

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

Regular Session

Tuesday

August 23, 2011

All Supervisors Present

Pledge of Allegiance to the Flag

April Premo from the Tea Party spoke regarding PG&E's proposed pipeline and questioned their Eminent Domain authority. She noted that the Tea Party wants power and money to come back to the County from the State, and that they are requesting the Board's support in this endeavor.

Emerson Drake spoke regarding campaign reform, and requested that the following changes be made: increase the campaign contributions limit to \$99.99 from \$24.99 before it has to be reported, require a Board of Supervisors member to recuse themselves from a vote if they received a campaign contribution above a set limit, and prohibit elected officials from entering into a contract with a vendor who made contributions to their election campaign.

O'Brien/Withrow unan. Adopted the consent calendar

***A1** Approved the minutes of 08/16/2011

***B1** Approved an amendment to the contract with Crout and Sida Criminal Justice Consultants, Inc. to update the Public Safety Center Needs Assessment and Master Plan for various Adult Detention Future Facility needs as a requirement to obtain future State Jail construction Funds at a cost not to exceed \$47,000, funded by public facility fees previously budgeted for Jail Facility Master Planning – CEO 2011-481

***B2** Approved the Residential Neighborhood Infrastructure Project List Rankings Criteria; adopted a resolution supporting the annexation of unincorporated County residential pockets within adopted city spheres of influence; and, authorized the CEO to negotiate and execute an amendment to the Master Property Tax Agreement eliminating exceptions to the Agreement for the "North Airport Area", "Robertson Rd. Area" and "South Modesto Area" – CEO 2011-482

***B3** Accepted the responses to the Grand Jury Final Report; authorized the Chairman of the Board to forward the response to the Presiding Judge of the Superior Court by 08/25/2011; and, directed the CEO to ensure that the recommended actions by the Board of Supervisors be followed and completed by the subject County Departments and report back to the Board as appropriate – CEO M-39-M-5 2011-483

***B4** Amended the Salary and Position Allocation Resolution to reflect the recommended changes outlined in the Staffing Impacts section of the agenda item, effective the first pay period following the Board of Supervisors approval to restore funding for fourteen positions in the Community Services Agency, funded by State and Federal CalWORKs and CalFresh Allocation – CSA 2011-484

***B5** Accepted the Stanislaus County Treasury Pool's July 2011 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 distributed to the Stanislaus County Treasury Pool Oversight Committee; and, authorized the Chairman to sign on behalf of the Board of Supervisors that the report has been reviewed and accepted – T/TC 2011-485

- ***B6** Accepted the Annual Reports for the County of Stanislaus Tobacco Endowment Funds – Series 2002 and Series 2006 for FY Ending 06/30/2011; and, authorized the Chairman to sign on behalf of the Board that the reports have been reviewed and accepted – T/TC
2011-486
- ***C1** Approved the award of the contract for the purchase and installation of a security camera system for Stanislaus County’s Stanislaus Regional Transit (StaRT) public transit buses to SEON Design (USA) Corporation; and, authorized the Public Works Transit Division Manager to sign and execute all necessary documents – PW
2011-487
- ***C2** Approved the conditional award of the contract in the amount of \$659,362 to Telfer Oil Company, of Martinez, California, for the construction of the Stanislaus County 2011 Chip Seal Program (Polymer Asphalt Rejuvenation Emulsion); authorized the Director of Public Works to execute a contract with Telfer Oil Company for \$659,362 and to sign necessary documents; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, §20142; upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; and, authorized the Construction Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds – PW
2011-488
- ***D1** Authorized the release of the FY 2010-2011 Draft Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) Programs for public review to end on 09/20/2011; and, set a public hearing on 09/20/2011, at 6:35 p.m., to consider adoption of the CDBG FY 2010-2011 CAPER – Planning
2011-489

Recessed to sit as the Stanislaus County Redevelopment Agency at 9:08 a.m.

Chiesa/O’Brien unan. **9:00 am** Approved the consent calendar

III. A. Approved the minutes of 04/19/2011

O’Brien/DeMartini unan. **VI.A.** Adopted the proposed Enforceable Obligation Payment Schedule (EOPS) in compliance with AB 1X 26; and, directed the Executive Director to take all action required by AB 1X 26 including, but not limited to, posting the EOPS on the Agency's website, and transmitting the EOPS to the County Auditor-Controller, the State Controller, and the State Department of Finance
2011-490

Reconvened to sit as the Stanislaus County Board of Supervisors at 9:18 a.m.

