

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

Regular Session

Tuesday

March 11, 1997

All Supervisors Present

Pledge of Allegiance to the Flag

Brownie Girl Scout Troop No. 389 presented the flag for the pledge of allegiance

Presented a proclamation to the Brownie Girl Scout Troop proclaiming March 10-15, 1997 as Girl Scout Week

Presented a proclamation proclaiming March as Social Worker Month

S/B unan. Adopted the consent calendar after removing *C-5 - Approval of Engineering Consultant Agreement to Salado Creek Improvements

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| Approved the minutes of 2/25/97 | 97-163 |
| Adopted and waived the second reading of Ordinance C.S. 642 pertaining to traffic control to establish speed zones on various County roads | 97-164 ORD-54-3 |
| Adopted and waived the second reading of Ordinance C.S. 643 pertaining to traffic control for no parking zones on various County roads | 97-165 ORD-54-4 |
| Commended Elizabeth Ann Ott upon her retirement from Superior Court | 97-166 M-33-AI-24 |
| Accepted the resignation of Teddie Hartman from the Mental Health Advisory Board | 97-167 BD-31-C-25 |
| Proclaimed 3/9-15/97 as Older Worker Week | 97-168 M-33-AI-25 |
| Set a public hearing to consider an appeal of Parcel Map Application #96-33, and Variance Application #62-02, for John R. Doxey on 4/1/97 at 9:30 a.m. | 97-169 S-30-AJ-3 |
| Set a public hearing to consider an appeal of Use Permit Application #96-23, for Process Construction Inc. and McDaniels, by Robert A. Stueve on 4/1/97 at 9:35 a.m. | 97-170 S-30-AJ-4 |
| Appointed Randy Bennett to the Hickman MAC | 97-71 MAC-6-6 |
| Appointed Art Filice, Jr. and Bridget Lara to the West Stanislaus Resource Conservation District Board | 97-172 DRC-6-27 |
| Appointed James F. Hall to the Salida MAC | 97-173 MAC-2-A-4 |
| Continued the State of Emergency Proclamation issued by the Director of Stanislaus County's Emergency Services and requested the Governor to proclaim a State of Emergency in Stanislaus County affirmed by the Board on 1/7/97 | 97-174 M-11-C-13 |
| Authorized the Department of Aging and Veterans' Services (Area Agency on Aging) to coordinate the Senior Spotlight Talent Showcase at MJC Auditorium on 4/6/97, and Senior Awareness Day at the Stanislaus County Fair Grounds on 5/3/97; approved a resolution declaring May as "Senior Awareness Month" in Stanislaus County and recognized Senior Talent Showcase and Senior Awareness Day as Senior Awareness Events; authorized the Chairman to sign a letter supporting Senior Awareness Activities for volunteers to show when soliciting prizes and donations for Senior Awareness Day; accepted the recommendation of the Senior Awards Committee for the five Senior Award Recipients; and, requested each Board member to be available on Senior Awareness Day, Saturday, 5/3/97, to present the Senior Award to the recipient from his or her district | 97-175 S-37-L-22 |

Authorized the Department of Employment and Training to accept an additional \$270,352 of National

