

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

Regular Session

Tuesday

June 14, 2011

All Supervisors Present

Pledge of Allegiance to the Flag

A resolution proclaiming June 2011 as Disability Awareness Month in Stanislaus County was presented to Kristi Ah You.

Seyed Sadredin, Director of the San Joaquin Valley Air Pollution Control District, presented information regarding the Healthy Air Living Program.

Debra Harper spoke regarding the Universal Declaration of Human Rights and the Stanislaus County health care system. She also spoke regarding her suspension from the Stanislaus County Library.

Robert A. Hoggard noted that there has been no Big Brothers Big Sisters Program in this community since 2005, and that he is looking into the feasibility of bringing this program back.

O'Brien /Withrow unan. Adopted the consent calendar

- *A1 Approved the minutes of 06/07/2011
- *A2 Appointed Jeff Anderson to the Child Abuse Prevention Council 2011-351
- *A3 Authorized the Chairman of the Stanislaus County Board of Supervisors to sign and submit the property owner ballot in support of the assessments ballot for the proposed CSA No. 29 Bangs Summit for FY 2011-2012 for the property owned by Stanislaus County
2011-352
- *A4 Commended the Patterson Covenant Church upon their 100th Anniversary 2011-353
- *A5 Commended Dan Costa upon being named the 2010-2011 Community Service Award Winner by the Kiwanis Clubs of Modesto 2011-354
- *B1 Accepted the sixth update on flooding in various locations in Stanislaus County; and, approved continuing the Countywide declaration of a local emergency due to flooding in various locations in Stanislaus County – CEO 2011-355
- *B2 Approved the list of Independent and Personal Services Contractor Agreements in excess of \$100,000 between the Stanislaus County Health Services Agency and Various Contractors for FY 2011-2012; authorized the HSA Managing Director, or her designee, to sign the agreements included on the list; authorized the HSA Managing Director, her designee, or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 per agreement; and, authorized the HSA Managing Director to maintain a Non-Contracted Medical Services policy and procedure for the MIA program as set forth in the agenda item – HAS 2011-356
- *C1 Adopted the Plans and Specifications for the Stanislaus County 2011 Chip Seal Program (Asphalt Rejuvenation Emulsion); directed the Department of Public Works to set the bid opening date and time; and, directed the Department of Public Works to publish and mail the notice inviting bids for the project as required by law – PW 2011-357
- *C2 Approved the MOA between Merced County and Stanislaus County for the Preliminary Engineering Phase of the Hills Ferry/River Road Bridge Project; and, authorized the

Chairman to execute the MOA between Merced County and Stanislaus County for the Preliminary Engineering Phase of the Hills Ferry/River Road Bridge Project – PW
2011-358

- *D1** Approved and established the following findings for Minor Lot Line Adjustment 2010-23 – Lutz: (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; (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 a portion of Williamson Act Contract No. 1971-0220 (Located at 5361 Oakdale/Waterford Highway, south of Alvarado and north of Claribel Road, in the Oakdale Area); approved a new contract pursuant to Minor Lot Line Adjustment 2010-23 - Lutz; and, authorized the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment 2010-23 – Planning
2011-359

O'Brien/DeMartini unan. **9:05 am** Conducted the public hearing; finds Lot Line Adjustment Application No. 2010-26 and Williamson Act Cancellation Application No. 2010-03, Garner, categorically exempt from CEQA and ordered the filing of the Notice of Exemption; finds, based on the staff report and the whole of the record, that: (A) the cancellation is for land on which a notice of non-renewal has been served pursuant to §51245 of the California Government Code, (B) the cancellation is not likely to result in the removal of adjacent lands from agricultural uses, (C) the cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan, (D) the cancellation will not result in discontinuous patterns of urban development, (E) there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land, (F) the other public concerns substantially outweigh the objectives of Government Code §51200-51297.4, and (G) there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land; accepted the cancellation value of the subject property as \$54,500 as determined by the County Assessor; certified to the County Auditor the cancellation fee which must be paid as deferred taxes to be 12½% of the accepted cancellation value (\$6,812.50); approved the Tentative Cancellation of a portion of Williamson Act Contract No. 75-2011 subject to payment of the cancellation fee; unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State law; directed the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action; directed the Clerk of the Board, within 30 days of the Board action, to publish the Notice of the Decision, pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation; rescinded portions of Williamson Act Contract No. 75-2011 and approved a new contract pursuant to Minor Lot Line Adjustment 2010-26 – Garner; approved the Lot Line Adjustment Application No. 2010-

