

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

Regular Session

Tuesday

December 8, 2009

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held for Bette Belle Smith.

The Red Ribbon Week 2009 Best Decorated School Contest Awards were presented to: 1st place winners: Patterson High School, Waterford Middle School and Sinclear Elementary School; 2nd place winners: Hughson High School, Glick Middle School and Hughson Elementary School and Fox Road Elementary School; and, 3rd place winners: Ceres High School, Daniel Savage Middle School and La Grange Elementary School.

Steve Ashman, a representative from CASA, thanked the Board for considering consent item \*B15 on today's agenda.

Debra Harper stated that she is currently receiving medical care for a serious condition and she voiced concerns regarding Stanislaus County's health care system.

Chiesa/Grover unan. Adopted the consent calendar

- \*A1 Approved the minutes of 11/24/2009
- \*A2 Declared a vacancy on the Commission on Aging 2009-794
- \*A3 Declared a vacancy on the Stanislaus Child Development Local Planning Council 2009-795
- \*B1 Approved the closure of Animal Services on various days in 2010 and on January 1<sup>st</sup> in 2011  
– Animal Services 2009-796
- \*B2 Approved the closure of the Stanislaus County Libraries on various days in 2010 and on  
January 1<sup>st</sup> in 2011 – Library 2009-797
- \*B3 Approved a total appropriations/budgetary limit for annual appropriations of tax revenues for  
FY 2009/2010; approved a general operating limit of \$285,369,312 using the population  
and inflation methodology; and, approved limits for applicable lighting districts governed  
by the Board of Supervisors in accordance with the provisions of Proposition 4 and  
Proposition 111 – Auditor-Controller 2009-798
- \*B4 Approved the list of agreements between BHRS and various contractors through the end of FY  
2009-2010 for the provision of Mental Health, Alcohol and Other Drug, and Ancillary  
Services; authorized the BHRS Director, or her Designee, to sign the agreements to  
provide services through the end of FY 2009-2010; and, authorized the BHRS Director, or  
her Designee, to negotiate and sign amendments to these agreements, to add services and  
payment for services up to \$10,000 per agreement, budget permitting, throughout the FY  
ending 06/30/2010 – BHRS 2009-799
- \*B5 Authorized an increase to the contract with Liebert, Cassidy and Whitmore of \$600,000 for a  
total contract amount of \$1,000,000 for FY 2009-2010 – Risk Management 2009-800
- \*B6 Amended the contract for professional services with the Harley Ellis Devereaux Corporation  
for the facility programming and planning phase of the Sheriff-Coroner facility; authorized  
the Project Manager to sign Amendment One to the agreement with Harley Ellis  
Devereaux Corporation for the programming and planning phase of the Sheriff-Coroner