- Reserve Account Funds through the Department of Labor (DOL) and the State Job Training Partnership Division (JTPD) to perform clean-up, repair work, and other related services and authorized the Director of the Department of Employment and Training to sign the agreement and contract in an amount not to exceed \$405,528 97-176 M-36-X-6
- Authorized the Director of DER to apply for and administer a grant for Hazardous Materials Emergency Committee for Hazardous Material Emergency Preparedness and authorized the Director of DER to sign the agreement accepting the grant – DER 97-177 S-11-P-21
- Approved submitting a letter of intent to participate as a partner with the California Department of Health Services for their grant submittal to W.K. Kellogg and R.W. Johnson Foundations for Three-Year Strategic Planning Strengthening of Partnerships to address local Public Health challenges in the next century – HAS 97-178 S-10-AA-5
- Approved the standard agreement for the California Healthcare for Indigents Program (CHIP) for FY 1996/97, and authorized the HSA Managing Director or her Designee to sign the standard agreement – HAS 97-179 S-10-AA-6
- Approved a provider agreement with the State of California Department of Health Services for reimbursement of Medi-Cal Administrative Activities during 7/1/96 to 6/30/97 pursuant to SB 910 and authorized the HSA Managing Director, or her Designee, to sign the provider agreement and the Intercounty Agreement with San Mateo, the Host County – HSA 97-180 S-10-AA-7
- Approved rewording of the Stanislaus County Library’s Rules for Behavior as adopted by the Board of Supervisors, 3/26/85 97-181 S-15-J-33
- Approved a resolution requesting an amendment to Government Code Section 74783 for the compensation and positions in Municipal Court 97-182 S-14-H-6
- Authorized the Parks and Recreation Department to pursue, in conjunction with the State of California Department of Fish and Game, the acquisition of private properties within the Basso Bridge Ecological Reserve, and authorized the Parks and Recreation Department of Fish and Game to manage the land when the properties are acquired 97-183 S-32-Y-2
- Authorized DSS to extend the agreement with Yosemite Community College District to provide Work Experience Services through 6/30/97, and authorized the Director of DSS, or his Deputy Director Designee, to sign the extension and any subsequent amendments not to exceed the contract amount of \$147,785 – DSS 97-184 S-27-AE-19
- Authorized DSS to request a waiver of new Food Stamp Program Work requirements for able-bodied adults receiving Food Stamp benefits – DSS 97-185 S-27-AE-20
- Readopted and amended the Stanislaus County Deferred Compensation Plan, effective 1/1/97, to conform with the changes brought about by the Small Business Job Protection Act of 1996 and authorized the CEO to sign the readopted and amended plan 97-186 S-4-H-14 & S-45-C-2
- Declared the sale of items as surplus County property and authorized the Purchasing Agent to dispose of surplus County property at public auction to be held by Ernst and Associates 97-187 S-21-AN-26
- Authorized the expenditure of Salida Highway Lighting District funds to energize a street light on Kiernan Court 97-188 DL-3-B-6
- Find that the territory of the North McHenry Lighting District is owned by the petitioner, and that petitioner’s ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed (Modesto Sports Center APN: 046-05-02 & 03) to be annexed into the North McHenry Lighting District; find that Stanislaus County Code Section 21.40.040 requires the installation of a street lighting system to serve territory; find that the territory proposed to be annexed is not within the limits of any other lighting district; find that public necessity and welfare require that the territory be annexed to the lighting district; ordered the requirements of notice, hearing and election shall not be applicable to this proceeding pursuant to Streets and Highways Code Section 19056; ordered that the territory shall be annexed to the North McHenry Lighting District of Stanislaus County; find the fact of filing of the petition was

received by the Clerk of the Board on 3/7/97; ordered that pursuant to the Streets and Highway Code Section 19000, et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the District's boundaries; and, directed the Public Works Department to send a certified copy of the resolution ordering the annexation to the Lighting District, all other required documents and the processing fee to the State Board of Equalization

97-189 DL-29-23

Authorized the installation of a street light for the Country Club Estates

97-190 DL-24-21

Approved the Salida Planned Development Road-Tic account expenditure to Mid-Valley Engineering; authorized the Auditor-Controller to issue a warrant in the amount of \$5,006.50 payable to Mid-Valley Engineering; and, authorized the Auditor-Controller to issue a warrant in the amount of \$883.50 payable to Mid-Valley Engineering upon final acceptance of the plans by the Public Works Department

97-191 S-18-XX-16

B/C unan. Accepted the update and report on Project C.A.R.E. (Total Quality Management) for Stanislaus County

97-192 S-4-H-15 (1-70)

S/P unan. Authorized the County CEO and Managing Director of the Health Services Agency to enter into exclusive negotiations with California Emergency Physicians to develop a contract for the provision of Emergency Department Management and Services

97-193 S-4-H-16 & S-10-AA-8 (1-1916)

S/C unan. Approved an update on locations designated for Industrial/Business Park designations; authorized staff to proceed with General Plan Amendment of property located at Dale/Kiernan and Sperry Road/I-5; directed staff to draft a development agreement with the City of Modesto; and, negotiate with the City for 90 days and if an agreement cannot be reached, then a mediator would be hired jointly by the City and the County to assist in resolving this issue

97-194 S-4-H-17 & S-30-AJ-5(1-2083)

P/C unan. Accepted the Mid Year Fiscal Report for FY 1996-97; authorized the CEO and Auditor-Controller to make the necessary budget adjustments and transfers as recommended; directed the CEO, in collaboration with County Departments, to ensure that operations remain within Budget policies and budgeted appropriations; directed the CEO to prepare the Third Quarter Fiscal Report for consideration on 4/29/97; adopted the Proposed Budget schedule for 1997-98; reaffirmed budget priorities for 1997-98; amended the Salary and Position Allocation Resolution as stated in Staffing Impacts; and, approved the eleven recommendations included in the staff report

97-195 BU-21-J-10 (2-1999)

Recessed at 10:50 a.m.

Reconvened at 11:05 a.m.

