

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

Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

March 3, 2009

The Sheriff's Department was presented with a branding iron from the Stanislaus County Advisory Board on Substance Abuse Programs for picnic tables made by the Honor Farm.

The Chief Probation Officer reported that he was notified last Friday that Stanislaus County was successful in securing \$18 million in State money to assist with building a youth treatment facility.

Robert Stanford spoke regarding unregulated and illegal needle exchanges taking place in the community. He has notified both Sheriff Christianson and Chief Wasden regarding this situation. Chairman DeMartini and the CEO stated that the County will look into this issue.

Chiesa/Grover unan. Adopted the consent calendar after removing from consent item ***B8** Approval to Increase the Sheriff's Operations Budget to Fund the Sole Source Procurement of an Aero Computer Moving Map System

- *A1 Approved the minutes of 02/17/09
- *A2 Set a public hearing on 03/24/09, at 9:15 a.m., to consider an appeal of the Planning Commission's denial of Vesting Tentative Subdivision Map Application No. 2006-06 and Exception Application No. 2008-02 - Knights Ferry Overlook 2009-125
- *A3 Accepted a vacancy on the Hughson Fire Protection District Board of Directors 2009-126
- *A4 Accepted the resignation of Margaret Randazzo from the Stanislaus Economic Development and Workforce Alliance 2009-127
- *A5 Appointed Doug Humphreys and Bob Martina to the Stanislaus Economic Development and Workforce Alliance 2009-128
- *A6 Proclaimed 03/09-13/2009 as "Girl Scouting Builds Girls of Courage, Confidence and Character Who Make the World a Better Place" Week 2009-129
- *B1 Accepted the Stanislaus County Treasury Pool's January 2009 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 has been 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 2009-130
- *B2 Accepted the Stanislaus County Treasury Pool's Annual Audit for year ending 06/30/2008 prepared by Brown Armstrong Paulden McCown Starbuck Thornburgh and Keeter Accountancy Corporation and reviewed for conformity with State Law by the Stanislaus County Treasury Oversight Committee; accepted the Annual Certificates of Compliance from the Treasury Oversight Committee members for year ended 12/31/2008; and, approved an amendment to the Stanislaus County Treasury Pool Investment Policy, to be effective 03/16/2009 – T/TC 2009-131
- *B3 Approved the amendment to the Agreement with West Modesto King Kennedy Neighborhood Collaborative to include collaboration with Mark Twain Junior High School for oversight, development and implementation of student stipends; authorized the BHRS Director, or

- her Designee, to sign the amendment; and, authorized the BHRS Director, or her Designee, to negotiate and sign subsequent amendments to the agreement to add services and payment for services up to \$25,000, budget permitting, throughout the fiscal year ending 06/30/2009 – BHRS 2009-132
- *B4 Authorized GSA to dispose of one twenty-two foot Ford bus; and, directed the Audit-Controller to deposit the proceeds from the disposal to Public Works Department, Account No. 4001-0041510-40400 – GSA 2009-133
 - *B5 Approved substitution of the painting subcontractor for Greg Opinski Construction, Inc., for the emergency power and fire suppression system improvements at the Sheriff’s Operation Center and Public Safety Center Facilities – CEO 2009-134
 - *B6 Authorized BHRS to participate in the California Counties’ Mental Health Services Authority to jointly develop and fund mental health services and education programs as determined on a regional, statewide and other basis; authorized the BHRS Director, or her designee, to sign the Joint Exercise of Powers Agreement that creates the California Counties’ Mental Health Services Authority; and, authorized the BHRS Director, or her designee, to serve as the Stanislaus County representative to the California Counties’ Mental Health Services Authority – BHRS 2009-135
 - *B7 Accepted the 2007-2008 Annual Report for GSA 2009-136
 - *C1 Set a public hearing on 04/14/2009 at 9:20 a.m., or as soon thereafter as the matter may be heard, regarding the formation of the North McHenry #2 Lighting District and the levy of a specific benefit assessment; approved the Engineer's Report for the formation of the North McHenry #2 Lighting District; authorized an Assessment Ballot Procedure in conformance with Proposition 218 for the North McHenry #2 Lighting District; and, ordered that notice of the Public Hearing be given pursuant to Government Code §57353(B), and the Highway Lighting District Act Code §19050 – PW DL-43-2 2009-137
 - *C2 Accepted the offer of dedication of Road “C” (Harding Road) through Lots 33-37, as offered on the Palmbrook Colony Map located west of Turlock; and, authorized the Director of Public Works to record a Certificate of Acceptance with the Stanislaus County Recorder's Office for the Public Utility Easement (PUE) – PW 2009-138
 - *D1 Rescinded a portion of Williamson Act Contract No. 77-2827, all of Williamson Act Contract No. 78-3069, and a portion of Williamson Act Contract No. 78-3333 (all located on N. Kilroy Road, in Turlock) and approved new contracts pursuant to minor Lot Line Adjustment No. 2008-16 – James J. and Norma N. Fernandez Family L.P., and authorized the Planning Director to execute new contracts; finds the new 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 2009-139

