

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

Regular Session

Tuesday

December 14, 2010

All Supervisors Present

Pledge of Allegiance to the Flag

Commendations were presented to both Assessor Doug Harms and Auditor-Controller Larry Haugh upon their retirement from Stanislaus County service.

Emerson Drake requested that the Board strengthen the ethics rules in the County Ordinance Code regarding accepting campaign contributions from vendors.

Debra Harper voiced concerns regarding her ongoing healthcare, and encouraged patients to participate in their healthcare. She also spoke regarding the new residency consortium.

O'Brien/Monteith unan. Adopted the consent calendar after removing from consent item ***B7** Acceptance of the Report of the Annual Inspection/Evaluation of Local Jail/Detention Facilities Pursuant to §101045 of the State of California Health and Safety Code – HSA

***A1** Approved the minutes of 12/07/2010

***A2a** Appointed Cheryl Zumstein to the Denair Municipal Advisory Council 2010-744

***A2b** Appointed Ken Fitzgerald, Dave Chapman, Nancy Fisher, Adrian Carroll, Evelina McDowall, and Joseph Mesa to the Stanislaus Child Abuse Prevention Council 2010-745

***B1** Awarded the construction contract for Phase III tenant and site improvements at the Nick W. Blom Salida Regional Library to Menghetti Construction, Inc. of Modesto, CA, for the lump sum amount of \$1,689,000; authorized the Project Manager to issue a Notice to Proceed upon receipt of proper insurance and bonds; authorized the Project Manager to take the routine actions necessary to manage the construction phase of the project including construction management, professional services, and other project related expenses as necessary to manage the project as long as the costs are within Project Budget approved by the Board; and, directed the Auditor-Controller to increase appropriations and estimated revenue by \$2,201,188 for this effort as detailed in the Budget Journal form – CEO 2010-746

***B2** Authorized the Director of Parks and Recreation to grant licenses for temporary exclusive use of County park facilities – CEO 2010-747

***B3** Approved the plans and specifications for minor renovations at the HSA Public Health Laboratory prepared by Pacific Design Associates, Inc. of Modesto, CA; authorized the Project Manager to issue a notice inviting bids on 12/15/2010 for the construction phase of the project, and for the Project Manager to modify the bid date if necessary; and, authorized the Project Manager to accept and open the bids on 01/19/2011, at 2:00 p.m.; and, return to the Board to recommend a contract award to the lowest responsible bidder – CEO 2010-748