B/S unan. Received and approved the Comprehensive Local Action Plan submitted by the Juvenile Coordinating Council, and authorized submission of that plan to the Board of Corrections - Probation

97-196 S-19-H-28 (3-982)

B/M unan. Supported and authorized the Department of Employment and Training to submit a proposal to the City of Modesto for Community Development Block Grant (CDBG) for FY 1997-98 funding for Child Care Center Pilot Project and, authorized the Director of the Employment and Training to sign the proposal

97-197 M-12-E-14 & M-36-X-7 (3-2376)

C/B unan. Approved the engineering consultant agreement with Dames & Moore for the design and inspection of improvements to a portion of Salado Creek; authorized the Chairman to execute the agreement; and,

authorized the Auditor-Controller to make the appropriate adjustment of funds in accordance with the Departmental Financial Transaction sheet 97-198 S-21-AN-27 (3-2561

B/P unan. Introduced and waived first reading of Ordinance C.S. 644 relating to infraction penalties and schedule the second reading and adopt the Ordinance 97-199 ORD-54-5 (3-2625

S/C unan. Board found matter too late for the agenda as item was submitted after the agenda was posted and that action on the resolution was necessary 97-202(3-2850

C/P unan. Approved consolidating the elections of the Stanislaus Consolidated Fire Protection District, in the area formerly covered by the Waterford-Hickman Fire Protection District; Stanislaus Consolidated Fire Protection District, formerly covered by the Empire; Keyes Fire Protection District; Ceres Fire Protection District; Industrial Fire District; Burbank-Paradise Fire Protection District to continue current assessments; Salida Fire Protection District to exact an ordinance to validate the current assessment; and, the Hughson Fire Protection District for an election to adopt a Special Tax with the June 3, 1997 elections
97-203 DF-4-29, DF-6-A-24, DF-10-A-31, DF-15-28, DF-17-A-13, DF-18-A-14 & DF-20-15

Referred to the Chief Executive Officer a letter from the California State Association of Counties regarding the Civil Grand Jury Training, Communication and Efficiency Act of 1997

B/C unan. Adopted a resolution of support of the Welfare Reform Proposal from the California State Association of Counties and California Welfare Directors Association, which was adopted by the CSAC Board of Directors 97-200 M-20-Q-25

B/S unan. Approved the recommendations of the County Counsel and the Chief Executive Officer regarding the resolutions from the West Stanislaus County Fire Protection District, Salida Fire Protection District and Oakdale Rural Fire Districts regarding the District's desire to withdraw its taxpayers from the "Less than County Wide Fire Service Fund"; find that the Board has received and considered the resolutions of the Boards of Directors for Oakdale, Salida, and West Stanislaus Fire Protection Districts regarding the levy and collection of assessed taxes for fire protection district services; find that the Board of Supervisors determines that it is in the best interests of the County as a whole to continue with the status quo, and find that the Less Than County-Wide Fire Service Fund special tax continue to be levied and collected; find that at present, the Consolidated Fire District will, pursuant to the contract with the County, receive the funds for the Less Than County-Wide Fire Service District, which shall be used for providing all of Stanislaus County's fire districts with fire prevention support, investigation, community and administrative support, and other general services. Find that these services will be made available, along with other services, to the respective districts in Stanislaus County as long as the district exists and as long as the special tax is levied and collected; that the Board finds that the Less Than County-Wide Fire Service Fund was never part of any specific fire district, revenue base, or property tax base, and that these monies have always been separate from individual fire districts' revenue; that the Board further finds and determines that the best use for the County of fire service tax monies is currently to contract with Consolidated Fire to provide the services to the remaining districts in Stanislaus County; that the Board further finds that it is the "availability" of the tax fund to provide these services that is critical, and that there may be no relationship between using the services made available and the amount of money that a particular property owner pays. The critical issue is that the tax monies are "available" to provide these services and that simply because a person does not utilize the service from which tax funds are collected to provide does not operate to require a refund of those services or serve as a basis to stop collection of tax monies; the Board further finds that if the argument of the Districts of Oakdale, Salida, and West Stanislaus are taken to their logical extension, then a citizen in their respective district who has never utilized the services of the district should not be assessed a tax or in any other way made to pay for the services of the fire district; that the Board

encourages all fire districts to work with the Consolidated Fire District to identify services which may be beneficial to each respective district and to remain in contact with the Consolidated Fire District to best utilize the available tax funds to maximize the services which can be provided to the districts by Consolidated Fire through the contract with the County

97-201 DF-20-14, DF-10-A-30, DF-8-B-9 & DF-2-B-2 (4-1645

Referred to the CEO and Emergency Services a letter from California State Senator K. Maurice Johannessen regarding FEMA's dealings with the 1995 flood recovery funding

Acknowledged receipt of claims and referred to Risk Management the following claims: Katherine L. Luce; Danielle Perez; Henrietta Laymon; Don Thiel; Sophia M. Love; Charles W. Shaw; Jose Alfredo Esparza; and, Jimmie Lee Keys

Adjourned to Closed Session: Conference with Labor Negotiator : Agency Negotiator: Reagan M. Wilson, CEO and Employee Organizations: DSA and SRPA. Reagan M. Wilson, CEO as. Government Code Section 54954.5(f) at 12:10 a.m.

Adjourned at 2:10

ATTESTED: REAGAN M. WILSON, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: CHRISTINE FERRARO TALLMAN, Clerk to 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.)