***D2** Approved the Draft Annual Action Plan that includes the \$1,921,592 Community Development Block Grant (CDBG); and the \$109,694 Emergency Shelter Grant (ESG); for a total of \$2,031,286 for FY 2009-2010; released the FY 2009-2010 Draft Annual Action Plan for the required 30-day public comment period; and, set a public hearing for 04/14/2009, at 9:15 a.m. to close the public comment period and consider approval of the FY 2009-2010 Annual Action Plan – Planning 2009-140

***E1** Introduced and waived the first reading of Ordinance C.S. 1052 amending Stanislaus County Code §9.08.040 to provide that no person shall be granted a franchise to collect refuse in more than two franchise areas; and, approved amending Section IV(A) of the Regulation for Collection of Refuse in the Unincorporated Area of Stanislaus County to provide that no person shall be granted a franchise to collect refuse in more than two franchise areas, to be effective on the same date as the proposed ordinance amendment – County Counsel ORD-55-I-8 2009-141

Grover/Monteith unan. ***B8** Authorized the Auditor-Controller to increase appropriations and estimated revenues in the amount of \$93,464.11 in the Sheriff's Operations budget for the Air Support Unit for FY 2008-2009 as detailed in the budget journal; authorized the sole source procurement of the Aero Computer Moving Map system using combined grant funds from the High Intensity Drug Trafficking Area (HIDTA) grant and the "It's All About Methamphetamine Enforcement and Education" grant; and, authorized the Purchasing Agent to issue a purchase order to Hangar One Avionics in the amount of \$93,464.11 – Sheriff 2009-142

Monteith/O'Brien unan. **B9** Authorized the increase in appropriations in the Clerk-Recorder - Elections Division budget for the costs associated with the Statewide Special Election on 05/19/2009 funded from a transfer from Appropriations for Contingencies of up to \$560,000 by 4/5 Vote of the BOS; authorized the transfer of estimated savings from the Clerk-Recorder - Recorder Division budget to the Clerk-Recorder - Elections Division budget in the sum of \$60,000; and, authorized the Auditor-Controller to make the necessary budget adjustments per the budget journal – Clerk-Recorder 2009-143

Grover/O'Brien unan. **9:25 am** Finds that the notice of the public hearing was given pursuant to Government Code §6061, Streets and Highway Code §22552 & 19052; conducted the public hearing to receive comments regarding: a) the formation of the Beard Industrial Lighting District; b) the proposed method for calculating the amount of the annual assessment; and, c) the levy of the annual assessment to pay for the street lighting service; authorized the Clerk of the Board to oversee the tabulation of the concealed ballots, tabulate and immediately submit the results to the Board of Supervisors; the Clerk announced that the ballot passed by a majority of landowners in support of the formation of the Beard Industrial Lighting District and the proposed method for calculating the annual assessment (support: 15 ballots, 77.52 weighted votes; protest: 0 ballots, 0 weighted votes; incomplete: 1 ballot, 4.55 weighted votes); the Board finds that all the parcels within the Beard Industrial Lighting District will receive equal benefit from the formation of the district; formed the Beard Industrial Lighting District and confirmed the boundary of the district as those being 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; confirmed and approved the method of calculating the amount of the annual assessment that will be used to pay for street lighting service; set the 2009/2010 annual assessments at \$25.21 per Equivalent Benefit Unit (EBU) per parcel (the parcels subject to the annual assessments are shown on Exhibit "C", which is a part hereof); authorized the Auditor-Controller to add the annual assessment to the 2009-2010 Tax Roll; and, made the Engineer's Report a part of the record of this proceeding – PW DL-42-2 2009-144

Corr 1 Referred to the Department of Public Works, a letter from the Union Pacific Railroad regarding their plans to abandon and discontinue service on the McHenry Industrial Lead from Milepost 21.25 near Escalon to Milepost 26.43 near McHenry Avenue.