- facility for additional work not to exceed \$10,000; and, directed the Auditor-Controller to increase appropriations and revenue by \$10,000 for this effort as detailed in the Budget Journal form – CEO 2009-801
- \*B7 Accepted the update on the status on the emergency repair to the 12th Street Office Building in accordance with Public Contract Code §22050 – CEO 2009-802
  - \*B8 Authorized DER to collect the Electronic Reporting Surcharge of \$25, on behalf of the State of California, for the Unified Hazardous Waste and Materials Management Regulatory Program, effective 07/01/2009 until 07/01/2012 as required in §25404 of the California Health and Safety Code; and, authorized the County to transmit the \$25 of the collected fee to the California Environmental Protection Agency – DER 2009-803
  - \*B9 Authorized DER, effective 01/01/2010 until 01/01/2014, to collect a fee from the owner of a public swimming pool, on behalf of the State of California, assessed at an amount of \$6 per public swimming pool, as required in §116064.2 of the California Health and Safety Code; authorized the County to transmit \$5 of the collected fee to the State Controller for deposit into the Recreational Health Fund in the State Treasury; and, authorized the County to retain \$1 of the assessed amount for administrative costs associated with collecting the fee and any necessary reporting to the State of California – DER 2009-804
  - \*B10 Approved the amendments to the C2AP-9071 and C3AP-9068 contracts with the California Department of Education (CDE) for the administration of the Child Care and Development Block Grant; authorized the CSA Director, or her Assistant director designee, to sign these contract amendments and any other amendments not to exceed the total amended contract amount; and, directed the Auditor-Controller to make the necessary adjustments to the CSA Budget, Program Services and Support, as detailed in the Budget Journal – CSA 2009-805
  - \*B11 Accepted the Report of Multi-Department Contracts and Agreements for the Period July 2008 through June 2009 – GSA 2009-806
  - \*B12 Authorized HSA to submit an application to the California Department of Public Health (CDPH) for one time funding allocation of \$865,376 under the 2009-2010 Centers for Disease Control (CDC) Public Health Emergency Response (H1N1) Phase III funding; authorized HSA’s Managing Director, or her designee, to sign the agreement, and any amendments, and accept the funds when awarded; authorized the Chairman to sign the non-Supplantation Certification Form; and, directed the Auditor-Controller to increase the HSA Public Health budget by \$865,376 to support the use of CDC H1N1 Phase III funding, as indicated in the Budget Journal Form – HSA 2009-807
  - \*B13 Approved Professional and Independent Contractor Agreements between Stanislaus County HSA and various contractors in excess of \$100,000 for FY 2009-2010 for the provision of health care services and public health mandates; authorized the HSA Managing Director, or her Designee, to sign the agreements; and, authorized the HSA Managing Director, or her Designee or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 – HSA 2009-808
  - \*B14 Introduced and waived the first reading of an Ordinance amending Stanislaus County Code Chapter 9.90 relating to the Stanislaus County Community Health Center Board – HSA C.S. 1068 ORD-55-L-1 BD-82-6 2009-809
  - \*B15 Authorized the CEO, or his designee, to negotiate and execute a MOU to allow occupancy of a portion of the fourth floor of the Hall of Records building, to be occupied by the Court Appointed Special Advocates (CASA), which will result in CASA terminating occupancy of the third floor of the 801 11th Street Building – CEO 2009-810
  - \*C1 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Jake

- Van Duyn, Trustee, et al., for APN: 046-006-001 and 078-016-027, and made the findings contained therein – PW 2009-811
- \*C2 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Raymond U. Alessi, et al., for APN: 046-006-031 and 046-006-032, and made the findings contained therein – PW 2009-812
  - \*C3 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Roman Catholic Welfare Corporation of Stockton, a California Public Benefit Corporation, for APN: 046-001-001, and made the findings contained therein – PW 2009-813
  - \*C4 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner K. Darpinian & Sons, Inc., a California Corporation, for APN: 074-015-015, and made the findings contained therein – PW 2009-814
  - \*C5 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Dale H. Batey, et ux., for APN: 004-069-032, and made the findings contained therein – PW 2009-815
  - \*C6 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Kathryn A. Pelucca, et al., for APN: 004-071-008, and made the findings contained therein – PW 2009-816
  - \*C7 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Oasis Investments, a California Limited Partnership, et al., for APN: 004-094-010, and made the findings contained therein – PW 2009-817
  - \*C8 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner William E. Mussman, III et al., for APN: 074-015-003, and made the findings contained therein – PW 2009-818
  - \*C9 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Landmark Baptist Church of Modesto, California, for APN: 046-006-008, and made the findings contained therein – PW 2009-819
  - \*C10 Considered and adopted a Resolution of Necessity to acquire Real Property or Interest in Real Property by Eminent Domain for the State Route 219 widening project, parcel owner Celia V. Pedota, Trustee, for APN: 004-065-006, and made the findings contained therein – PW 2009-820
  - \*C11 Adopted the results of the ballot procedure (Support: 45.594, Protest 10.978, Incomplete: 0) held on 11/24/2009, for the approval to levy assessments within the legal boundary of CSA 27-Empire; directed the Department of Public Works to file an application with the LAFCO per Government Code 56652; set the 2011/2012 annual assessments at \$77.88 per Equivalent Benefit Unit (EBU); and, authorized the Auditor-Controller to add the annual assessment to the 2011/2012 Tax Roll – PW CSA-27-2 2009-821

