

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 9, 2010

DeMartini/Chiesa unan. Adopted the consent calendar

- *A1 Approved the minutes of 03/02/2010
- *A2 Adopted and waived the second reading of Ordinance C.S. 1073 repealing Chapter 9.65 of the Stanislaus County Code regarding establishment of the Stanislaus Family Justice Center Commission – CEO BD-84-2 ORD-55-L-6 2010-106
- *A3a Commended David Ingersoll, Director of the Department of Child Support Services, upon his retirement from Stanislaus County 2010-107
- *A3b Commended Stephen Smith, Assistant Auditor-Controller, upon his retirement from Stanislaus County 2010-108
- *B1 Declared forty-two County vehicles as surplus and authorized these vehicles to be auctioned; and, directed the Auditor-Controller to deposit all receipts from the sale of these vehicles, net of GSA-Fleet Services costs, into departmental accounts as appropriate to the fixed asset location of the vehicle – GSA 2010-109
- *B2 Authorized GSA-Purchasing to issue Invitation to Bid 09-49-TRS for the provision of natural gas to the County – GSA 2010-110
- *B3 Set a public hearing on 04/06/2010, at 9:05 a.m., to adopt a Negative Declaration for the JND Thomas Co., Inc., application for Permit to Operate a Food Processing By-Product Use Site – DER 2010-111
- *B4 Set a public hearing on 03/30/2010, at 9:05 a.m., to consider the adoption of Updated County Public Facility Fees pursuant to Title 23 of Stanislaus County Ordinance Code – CEO M-64-I-4 2010-112
- *C1 Approved a resolution authorizing the Public Works Transit Division Manager to act as certifying representative for all Federal and State grant and funding activities initiated by and for the Stanislaus County Public Works Transit Division and Stanislaus Regional Transit (“StaRT”) – PW 2010-113
- *C2 Approved the purchase agreements to acquire road right-of-way easement for the Las Palmas Avenue at Sycamore Avenue Intersection Project, Parcel Owner Jorge Gonzalez (APN: 048-003-047); authorized the Chairman of the Board to execute the agreement; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Auditor-Controller to issue a warrant in the total amount of \$21,785, payable to Chicago Title Company, for the purchase amount of \$20,285 and \$1,500 for estimated escrow fees and title insurance – PW 2010-114
- *C3 Awarded a contract to SPX Corporation for the purchase and installation of Electronic Fareboxes for the County’s Stanislaus Regional Transit (StaRT) Public Transit Buses; and, authorized the Public Works Transit Division Manager to sign and execute all necessary documents – PW 2010-115

Monteith/Chiesa unan. **B5** Authorized the Chairman to sign a letter of support for the Central Valley Next Generation Broadband Infrastructure Plan as part of an Application for American Recovery and Reinvestment Act Broadband funding – CEO 2010-116

Corr 1 Referred to the Fish and Wildlife Committee, a letter from the State Fish and Game Commission regarding the listing of the Mountain Yellow-Legged Frog as an endangered species.

Corr 2 Referred to the Department of Aging and Veterans Services, a letter from the California Department of Veterans Affairs regarding the level of funding received in Stanislaus County by the Department of Aging and Veterans Services for the period of 07/01/2008 through 06/30/2009.

Corr 3 Referred to the Auditor-Controller, a letter from the Keyes Community Services District regarding the results of the ballot procedure for the Keyes Lighting District Assessment.

Corr 4 Referred to CSA and the Auditor-Controller, a letter from the United States Department of Agriculture regarding the results of the desk review of audit reports for Federal assistance programs administered by Stanislaus County.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Shu-Hsia Lee; Eladio Ramirez; Robert Davis; Robin E. Torres; and, Bertha Durham.

The CEO noted that two bills which will have a direct benefit to Stanislaus County were introduced in the State Legislature. SB 1356 (Denham) would provide reimbursement to counties for homicide trials for law enforcement officers killed in the line of duty. AB 1770 (Galgiani) would allow the County to charge a \$2.00 fee for certified copies of vital records to use for the administration of the Family Justice Center. He gave an update regarding the extraordinary session of the State Legislature and their attempts to reduce the overall State budget deficit. He noted that the Governor vetoed AB X82, which focused on state corrections and the deportation of undocumented non-violent aliens. The Transportation Funding Bill, which would exchange gas sales tax as a funding source for excise tax, went to the Governor yesterday. This bill would eliminate sales tax on gasoline and increase the existing excise tax by 17.3 cents per gallon. This has generated a great deal of attention in the trucking and rail industry. There is a reasonable possibility that the Governor will veto this bill.

Adjourned to closed session at 9:17 a.m. for conference with Legal Counsel - Significant Exposure to Litigation: One Case. Government Code §54956.9(b).

Closed Session Announcement: DeMartini/Chiesa unan. The Board approved a resolution and finds that the CEO notified the County Auditor-Controller and the Retirement Administrator, by letter dated 01/14/2010, that the past practice of including 84 hours in excess of the maximum amount of allowable cash out of accrued vacation time, and including that 84 hours in the calculation of final compensation for retirement purposes was in error, and advised them to immediately stop that practice; finds that retired and current management employees who were allowed to cash out 84 hours in excess of the amount of vacation time earned in a calendar year period have relied upon that practice for retirement purposes, and are or could be negatively affected by strict application of the Cash Out Policy to them retroactively; approved, because of equitable and legal concerns regarding management employee reliance on past County practices, that the Cash Out Policy as adopted in 1997 shall apply prospectively from 01/14/2010, the date that the Auditor-Controller and Retirement Administrator were notified that the policy would be enforced; authorized that management employees who were allowed to make a pre-retirement cash out in an amount that included 84 hours in excess of that employee's annual vacation accrual shall be entitled to include that excess amount in the calculation of final compensation for retirement purposes; and, authorized the CEO to take all appropriate actions consistent with this policy decision

Adjourned at 10:08 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.)