

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

Regular Session

Tuesday

July 27, 2004

All Supervisors Present

Pledge of Allegiance to the Flag

Gary Hinshaw, Stanislaus County Fire Warden, and Dr. John Walker, Public Health Officer, gave an update regarding the West Nile Virus.

Richard Jantz, Deputy Executive Officer, gave an update to the Board regarding the State budget situation. The Governor announced that he and the State Senate and Assembly have struck a deal, and that he expects full votes from both houses later this week. He spoke regarding SCA 9, which includes protection for local revenues but also gives the State legislature, after meeting certain criteria, the ability to transfer money from local government to the State. Mr. Jantz stated that the County and other local governments need to take a closer look at SCA 9 before giving up on Proposition 65. He does not believe that SCA 9 gives the same level of protection to local government as Proposition 65.

Supervisor Simon encouraged the Board to continue to support Proposition 65 versus SCA 9. He noted that the County's budget crisis is a direct result of State legislature, along with the cooperation of the Governor, continuing to steal money from local government. Supervisor Mayfield and Supervisor Paul also spoke regarding continued support of Proposition 65, in order to protect the County's money.

Miguel Donoso spoke regarding problems in the Bret Harte area due to gangs and drugs. He believes that the lack of education and job opportunities is contributing to this problem. He asked that a task force be formed, made up of members of the community, to address this issue.

Kimberly Neville, a UDW home care worker for 9 years, thanked the Board for providing leadership in negotiating a mutually beneficial contract.

Patricia Boyd spoke in support of increased wages and benefits for IHSS employees.

Simon/Paul unan. Adopted the consent calendar after removing from consent items **\*A5a** Approval to Consolidate with the General Election to be Held on November 2, 2004 the City of Modesto Special Election Relating to the Robertson Road Infill Area – Measure M; and, **\*B8** Approval to Apply for and Accept a California State Incentive Grant for the Reduction of Binge Drinking-Related Problems Among Youth and Young Adults from the California Department of Alcohol and Drug Programs

**\*A1** Approved the minutes of 7/13/04

**\*A2a** Accepted the resignation of Linda Sawdey from the Stanislaus County Emergency Medical Services Committee 2004-547

**\*A2b** Accepted the resignation of Jack Bray from the Woodland Avenue Fire Protection District Board 2004-548

**\*A2c** Accepted the resignation of Charles A. Morris from the El Solyo Water District Board 2004-549

**\*A3a** Appointed Ray S. Prock to the Agricultural Advisory Board 2004-550

**\*A3b** Appointed Charles Obert to the Stanislaus County Parks and Recreation Commission 2004-551

- \*A3c Appointed Mike Passalacqua to the East Stanislaus Resource Conservation District 2004-552
- \*A4 Proclaimed August 2004 as Child Support Awareness Month in Stanislaus County 2004-553
- \*A5b Consolidated the City of Oakdale Municipal Election with the General Election to be held on 11/2/04 2004-554
- \*A5c Consolidated the City of Hughson Municipal Election with the General Election to be held on 11/2/04 2004-555
- \*A5d Consolidated the Yosemite Community College Governing Board Member Election with the General Election to be held on 11/2/04 2004-556
- \*A5e Consolidated the Yosemite Community College Local Community College Repair and Overcrowding Measure - Measure E with the General Election to be held on 11/2/04 2004-557
- \*B1 Approved an educational stipend for Cathy Winchester, Administrative Clerk III, from August 2004 through April 2006 - BHRS 2004-558
- \*B2 Authorized the appointment of Karen Curci to the position of Manager II in the Probation Department at a salary above the midpoint of the band, which is \$68,400 annually – Probation 2004-559
- \*B3 Authorized the CEO to negotiate a discounted prepayment of County normal retirement contribution cost and directed the Auditor-Controller to transfer the negotiated amount to the Retirement Fund by 7/30/04 – Retirement 2004-560
- \*B4 Awarded a contract to Grossmann Design Group for \$56,050 to provide all services incident to the design and administration of the remodel of the Nick W. Blom Salida Regional Library Phase II located in Salida, CA; authorized the Project Manager to execute the contract on behalf of the Board, and to issue the Notice to Proceed upon approval of insurance; authorized the Project Manager to negotiate and sign other agreements and work authorizations necessary to manage the project as long as the cost is within the project budget; approved the project schedule; and, approved the project budget 2004-561
- \*B5 Approved the substitution of the fire protection and concrete subcontractors for Clark & Sullivan for the Gallo Center for the Arts 2004-562
- \*B6 Awarded a contract to the Low Bidder, Bruce Harper Construction of Plymouth, CA, for \$57,500 to remodel the interior of the Animal Control Quarantine Building at 2846 Finch Road, Modesto; approved including one alternate, painting, to the base bid in the amount of \$12,590; authorized staff to purchase and install 51 containment units from T-Kennel Systems under sole source criteria not to exceed \$90,515 to house animals in the facility; authorized the transfer of \$11,896 from Animal Control Public Facility Fees to the construction budget to paint the facility and authorized the Auditor-Controller to make proper transfers as reflected on the budget journal; authorized the Project Manager to issue a Notice to Proceed contingent upon receipt of the proper insurance and bonds; and, authorized the Project Manager to negotiate and sign other agreements and work authorizations necessary to manage the project as long as the cost is within the amount budgeted 2004-563
- \*B7 Approved a cooperative agreement between Stanislaus County and the Stanislaus Workforce Alliance which states that the private sector (Workforce Alliance) will contribute the first \$30,000 toward completion of an EIR for the proposed Stanislaus County/Highway 99 Corridor Enterprise Zone Designation 2004-564
- \*C1 Accepted the Revised CSA #18 Annual Engineer's Report for FY 2004/05, dated 7/15/04, and Ordered the Clerk of the Board of Supervisors to replace the Engineer's Report filed on 7/13/04, with the Revised CSA #18 Annual Engineer's Report for FY 2004/05 – PW 2004-565
- \*D1 Approved the Stanislaus County Community Development Block Grant Program Income Work Plan for the 2004-2005 Fiscal Year – Planning 2004-566

