program in the amount of \$417,146; and, adopted a resolution to authorize the Director of the Department of Parks and Recreation, or her Designee, to apply for a State of California Off-Highway Vehicle Grant Program for FY 2010-2011 for the operations and maintenance of the off-highway vehicle areas at Frank Raines and La Grange Regional Parks – Parks and Recreation 2010-238
- *B14 Authorized the Chief Probation Officer to submit and/or sign Stanislaus County's application for approval of the County's Comprehensive Multi-Agency Juvenile Justice Plan modification and related contracts, amendments, or extension with the State of California – Probation 2010-239
- *B15 Accepted the Stanislaus County Treasury Pool's March 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 of the Board to sign on behalf of the Board that the report has been reviewed and accepted – T/TC 2010-240
- *C1 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 Vance C. Kennedy, Trustee, for APN: 004-071-029, and made the findings contained therein – PW 2010-241
- *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 M & B Bruno Family, L.P., a California Limited Partnership, for APN: 004-094-009, and made the findings contained therein – PW 2010-242
- *C3 Authorized the Director of Public Works to sign a General Lease – Right of Way Use Agreement with the California State Lands Commission for the Hills Ferry Road Bridge at San Joaquin River – PW 2010-243
- *D1 Set a public hearing on 05/18/2010, at 6:40 p.m. to consider the introduction, waiving of the reading, and adoption of Planning and Community Development Department Ordinance Amendment #2009-01, an ordinance adding Subsection "G" to §21.20.030 of Title 21 of the Stanislaus County Code relating to truck parking in the agricultural zone; and, authorized the Clerk of the Board to publish notice of hearing as required by law – Planning ORD-55-M-2 2010-244

Monteith/Chiesa unan. **9:05 am** Closed the 30-day public comment period and conducted a public hearing; approved the FY 2010-2011 Annual Action Plan that includes approximately \$2,691,538 in Community Development Block Grant (CDBG) award and approximately \$109,464 in Emergency Shelter Grant (ESG) award for a total of approximately \$2,801,002; approved the amendment to the FY 2007-2012 Consolidated Plan (CP) to recognize Stanislaus County as administrator of Home Investment Partnership Program (HOME) funds for participating Consortium Cities and incorporate the HOME program into the CP goals; approved the amendment to the FY 2008-2009 Annual Action Plan Neighborhood Stabilization Program (NSP) Amendment to incorporate new activities and expand program target areas; authorized the CEO to sign the Application for Federal Assistance and the Emergency Shelter Grant Certifications; authorized the Chairman to sign the FY 2010-2011 Allocation Agreements with each of the Consortium Cities; authorized the Director of the Planning and Community Development Department to sign the CDBG Cost Recovery and HOME Certifications and Agreements; authorized the Director of the Planning and Community Development Department to execute any related program agreements, contracts, certifications, or other documentation required for implementation of CDBG, ESG, HOME, NSP, Homeless Prevention and Rapid Re-Housing (HPRP), and Community Development Block Grant - Recovery Act Funds (CDBG-R) programs; authorized the Director of Planning and Community Development Department to execute a new Neighborhood Stabilization Program contract with Housing Authority of the County of Stanislaus for use of Program Income; and, authorized the Auditor-Controller to make the necessary budget adjustments per the legal budget journal – Planning 2010-249

Monteith/Chiesa (4-1)(DeMartini opposed) **9:10 am A.** Conducted the public hearing and introduced and waived the first reading of Ordinance C.S. 1074 to amend existing fees for the Department of Environmental Resources to include a new fee for the Aboveground Petroleum Storage Act (APSA) Program – DER ORD-55-L-7 2010-250

O'Brien/Chiesa unan. **9:10 am B.** Conducted the public hearing and introduced and waived the first reading of Ordinance C.S. 1075 to amend existing fees for the Department of Public Works Engineering Division – PW ORD-55-L-8 2010-251

9:10 am C. Conducted the public hearing 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; and, **amended** the item to take **two votes as follows:**

First Vote: O'Brien/Chiesa (4-1)(DeMartini opposed) Introduced and waived the first reading of Ordinance C.S.1077 to increase existing fees collected by the Sheriff's Department for Carry Concealed Weapons permits – Sheriff ORD-55-L-10 2010-252

Second Vote: Chiesa/O'Brien unan. Introduced and waived the first reading of Ordinance C.S. 1087 to increase existing fees collected by the Sheriff's Department for Livescan/Fingerprint fees – Sheriff ORD-55-L-10 2010-252

Chiesa/DeMartini unan. **9:10 am D.** Conducted the public hearing and introduced and waived the first reading of Ordinance C.S. 1076 to adopt a Parking Penalties Schedule and adjust existing parking penalties collected by the Sheriff's Department – Sheriff ORD-55-L-9 2010-253