***B4** Accepted the twelfth 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 2010-749

- *B5 Approved the report of Purchasing Card Program activity for FY 2009-2010; approved revisions to the Stanislaus County Purchasing Card Policy; and, approved the Stanislaus County Purchasing Card Procedures and delegated maintenance of those procedures to the Auditor-Controller – GSA 2010-750
- *B6 Declared 33 County vehicles and equipment as surplus and authorized these assets to be auctioned; and, directed the Auditor-Controller to deposit all receipts from the sale of these assets, net of GSA-Fleet Services costs, in to departmental accounts as appropriate to the fixed asset location of the asset – GSA 2010-751
- *B8 Accepted the FY 2010 State Homeland Security Grant for the enhancement of local capabilities to prevent, protect against, respond to and recover from acts of terrorism and other catastrophic events; authorized HSA to administer the Metropolitan Medical Response System program objectives; and, directed the Auditor-Controller to establish a new Special Revenue Fund budget unit in the amount of \$1,461,551 and establish appropriations consistent with the budget journal, rolling over funds at fiscal year end – OES/Fire Warden 2010-752
- *B9 Authorized the CEO to sign lease agreements with the City of Modesto in regards to third and fourth floor office space at Tenth Street Place – PW 2010-753
- *B10 Approved the Public Facilities Fees Annual Financial Report for FY ending 06/30/2010 – Auditor-Controller M-64-I-7 2010-754
- *B11 Approved a General Operating Limit of \$281,039,437 using the Population and Inflation Methodology; and, approved the limits for applicable Lighting Districts governed by the Board for FY 2010-2011 in accordance with the provisions of Proposition 4 and 111 – Auditor-Controller 2010-755
- *B12 Introduced and waived the first reading of Ordinance C.S. 1097 amending Chapter 16.55 of the Stanislaus County Code, and adopting by reference the California Fire Code, 2010 Edition with certain changes, additions, and modifications thereto; set a public hearing on 01/18/2011, at 6:35 p.m., regarding the proposed ordinance; and, directed the Clerk to give notice of the hearing as required by Government Code §25124(b) – OES/Fire Warden ORD-55-N-6 2010-756
- *C1 Adopted a resolution initiating proceedings for considering changes in the methodology for calculating assessments and to conduct an assessment ballot procedure and public hearing in compliance with California Government Code Article XIII - Proposition 218 for the North McHenry #1 Lighting District; and, directed the Public Works Department to prepare and file the required Engineer's Report – PW DL-29-A-9 2010-757
- *C2 Approved the Interim Operations and Maintenance Agreement for the Gomes Lake facility; and, authorized the Public Works Director to sign the Interim Operations and Maintenance Agreement, with the term of 12/01/2010 to 05/31/2011, for the Gomes Lake facility – PW 2010-758
- *C3 Pursuant to the Street and Highway Code 941(a) (d) and Government Code 66477.1: finds portions of Stoddard Road and Dale Road have been improved to Stanislaus County Standards according to the approved Construction Plans for Joseph Gregori High School dated 12/10/2007; and, authorized Matt Machado, as Stanislaus County Road Commissioner, to accept, sign and cause to record the original Grant and Easement Deeds submitted to Stanislaus County's Department of Public Works by Modesto City Schools District (Attachments 1A - 21A) – PW 2010-759
- *D1 Approved and established the following findings: (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 except as authorized under the County's implementation of SB 863; (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; (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 Williamson Act Contract No. 1973-1421 (Located on Eleanor Avenue, north of Claribel Road, in the Oakdale area); approved a new contract pursuant to Minor Lot Line Adjustment 2009-11 – Oosterman and Andersen; and, authorized the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment 2009-11 – Planning 2010-760

***D2** Approved the 2011 Williamson Act Contracts subject to the Board of Supervisors’ 11/09/2010 action to approve the Implementation of SB863; authorized the Chairman to sign the contracts; and, directed the Clerk of the Board to forward the contracts to the Clerk-Recorder’s Office prior to 01/01/2010 for recording – Planning 2010-761

Chiesa/Monteith unan. ***B7** Accepted the Report of the Annual Inspection/Evaluation of Local Jail/Detention Facilities Pursuant to §101045 of the State of California Health and Safety Code – HAS 2010-762

Corr 1 Referred to the Department of Planning and Community Development and the Department of Public Works, a copy of the Rural Community Assistance Corporation’s Rural Review.

Corr 2 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Hailey Gearllach; Richard Estrada; Maria C. Arellano; and, Jose G. Arellano.

The CEO reported that it appears the State Legislature will take no action until we have a new Governor in office to address the state budget deficit.

The CEO announced that a public dedication ceremony for the Thomas W. Mayfield Regional Animal Services Facility will be held on 12/15/10, at 1:30 p.m., at 3647 Cornucopia Way in Modesto.

Recessed to sit as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 9:29 a.m.

O’Brien/DeMartini unan. Approved the consent calendar (Those items marked with an *)

XI. *II-A Approved the minutes of 12/07/2010

Roxanne Chakos voiced concerns that the public comment period for the IHSS Public Authority is at the end of the Board’s agenda.

Reconvened to sit as the Stanislaus County Board of Supervisors at 9:34 a.m.

Adjourned to closed session at 9:34 a.m. for conference with Legal Counsel - Anticipated Litigation: One Case. Government Code §54956.9(c).

Adjourned at 10:19 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.)