

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

Regular Session

Tuesday

November 6, 2012

All Supervisors Present

Pledge of Allegiance to the Flag

Debra Harper spoke regarding her suspension from the County Library, and she inquired about the appeal process. She noted that she can now use the Law Library again. She also spoke regarding her suspension from the Salvation Army Shelter.

CEO Nino responded that she will meet with Ms. Harper regarding her suspension from the Library.

Monteith/Withrow unan. Adopted the consent calendar

**\*A1** Approved the minutes of 10/30/2012

**\*A2** Adopted and waived the second reading of Ordinance C.S. 1123 amending Stanislaus County Code Sections 11.12.040, 11.08.070 and 11.08.020 relating to loading and parking zones on Enterprise Way in the Modesto area and Sonora Avenue in the Ceres area

ORD-55-Q-1 2012-544

**\*A3** Adopted the amendments to the Conflict of Interest Codes for the Salida Union Elementary School District, Empire Union School District, and the Ceres Union School District

2012-545

**\*A4a** Appointed Jerald Rhine to the Mental Health Board

2012-546

**\*A4b** Appointed Madelyn Schlaepfer to the Children and Families Commission

2012-547

**\*A5a** Accepted the resignation of Evelina McDowall from the Child Abuse Prevention Council

2012-548

**\*A5b** Accepted the resignation of Ramona Evans from the Del Puerto Health Care District Board of Directors

2012-549

**\*A6** Declared a vacancy on the Empire MAC

2012-550

**\*A7** Proclaimed 11/15/2012 as America Recycles Day

2012-551

**\*B1** Authorized the Director of the Departments of Environmental Resources and Parks and Recreation to apply for, enter into, and sign the routine FY 2013-14 grant agreements and contracts for various State programs and the Annual Independence Day Fireworks Display; authorized the Director of the Departments of Environmental Resources and Parks and Recreation to approve and sign any amendments to the routine FY 2013-14 grant agreements and contracts for various State programs and the Annual Independence Day Fireworks Display; adopted a resolution authorizing the Director of DER to apply for a Waste Tire Cleanup and Amnesty Event Grant and a Waste Tire Enforcement Grant from the California Department of Resources Recycling and Recovery for FY 2013-14 to promote the administration of a regional waste tire enforcement program and the cleanup and recycling of waste tires; authorized the submittal of a joint funding request to the California Department of Resources Recycling and Recovery for Waste Tire Cleanup and Amnesty Event Grant, and for a Waste Tire Enforcement Grant on behalf of participating cities and the unincorporated areas of Stanislaus County; adopted a resolution authorizing the Director of the Parks and Recreation to apply for an Off-Highway Vehicle Grant from the California Department of Parks and Recreation for FY 2013-14 for development, maintenance, administration, and related activities at the Frank Raines and La Grange

Regional Parks; authorized the Director of Parks and Recreation to enter into and sign contracts for the Annual Independence Day Fireworks Display held at Woodward Reservoir Park for FY 2013-14; and, adopted a resolution authorizing the Director of DER and Parks and Recreation to apply for incentive funds from the San Joaquin Valley Air Pollution Control District for the purchase of low emission equipment and vehicles for FY 2013-14, to promote cleaner air in the valley – DER 2012-552

- \*B2** Authorized the Sheriff to accept funding in the amount of \$59,825 from the California State Parks Off-Highway Motor Vehicle Recreation Division Grants and Cooperative Agreements Program to enhance emergency response and safety at Frank Raines Regional Park and La Grange Park in Stanislaus County; authorized the Sheriff to sign and administer the California State Parks Off-Highway Motor Vehicle (OHV) Recreation Division Grants and Cooperative Agreements Program for the Project Performance Period from 07/08/2012 through 07/07/2013; and, directed the Auditor-Controller to increase appropriations and revenue in the amount of \$59,825 for FY 2012-13 according to the Budget Journal Form – Sheriff 2012-553

De Martini/Withrow unan. **B3** Accepted the CEO's First Quarter Financial Report for FY 2012-13; **amended** Staff Recommendation No. 2 authorizing the CEO and the Auditor-Controller to make the necessary adjustments as recommended in the First Quarter Financial Report except for the vehicle acquisition request for Behavioral Health and Recovery Services; amended the Salary and Position Allocation Resolution to reflect the recommendations included as part of the First Quarter Financial Report, as outlined in the Staffing Impacts section of the report and as detailed in Attachment B to be effective the start of the 11/17/2012 pay period; and, approved contracts and/or agreements listed on Attachment C in cumulative amounts of \$100,000 or greater since 07/01/2010 – CEO 2012-554

Chiesa/Withrow unan. **B4** Chiesa/Withrow unan. **B4** Approved Staff Recommendations 1 through 3 as **amended**; (1) adopted the Nuisance Abatement Hearing Board's recommendation and finds that the property located at 1301/1113 Washington Road and 4800 Fulkerth Road, near the City of Turlock in the unincorporated area of Stanislaus County, CA, Assessor Parcel Nos. 023-039-016, 023-039-017, 023-039-018 (the "Property"), contains non-permitted land uses, illegally built structures, and illegal grading activities in violation of California Building Code Title 24, section 105, and Stanislaus County Code sections 21.20.020, 16.05.020, and 14.14.120, and constitutes a nuisance as defined in 2.92.010; (2) directed County staff to implement the following abatement actions: (a) take immediate action to abate any health and safety concerns at the Property, and hold in abeyance the abatement of any illegal land uses for which the Property owner is actively seeking a land use permit; and, **amended** Staff Recommendation No. 2(b) to read: "(b) delay implementation of the immediate abatement action per (2a), provided that the owners agree within two weeks to perform the actions set forth in an Indemnity Agreement"; and, (3) approved the Indemnity Agreement between Stanislaus County and Dan and Lori Avila in substantially the form set forth in Attachment A and **amended** the agreement to add the phrase "with no extensions" at the end of Section 3.2(a); and, authorized the Interim Director of DER to negotiate, finalize and sign the Agreement – DER 2012-555

County Counsel determined that Supervisors O'Brien, Chiesa, Withrow and De Martini have disqualifying conflicts of interest with agenda item **D-1** 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 Supervisor O'Brien and Supervisor Withrow drew long straws and thus participated in the decision.

Monteith/Withrow (3-0)(Chiesa and De Martini abstained) **D1** Finds the County received less than one-half of the foregone property tax revenue pursuant to Government Code Section 161.42(d)(1) for the

2012-2013 FY; approved the implementation of AB 1265 (Formerly SB 863) to maintain Williamson Act Contracts including a reduction of property tax benefits by ten percent and a related reduction of the term of the contracts to nine years, to be effective for calendar year 2013; and, directed the Assessor, Auditor-Controller, Treasurer-Tax Collector, and Director of Planning and Community Development to take all necessary steps to implement AB 1265 for the 2013-2014 FY including, but not limited to, making the appropriate modifications to all affected properties assessed values, modifying tax bills to reflect the assessment changes and supplemental fees associated with the reduced tax benefit, and recording any necessary notices – Planning 2012-556

**Corr 1** Referred to the Ag Commissioner and the Fish and Wildlife Commission, a letter from the State Fish and Game Commissions regarding the consideration of the Gray Wolf as an endangered species.

Supervisor Withrow reminded everyone that it is Election Day and to vote.

Supervisor De Martini reported that next Tuesday he is going to present the West Side Health Care Task Force Biggest Loser (Weight Loss) Award to the City of Patterson Team.

Adjourned at 10:27 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.)