Chiesa/Withrow unan. **9:05 am** Conducted the public hearing and accepted public testimony regarding Supervisorial redistricting; based on the staff report for today’s public hearing and on the staff report for the public hearing held on August 16, 2011, including the Supervisorial Redistricting Project Report to the Board of Supervisors submitted jointly by the Redistricting Steering Committee and the Ad Hoc Citizen Redistricting Advisory Committee dated August 16, 2011, and on the presentations made by staff at both public hearings, including power point presentations, on all the comments and testimony received during both public hearings, on all of the comments received during the public meetings on June 13, 14, 15, 28, 29, 30, and July 20, all of which was taken into consideration in making a decision to select a redistricting option, the Board of Supervisors made the following findings in support of Option 2 - Alternative: (1) Seven public meetings were held to receive public input and comment about adjusting the boundaries of supervisorial districts, at which there were 59 public attendees and 26 comments received; (2) Three additional comments about redistricting were received by email; (3) Extensive outreach was conducted to notify residents about the public meetings through a variety of media including news releases, print advertisements, promotional email notifications, and briefings; (4) Advertisements and notices were published in English and Spanish, and Spanish language translation was available for public

comment during each public meeting, and materials were made available in English and Spanish at the public meetings; (5) Each public meeting, and the August 16, 2011 public hearing, included educational information about the redistricting project, which included presentation of applicable laws, standards and terminology to facilitate effective participation by the public in the Redistricting Project; (6) The Board finds that the Redistricting Steering Committee and the Ad Hoc Citizen Redistricting Advisory Committee fully and carefully considered public comment when jointly adjusting supervisorial district boundaries, and faithfully applied the criteria set forth in Elections Code §21500; (7) The Board has reviewed and considered redistricting Option 1, Option 2, and Option 2 - Alternative, and the Board officially adopts Option 2 - Alternative; (8) The Board finds that redistricting Option 1, Option 2 and Option 2 - Alternative all substantially meet the criteria set forth in California Election Code §21500, and each is in compliance with applicable laws and case decisions regarding redistricting supervisorial boundaries, and that Option 2 - Alternative best meets the redistricting criteria and guidelines; (9) The Board considered and acknowledged that the criteria of one person, one vote, is the criteria of paramount interest so that supervisorial districts were nearly equal in population, and that Option 2 - Alternative met the goal of plus or minus 2-percent deviation in population among the districts; (10) The Board also gave strong consideration in adjusting the supervisorial districts to the factors set forth in Elections Code §21500 of topography, geography, cohesiveness, contiguity, integrity and compactness of territory, and communities of interest, and finds that Option 2 - Alternative substantially follows those criteria; (11) The Board finds that Option 2 - Alternative is based on a rational policy, which was to substantially achieve equality of populations among the five supervisorial districts and balance the criteria set forth in Elections Code §21500; (12) The Board finds that Option 2 - Alternative achieves the best balance of keeping communities of interest intact, including cities, school districts, Municipal Advisory Councils, and recognized public interest groups, and utilizes topographic and geographic boundaries such as natural boundaries and roadways; (13) The Board finds that Option 2 - Alternative does not operate to minimize or cancel out the voting strength of racial or political elements of the voting population; (14) The Board finds that there is no dilution of voting strength of any particular group by the adoption of Option 2 - Alternative; (15) The Board finds that Option 2 - Alternative followed natural or man-made geographical features as boundaries, and utilized census block to establish the supervisorial districts; (16) The Board finds that the factors set forth in Elections Code §21500 are a rational basis for the insignificant deviation from exact equality of population among the supervisorial districts, and that such consideration justifies the insignificant departure from achieving exact equality in population among the districts; (17) The Board finds that the insignificant disparity in population between the supervisorial districts established by Option 2 - Alternative does not result in denial of equal protection; (18) The Board finds that Option 2 - Alternative boundaries are "squared off" and are clear for members of the public to understand and creates easily identifiable district boundaries; (19) The Board finds that the Beard Industrial Tract is most closely associated with the City of Modesto community of interest, and that Option 1 would result in the Beard Industrial Tract moving into Supervisorial District 5, which is most closely associated with the west side of Stanislaus County, and that Option 2 - Alternative keeps the Beard Industrial Tract with the City of Modesto community of interest; (20) The Board finds that the community of Empire is most closely associated with the east side of Stanislaus County, that Option 1 results in Empire moving into Supervisorial District 5 that historically has been associated with the west side of Stanislaus County, and that Option 2 - Alternative keeps Empire in Supervisorial District 1 associated with the east side of the County; (21) The Board finds that Option 2 - Alternative is identical to Option 2, except that Option 2 - Alternative incorporates modest boundary changes to conform the supervisorial district boundaries with the Sylvan Union School District, Stanislaus Union School District, Hughson Unified School District and the City of Ceres sphere of influence, which results in those communities of interest remaining in one supervisorial district; (22) The Board finds that the options rejected from consideration did not substantially meet the criteria set forth in Elections Code §21500 in that Option A split the South Modesto Municipal Advisory Council, thereby significantly diluting the political influence of a large and important community of interest, in that Option B split the communities of Grayson and Westley from the "West