- \***D2** Set a public hearing for 9/21/04 at 6:40 p.m. to consider the approval of the 2003/04 Community Development Block Grant Final Consolidated Annual Performance Evaluation Report (CAPER) – Planning 2004-567
- \***D3** Rescinded all or a portion of Williamson Act Contract #1971-0105 (Lampley Road., Hickman area), and approved new contract pursuant to Minor Lot Line Adjustment Application 2004-22; authorized the Planning Director to execute a new contract; finds 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; finds 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; finds at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; finds 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; finds 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; finds the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; and, finds 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 - Planning 2004-568

Simon/Grover unan. \***A5a** Consolidated the City of Modesto Special Election relating to the Robertson Road Infill Area – Measure M, with the General Election to be held on 11/2/04; and, **amended** the ballot language, as requested by the City of Modesto, by deleting reference that the area would first need to be annexed to the City 2004-569

Grover/Paul unan. \***B8** Approved an application for a \$750,000 California State Incentive Grant for the reduction of binge drinking-related problems among youth and young adults from the California Department of Alcohol and Drug Programs; authorized the Director of BHRS, or his Designee, to sign the grant application; authorized the Director of BHRS to accept the grant on behalf of the County if awarded; and, authorized the Director of BHRS, or his Designee, to negotiate agreements related to the grant – BHRS 2004-570

Grover/Mayfield unan. **B9** Authorized CSA to reinstate the Wednesday extended hour schedule effective September 2004 – CSA 2004-571

Mayfield/Simon unan. **B10** Approved leaving refuse collection rates unchanged for the period of 8/1/04 through 6/30/05 – DER 2004-572

Mayfield/Simon (Paul oppose)(4-1) **B11** Authorized the Registrar of Voters to negotiate, award and execute a contract for the purchase and installation of a new countywide voting system for Stanislaus County, total costs of which are not to exceed a combination of available State Voting Modernization funds and Federal Help America Vote Act funds – Clerk/Recorder 2004-573

**Board recessed at 11:20 a.m.**

**Board reconvened at 11:29 a.m.**

Simon/Mayfield unan. **B12** Approved the future Integrated County Justice Information System (ICJIS) enhancements that will enable the justice agencies, both internal and external, to improve information management and business efficiencies; authorized the formation of an ICJIS Partner Committee to encourage participation of all justice agencies across the County to the benefit of all citizens; approved standardizing the same open system approach used in the ICJIS Project for all new system development in the County as well as the re-use of this software wherever possible as the informational technology infrastructure cost is 80% less than traditional costs; and, approved using the new software standard contract and risk management process developed during the ICJIS Project, as the standard for all future software development in the County