O'Brien/Monteith unan. **9:15 am** Adopted a Negative Declaration for the ConAgra application for Permit to Operate a Food Processing By-product Use Site pursuant to CEQA Guidelines §15074(b), by finding on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects the Department's independent judgment and analysis; ordered the filing of a Notice of

Determination with the Stanislaus County Clerk-Recorder's office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; and; **amended** the item to add a condition to the issuance of the permit to require that the truck routes be approved by the Department of Environmental Resources – DER  
2009-824

**Recessed at 11:20 a.m.**

**Reconvened at 11:31 a.m.**

DeMartini/Monteith unan. **B16** Approved the Project Funding Recommendation for the City/County Advisory Committee for the 2009-2010 Fiscal Year funding cycle to the City of Newman for their Downtown Plaza Project in an amount not to exceed \$400,000; authorized the CEO, or his designee, to execute an agreement with the jurisdiction receiving funding from the Economic Development Bank for the FY 2009-2010 FY funding cycle; and, authorized the Auditor-Controller to establish any and all necessary accounting protocols for the administration, tracking, disbursement and reimbursement of funds – CEO  
2009-822

Chiesa/Grover unan. **B17** Approved the 12 month Exclusive Right to Negotiate Agreement with JKB Energy for a long-term farming and potential solar farm lease on County owned land adjacent to the Fink Road Landfill and authorized the Chairman to sign the agreement; authorized the Director of DER to negotiate and sign a contract with M.A. Garcia Agrilabor, Inc. for farm management services for the 345 acre almond orchard during the negotiation period and contract will be cost based with a 6% management fee in an amount not to exceed \$66,900; and, directed the Auditor-Controller to increase appropriations of \$1,181,900 and estimated revenue of \$880,000 in the Fink Road Landfill Enterprise Fund as detailed in the Budget Journal form – CEO  
2009-823

**Corr 1** Referred to the Agricultural Commissioner-Sealer of Weights and Measures, Public Works, and the CEO, a copy of the San Joaquin Valley Integrated Regional Water Management Plan Framework prepared by the San Joaquin Valley Water Policy Working Group and the Water Plan Advisory Committee.

**Corr 2** Referred to the Alliance Worknet and the Stanislaus Economic Development and Workforce Alliance, a letter from the Kindred Hospital Modesto regarding the permanent closing of their Hospital, located at 730 17<sup>th</sup> Street in Modesto on Friday, 01/29/2010, per the Worker Adjustment and Retraining Notification (WARN) Act.

**Corr 3** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Thomas Robinson; Howard Earl Bagby; Debra L. Harper; Thomas Cabral (resubmitted from 10/27/09); Lola Ham; Alton W. Ham Jr.; Suzie Ham; Destin Montana; and, Aimee Ham.

Supervisor Grover reported that he represented the County last Friday at the Regional Councils of Government meeting held in Fresno. He noted that there were discussions regarding the duplication of efforts between the Regional Council of Government and the California Partnership for the San Joaquin Valley. He was asked by Supervisor Rubio from Kern County to be part of a small group of County Supervisors that will meet with California Partnership for the San Joaquin Valley regarding this issue.

Chairman DeMartini noted that he and Supervisor Chiesa, along with representative of seven other counties, will meet with the Governor today at 4:00 p.m. to request that the State reinstate subvention for the Williamson Act.

The CEO announced that there will be a Groundbreaking Ceremony for the new Animal Services Facility today at 1:30 p.m., at Crows Landing Road and Cornucopia Way in Modesto, CA.

Adjourned at 12:24 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.)