

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

Regular Session

Tuesday

November 9, 2010

Chairman Grover absent

Pledge of Allegiance to the Flag

Chiesa/O'Brien unan. (4-0)(Grover absent) Adopted the consent calendar after removing from consent item  
**\*B6** Approval to Authorize the District Attorney to Enter into a Contract with Pacific Educational Services,  
Inc. to Operate a Misdemeanor Diversion Program – District Attorney

**\*A1** Approved the minutes of 11/02/2010

**\*B1** Accepted the tenth update on the status of the Immediate Action Plan to secure the Men's Honor  
Farm in accordance with Public Contract Code §22050 for the abatement, demolition and  
clean-up of the destroyed barracks – CEO 2010-689

**\*B2** Authorized the Director of DER, or her Designee, to accept Used Oil Payment Program funds in  
the amount of \$91,871 from the Department of Resources Recycling and Recovery for FYs  
2010-2011 through 2011-2012, to promote used oil and used oil filter recycling  
– DER 2010-690

**\*B3** Approved HSA to submit an application for Health Center New Access Points Funding under  
the Affordable Care Act of 2010; and, authorized the HSA Managing Director, or her  
Designee, to sign the grant agreement, if awarded – HSA 2010-691

**\*B4** Approved the submission by HSA of an application for funding to the California Department of  
Public Health, Office of Family Planning, for the Teen Pregnancy Prevention Community  
Challenge Grant Program (Request for Application RFA 11-10018) for the period beginning  
07/01/2011 and ending 06/30/2016; and, authorized the HSA Managing Director, or her  
Designee, to sign the agreement, and any amendments thereafter, and accept the funds, if  
awarded – HSA 2010-692

**\*B5** Authorized the GSA Purchasing Agent to issue a RFP to solicit bids for Inmate Trust Account  
Services/Kiosks to be used in the Adult Detention facilities – Sheriff 2010-693

**\*B7** Awarded a three year agricultural lease to Melvin T. Wheeler & Sons, LP for approximately  
1,112 acres of county-owned property at the Crows Landing Air Facility located on the west  
side of Stanislaus County; and, authorized the CEO to execute a three year lease on behalf of  
the county – CEO 2010-694

**\*C1** Awarded a consulting contract for engineering design and environmental services to Dokken  
Engineering, not to exceed \$143,567 for the Geer Road over Tuolumne River Bridge Project;  
authorized the Director of Public Works to execute a contract with Dokken Engineering and  
to sign necessary documents; and, directed the Auditor-Controller to make the necessary  
budget adjustments per the financial transaction sheet – PW  
2010-695

**\*C2** Approved the FY 2010-2011 Transportation Development Act claim; and, authorized the  
Director of Public Works to execute and submit the claim to the Stanislaus Council of  
Governments (StanCOG) – PW 2010-696

Chiesa/O'Brien (4-0)(Grover absent) **\*B6** Authorized the DA to enter into the contract with Pacific  
Educational Services, Inc. to operate a misdemeanor diversion program including any extensions, or  
agreements; and, approved the contract terms that allow the DA's Office to charge and/or collect an

administrative fee to defray some of the cost of running the misdemeanor diversion program as deemed appropriate by that department – DA 2010-697

O'Brien/DeMartini (4-0)(Grover absent) **9:05 am** Conducted a public hearing; waived the second reading, and adopted Ordinance C.S. 1086 amending Title 16 of the Stanislaus County Code, and adopted by reference the California Code of Regulations Title 24, 2010 Edition of the California Building Code; finds that the proposed changes and modification to the 2010 California Building Standards contained in the proposed ordinance are necessary because of local climatic, geological, and/or topographical conditions, as detailed in the proposed ordinance; finds that Ordinance C.S. 1086 is exempt under the provision of the California Environmental Quality Act pursuant to State Guidelines §15061 (b)(3); amended Title 16 of the Stanislaus County Code and adopted by reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards; directed the Building Official to file the adopted ordinance and the Board's findings with the California Building Standards Commission; and, ordered the Clerk of the Board to publish the ordinance in accordance with Government Code §25124(b) – Planning  
ORD-55-N-1; 2010-698 & 2010-699

**Recessed at 10:56 a.m.**

**Reconvened at 11:08 a.m.**

County Counsel determined that Supervisors O'Brien, Chiesa, and DeMartini have disqualifying conflicts of interest with the **9:10am** Public Hearing because they all own agricultural property under Williamson Act contract or qualified to be under contract. Therefore, in order to establish a quorum to consider this matter, the Board invoked the rule of necessity and drew lots to determine which two Supervisors would participate in the decision. Supervisors De Martini and Chiesa drew long straws and thus participated in the decision.