Side" community of interest, and in that Option C resulted in a substantial shift in Latino Voting Age Population that could be perceived as diluting the Latino vote in Supervisorial District 3 and District 4; (23) The Board finds that based on all of the available documents, information, comments and testimony, that Option 2 - Alternative best meets the applicable guidelines and factors, including legal precedence, that should be considered when adjusting supervisorial district boundaries, best achieves a balance between equal populations among the districts and the factors set forth in Elections Code §21500, and best achieves the objective of effective representation in each of the supervisorial districts established under Option 2 – Alternative; and, the Board approved the introduction and the waiving of the first reading of Ordinance C.S. 1105, an ordinance adjusting the boundaries of the supervisorial districts in accordance with the selected Redistricting Option 2 - Alternative – CEO ORD-55-O-3 2011-491

Corr 1 Referred to the Department of Public Works, a notice from the Surface Transportation Board regarding the granting of City of Modesto’s request for an extension of the negotiation period for the interim trail use/rail banking agreement with the Union Pacific Railroad Company for the abandoned 5.18-mile line of railroad known as the McHenry Industrial Lead.

Corr 2 Acknowledged receipt of the Annual Report for 2009-2010 from the California State Board of Equalization.

Corr 3 Referred to the Fish and Wildlife Committee, the Department of Planning and Community Development, the Department of Public Works; and, the Agricultural Commissioner and Sealer of Weights and Measures, a letter from the California Wildlife Conservation Board regarding their consideration of a grant to River Partners to assist with the acquisition of approximately 1,603 acres of land for the preservation and enhancement of wildlife habitat located in Stanislaus County.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Erica Maldonado; Truck Insurance Exchange; Thomas Goff; State Farm Insurance (subrogated claim of Thelma Carver); Margarete Weiscope, individually, and as Executor of the Estate of Dennis Reynolds; Francisco Soria; and, Antonia Sillas.

Supervisor O’Brien announced that today is the San Joaquin Air Pollution Control Board’s very first Air Alert, which is expected to run through 08/28/11. During Air Alert days, residents and businesses are advised to reduce vehicle use, including carpooling and avoiding the use of drive-through services. He reported that Valley has been fined \$29 million due to air quality issues and that we all pay for this with a \$12 increase in our DMV fees. He noted that if the Valley can go 3 consecutive summers without a violation of the 1 hour ozone standard, we can eliminate this penalty.

The CEO spoke regarding Correspondence No. 3 on today’s agenda, regarding the proposed preservation and enhancement of wildlife habitat, and noted that this is a project that the County supports as it will enhance the Tuolumne River Corridor. He reported that the State Legislature is set to return next Monday, and that both redevelopment and realignment bill clean-ups appear to be the top issues. The County has significant concerns regarding the State budget triggers, which could adversely affect funding in Stanislaus County and other cities and counties throughout California.

Recessed to sit as the Stanislaus County In-Home Supportive Services (IHSS) Public Authority at 10:03 a.m.

Adjourned to Closed Session at 10:04 a.m. for Conference with Labor Negotiator: Agency Negotiator: Richard Robinson. Labor Organization: United Domestic Workers. Government Code §54957.6.

Reconvened to sit as the Stanislaus County Board of Supervisors at 10:04 a.m.

Adjourned to closed session at 10:04 a.m. for Conference with Legal Counsel - Significant Exposure to Litigation: One case related to the claim filed by R. Michael Williams. Government Code §54956.9 (b)(B).

Adjourned at 11:46 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.)