26 – Garner, subject to the completion of Williamson Act Contract Cancellation No. 75-2011; and, authorized the Planning and Community Development Director to execute new contracts pursuant to Minor Lot Line Adjustment 2010-26 and Williamson Act Contract Cancellation No. 2010-03 – Planning
2011-361

Withdraw/Chiesa unan. **B3** Accepted a donation of \$30,600 from the Stanislaus Library Foundation to be used for the 2011 Summer Reading Program; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the Library budget in the amount of \$30,600 as detailed in the Budget Journal Form – Library
2011-360

Corr 1 Referred to the Fish and Wildlife Commission, a letter from the Colusa County Fish and Game Advisory Commission requesting support of their position regarding changing the definition of the wild pig to a non-game animal in order to control their population.

Corr 2 Referred to the Department of Public Works and DER, a notice from the California Regional Water Quality Control Board regarding a proposal to amend the Sacramento/San Joaquin Basin Plan to revise groundwater beneficial use designations near Copperopolis in Calaveras County.

Corr 3 Referred to the Department of Planning and Community Development, a letter from the U.S. Department of Housing and Urban Development regarding FY 2011 allocations for the Office of Community Planning and Development’s formula programs, which provide funding for housing, community and economic development activities, and assistance for low- and moderate-income persons and special populations across the country.

Corr 4 Referred to the Department of Public Works, a notice from the California Department of Transportation regarding a public information meeting for the North County Corridor on Thursday, 06/16/2011, at 6:30 p.m. at the Riverbank Community Center, 3600 Santa Fe Street, Riverbank, CA.

Corr 5 Referred to the Chief Executive Officer, a letter from the San Joaquin Valley Air Pollution Control District requesting support for House of Representative Bill 1582 – “Common Sense Ozone Regulation Act”.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Lee Flodman; and, Rosie or Doug Campbell.

The CEO reported that the State Legislature still has not effectively addressed the \$10 billion budget deficit, and that the FY 2011-2012 Budget deadline is 06/15/2011. He noted that there are ongoing discussions concerning the temporary extension of the existing tax (Bridge Tax Extension) which is set to sunset at the end of June. A number of trailer bills that required only a majority vote have been approved by the Senate. Because the tax extension measure AB 18X failed passage, Senator Steinberg took up his local taxation option (previously SB 653) and amended it into SB 23X which would grant local jurisdictions the authority to raise a number of different kinds of taxes, and SB 23X was passed by the Senate. The CEO pointed out that transferring responsibility for tax initiatives to the local jurisdictions creates challenges, including the possibility of different levels of services from county to county depending on the outcome of local initiative tax measures, which could have devastating affects on many conservative counties throughout the State.

The Chairman announced that there will be Redistricting Committee public meetings held on the following dates and locations: 06/13/2011 at 6:00 p.m. - 8:00 p.m. at the Turlock City Hall, 156 South Broadway, Turlock; 06/14/2011 at 6:00 p.m. - 8:00 p.m. at Scout Hall, 3017 High Street, Riverbank;

06/15/2011 at 6:00 p.m. - 8:00 p.m. at the Patterson City Hall, 1 Plaza, Patterson; 06/28/2011 at 6:00 p.m. - 8:00 p.m. at Modesto Senior Center, 211 Bodem St., Modesto; 06/29/2011 at 6:00 p.m. - 8:00 p.m. at the King Kennedy Center, 601 S. Martin Luther King, Modesto; and, 06/30/2011 at 6:00 p.m. - 8:00 p.m. at Salida Fire Station #1, 4820 Salida Blvd., Salida.

Adjourned to closed session at 10:12 a.m. for Conference with Legal Counsel - Existing Litigation: Two Cases: Imer Jaimes-Cornejo v. Troy Silcox, et al, Stanislaus County Superior Court Case No. 647353; Nyomi Elias, et al. v. County of Stanislaus, et al., Stanislaus County Superior Court Case No. 663544. Government Code §54956.9(a). Conference with Legal Counsel - Significant Exposure to Litigation: One Case. Government Code §54956.9(b)(A).

Adjourned at 11:19 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.)