O'Brien/Monteith unan. **B16** Approved CEO update on preliminary forecast for FY 2010-2011 Proposed Budget as of 04/27/2010; concurrent with the Board of Supervisors consideration of each departments budget reduction plan, authorized the CEO to adjust the effective dates of approved reduction-in-force actions and position deletions, from the Salary and Position Allocation Resolution, based on future

position vacancies generated from the Voluntary Separation/Retirement Incentive Program; and, directed the CEO to report to the Board of Supervisors in the 2010-2011 Final Budget, any adjustments to the effective dates of approved reduction-in-force actions and position deletions from the Salary and Position Allocation Resolution, based on the final outcome of the Voluntary Separation/Retirement Incentive Program – CEO 2010-245

Recessed at 10:36 a.m.

Reconvened at 10:44 a.m.

Monteith/DeMartini unan. **B17** Approved the revised Library operating hours effective 06/26/2010; approved the reduction-in-force of nine filled positions and the deletion of four vacant positions in the Library as outlined in the Staffing Impacts section of the agenda item effective 06/26/2010; and, amended the Salary and Position Allocation Resolution to reflect the changes as outlined in the Staffing Impacts section of the agenda item effective 06/26/2010 – Library 2010-246

DeMartini/Chiesa unan. **B18** Approved the reduction-in-force of 52 full-time positions and the deletion of 16 vacant funded positions in the Sheriff’s Department budget as outlined in the Staffing Impacts section of the agenda item effective 06/26/2010; amended the Salary and Position Allocation Resolution to reflect the changes as outlined in the Staffing Impacts section of the agenda item effective 06/26/2010; and, authorized the Sheriff’s Department to modify the Community Oriented Policing Services (COPS) Hiring Recovery Program grant to retain three Deputy Sheriffs, position numbers 2701, 2703 and 2722, scheduled for reduction-in-force – Sheriff 2010-247

O’Brien/Monteith unan. **C4** 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 A & P Cal Properties, LLC, et al., for APN: 004-094-014, 004-094-015, 004-094-016, and made the findings contained therein – PW 2010-248

Corr 1 Referred to the Department of Planning and Community Development, the Department of Public Works, and the Agricultural Commissioner and Sealer of Weights and Measures, two letters from the State Water Resources Control Board, Division of Water Rights, regarding Petitions for Temporary Transfer of Water/Water Rights from Tule Basin Farms, LLC and Goose Club Farms, LLC to eight water agencies including Oak Flat Water District in Stanislaus County.

Corr 2 Referred to the Department of Public Works and the Agricultural Commissioner and Sealer of Weights and Measures, a Program Update from the San Joaquin River Restoration Program regarding the Draft Program Environmental Impact Statement/Environmental Impact Report.

Corr 3 Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding Fiscal Year 2010 allocations for Stanislaus County.

Corr 4 Referred to the CEO and the AAA/Veteran’s Service, a letter from the California Department of Veterans Affairs regarding the funding received by Stanislaus County Veterans in 2008 and 2009 and requested that the County Veterans Service Office continue to be fully funded.

Corr 5 Referred to DER, a letter from NI Industries, Inc. notifying that the Riverbank Army Ammunition Plant has submitted to the Department of Toxic Substances Control (DTSC) a Class 1 Modification request for changes to its existing Hazardous Waste Facility Permit due to the closure of the Plant.

Corr 6 Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from Valley Fresh regarding the closure of its facility at 680 D Street, Turlock, CA with permanent lay offs beginning on 06/25/2010 through 10/29/2010, per the Worker Adjustment and Retraining Notification (WARN) Act.

Corr 7 Referred to the Auditor-Controller, a letter from the Oakdale Fire Protection District requesting “dry period” funding for Fiscal Year 2010-2011.

Corr 8 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Debra Harper; Shylanai Parkinson; and, Keith Goddard and Kristy Monroe.

Supervisor Chiesa reported that he will be bringing an item to the Board in the next few weeks regarding the alignment for high speed rail. He noted that the Hughson City Council set a date for the recall election, and that they did not approve the funding for the County’s cost of holding the special election. Lee Lundrigan, Clerk-Recorder and Registrar of Voters, also spoke regarding the upcoming special election for the City of Hughson, and its funding issue.

The CEO reported that Abel Maldonado has been confirmed by the Senate as the Lt. Governor. He noted that the State has reported an early warning that April personal income tax receipts are down. Senator Hollingsworth has rolled out SB 919 concerning pension reform. AB 1770 (Galgiani) will have its first hearing today before the Assembly Judiciary Committee. He also reported that SCR 54 (Cogdill) will name a portion of Highway 108 the Kirk Lindsey Memorial Highway.

Adjourned to closed session at 12:04 p.m. for Conference with Legal Counsel - Significant Exposure to Litigation: One Case. Government Code §54956.9 (b).

Adjourned at 12:43 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.)