Chiesa/DeMartini (3-0)(O'Brien abstained)(Grover absent) **9:10 am** Conducted a public hearing and approved the implementation of SB 863 to establish new Williamson Act contracts including reduction of property tax benefits by ten percent and a related reduction of the term of the contracts to nine years, to be effective beginning calendar year 2011; approved a one-time modification of Stanislaus County's non-renewal procedures to allow landowners to file notices of non-renewal up to 02/01/2011 to be effective in calendar year 2011; directed staff to notify all contracted landowners of the following: (A) the final decision of the Board of Supervisors after the conclusion of the 11/09/2010 public hearing, (B) the landowner's right to prevent the reduction in the term of his or her contract by serving notice of non-renewal as specified by Government Code §51245; and, directed the Assessor, Auditor, Tax Collector, Clerk Recorder and Director of Planning and Community Development to take all necessary steps to implement SB 863 including but not limited to recording a notice that states the affected parcel numbers and current owner's names, making the appropriate modifications to all affected properties assessed values, and modifying the Fiscal Year 2011-2012 tax bills to reflect the assessment changes and supplemental fees associated with the reduced tax benefit – CEO 2010-700

O'Brien/DeMartini (4-0)(Grover absent) **9:15 am** Conducted a public hearing and adopted a resolution relating to the issuance of tax-exempt bonds by the California Statewide Communities Development Authority for the Oakdale Heritage Oaks Senior, LP, or another Limited Partnership to be established by the Central Valley Coalition for Affordable Housing or an affiliate thereof, with respect to a multifamily rental project pursuant to the Section 147(F) of the Internal Revenue Code of 1986 and the Tax and Equity Fiscal Responsibility Act (TEFRA) – CEO 2010-701

**Corr 1** Referred to the Fish and Wildlife Committee, a Notice of Receipt of Petition from the California Fish and Game Commission regarding the listing of the Black-backed Woodpecker as threatened or endangered under the California Endangered Species Act.

**Corr 2** Acknowledged receipt of the Stanislaus County Law Library's Annual Report for the fiscal year ending 06/30/2009.

**Corr 3** Referred to the DA, Public Defender, Sheriff, and Chief Probation Officer, a copy of the FY 2009 Annual Report to Congress for the Office of Justice Programs' Bureau of Justice Assistance (BJA) from the U.S. Department of Justice.

**Corr 4** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Jose Aguayo; Juan R Orosco; Jorge R. Serrano; Traci Kreshon; and, Daniel Thomas Kreshon.

Supervisor DeMartini noted that he served as an election observer for the Board of Supervisors at the 11/2/10 election. He reported that the County election process was orderly and worked well.

**Recessed to Sit as the Stanislaus County In-Home Supportive Services Public Authority at 11:38 a.m.**

O'Brien/Chiesa (4-0)(Grover absent) IX. Approved the consent calendar

**IX. \*II-A** Approved the minutes of 11/02/2010

Tammy Ferriera, IHSS provider for her brother, spoke regarding the importance of the IHSS program.

Sherry Brown, client of the IHSS, noted her and her husband's need for the IHSS program. She opposes the reduction of the IHSS provider hours.

Kimberly Neville from the United Domestic Workers (UDW) spoke regarding the labor negotiations for the IHSS providers. She noted that the IHSS Fraud Investigations are continuing and that the UDW are receiving complaints.

Lupe Sanchez, an IHSS provider, spoke in support of the IHSS program and noted that many disabled people depend on this program.

Astrid Zuniga also spoke regarding the IHSS program and how the proposed cut to provider hours and wages will affect the clients.

**Reconvened to sit as the Stanislaus County Board of Supervisors at 11:52 a.m.**

Adjourned at 11:52 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.)