Corr 2 Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from Trim Masters Corporation, Inc. regarding their plans to layoff 83 employees beginning on April 20, 2009, at its facility at 201 S. McClure Road in Modesto, CA per the Worker Adjustment and Retraining Notification (WARN) Act.

Corr 3 Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from NI Industries, a TriMass Company, regarding their plans to layoff 8 employees on April 24, 2009, at its facility at 5300 Claus Road in Riverbank, CA per the Worker Adjustment and Retraining Notification (WARN) Act.

Corr 4 Referred to the Fish and Wildlife Committee, a notice from the California Fish and Game Commission regarding proposed regulatory action relating to Central Valley sport fishing.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Gregoria Lara; Debra Harper; Nina Powell and Doreatha Butler; Nicole Rachels; Maria Mendoza; Dawn Ken; Luz E. Sandoval; and, Carolyn Hider.

Chairman DeMartini voiced his concerns regarding the number of businesses that are closing locally.

The CEO gave a legislative update regarding the Federal Omnibus bill that passed and is waiting for the President's signature. This bill is funding two Stanislaus County projects: the radio interoperability for \$500,000 and the Orestimba Creek Project for \$344,000. The County is hopeful but doubtful that we will receive reimbursement from the State for the Special Election that will be held in May 2009 but will continue to pursue reimbursement. The State is still not releasing funds for cash flow, which impacts the Empire Pool and Tuolumne River Regional Park projects. Five water bonds bills that have been introduced in the State Legislature and the Delta will be a hot topic in the 2009 Session. There are a number of County bills that are pending, and a status list is forthcoming. One bill of significance is the Negative Bailout bill from Senator Cogdill. The County is hosting representatives from Senator Padilla's office and a consultant from the Senate's Natural Resources Committee for a tour of the County's Waste-to-Energy facility. Propositions under consideration that are of community concern is Proposition 1A that will create a "rainy day" fund and put limits on State spending growth; Proposition 1B that would re-alter State payment schedules for Proposition 98 funds which are owed to K-14 school districts which equal \$9.3 billion; Proposition 1C that would allow the State to borrow money for the General fund and securitize it from future revenue from the California Lottery; Proposition 1D that would shift, for 5 years, half to two-thirds of the Cigarette Tax away from the California Childrens and Families Program (Proposition 10 funding) into the State General Fund; Proposition 1E that would amend the Millionaire Tax for mental health services (Proposition 63) and shift revenue from local programs to the benefit of the State General Fund; and, Proposition 1F that would forbid the California Citizen's Compensation Commission from raising Legislators and State Officers salaries whenever the State is running at a deficit. These Propositions are tied to the State Budget that was approved by the Legislature and the Governor.

The CEO announced that there will be a Stanislaus County Board of Supervisors Planning Workshop on Friday, 03/06/2009 between 8:00 a.m. to 3:00 p.m. at Samaritan Village, 7700 Fox Road, Hughson, California.

Adjourned to closed session at 9:40 a.m. for Conference with Legal Counsel - Anticipated Litigation - One Case. Government Code §54956.9(c). Conference with Legal Counsel - Existing Litigation - Two Cases: Clark & Sullivan Builders, Inc. vs. County of Stanislaus, Stanislaus County Superior Court Case No. 612057; and City of Patterson v. Stanislaus County, et al, Fresno County Superior Court Case No. 08-CECG-02901. Government Code §54956.9 (a). Conference with Labor Negotiator - Agency Negotiator: Richard Robinson. Labor Organizations: Stanislaus County Sheriff's Management Association. Government Code §54957.6.

Adjourned at 11:17 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.)