2004-574

Caruso/Mayfield unan. **C2** Adopted the results of the ballot procedure for the formation of the Bret Harte Landscape and Lighting District in compliance with Proposition 218; finds support votes were 237, protest votes were 28, and incomplete ballots were 36; finds that all of the parcels within the Bret Harte Landscape and Lighting District will receive equal benefit from the formation of the district; formed the Bret Harte Landscape and Lighting District and confirmed the boundary of the district as being those described on Exhibits "A" and "B", which are made a part hereof; directed the Department of Public Works to file the formation with the California State Board of Equalization; ordered the installation of street lights; confirmed and approved the method for calculating the amount of the annual assessment that will be used to pay for street lighting service; set the 2004/05 annual assessment at \$24.22 per parcel, the parcels subject to the annual assessment are shown on Exhibit "C", which is made a part hereof; authorized the Auditor-Controller to add the annual assessment to the 2004/05 Tax Roll; authorized the Auditor-Controller to establish a fund for the Bret Harte Landscape and Lighting District; and, made the Engineer's Report a part of the record of this proceeding – PW

DL-40-2

2004-575

**Corr 1** Referred to the Auditor-Controller, the East Side Mosquito Abatement District Budget for Fiscal Year 2004-2005.

DM-1-A-27

**Corr 2** Referred to the Department of Parks and Recreation, a copy of the California State Parks' Central Valley Strategy brochure from the State of California Department of Parks and Recreation.

**Corr 3** Referred to the Environmental Review Committee, a letter from Sage Institute Inc. and a copy of the Waterford Unified School District, Richard Moon Elementary School Mitigated Negative Declaration.

**Corr 4** Referred to the Chief Probation Officer, a Notice of Public Hearing from the Department of the Youth Authority on the proposed changes to Title 15 of the California Code of Regulations regarding Religious Services to Wards.

**Corr 5** Referred to the Chief Probation Officer and the Sheriff, a copy of the *Violence Prevention Research Program's study of the Life Cycle of Crime Guns: A Description Based on Guns Recovered From Young People in California* from the University of California, Davis.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Raul Barrera; Jermaine Beard; Steve Pfarr; Robert L. Thomas, Sr.; Victoria Landon; and, Christine Nelson.

Supervisor Paul requested that a small task force be formed comprised of staff from the Offices of the Assessor, Tax-Collector and Auditor-Controller to streamline the process of filing final maps. She also asked regarding the authority of the Auditor-Controller to write a check to the Consolidated Fire District, and why the Fire District ordered new vehicles without sufficient funding. Richard Jantz, DEO, noted that the County was examining this issue and will bring a full report back to the Board. Supervisor Mayfield

noted the need of a full review of the District's budget. Supervisor Simon requested that the report describe the Board of Supervisors' responsibility. County Counsel noted that the Auditor-Controller is auditing the District's financial status and will bring a detailed report to the Board. Supervisor Grover noted that the fire chiefs adjacent to the Consolidated Fire District are concerned that if this district is not staffed because of lack of funding, the mutual aide agreements will be affected.

Supervisor Grover and BHRS Director Dan Souza met with Congressman Radanovich and CMS staff in Washington, DC regarding Medicare funding for the staffing of the Behavior Health Center. Supervisor Grover and Supervisor Caruso met with individuals regarding the State Water Quality Control Board's decision that the waste from canneries be classified as industrial waste. This waste cannot go to a landfill since it is ninety percent liquid and would need to be treated as sewage, which may cause the canneries to close due to the exorbitant expense.

Deputy Executive Officer Jantz and Supervisor Grover met with Kaiser staff regarding the County traffic issues associated with the proposed Kaiser hospital. He also spoke regarding information presented concerning protecting local revenue.

County Counsel explained the process used to appoint the Office of County Counsel, which has a statutory 4-year term. His first term began in 1984 and he has been reappointed to five consecutive terms. Counsel noted that a department head recruitment usually takes many months to complete and, therefore, his practice has been to have the Board consider his reappointment well before the actual term ends, to allow sufficient time to recruit for a new County Counsel if he is not reappointed. He also noted that his term ended in March 2004 and that it was neither appropriate nor practical to delay appointment until January 2005 when a new Board is seated. He stated that this Board and any new Board could evaluate his performance as County Counsel at any time and would consider his reappointment to a new term in 2008.

Adjourned to closed session at 12:25 a.m. for conference with Legal Counsel - Existing Litigation: Randell E. Francis v. Board of Retirement Association, Stanislaus County. Superior Court Case No. 172034. Government Code 54956.9(a)

Adjourned at 1:40 p.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.)