

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

Regular Session

Tuesday

May 25, 2010

All Supervisors Present

Pledge of Allegiance to the Flag

A moment of silence was held in memory of George Gaekle, former Stanislaus County Chief Administrative Officer.

A commendation was presented to the King Kennedy Memorial Center Board of Directors upon their celebration of the 40th Annual Juneteenth Celebration.

Dr. Curtis Grant spoke on behalf of the Stanislaus County Library regarding the upcoming Abraham Lincoln Exhibit in celebration of his 200th birthday. The exhibit will be on display from 06/0310 through 07/08/2010.

Emerson Drake requested that the Board of Supervisors increase the reporting requirement for campaign contributions for candidates running for county offices from \$25.00 to \$99.00, and to establish a separate limit of \$2,000 in campaign contributions that would prohibit the recipient from participating in decisions involving the contributor.

O'Brien/Chiesa unan. Adopted the consent calendar

- *A1 Approved the minutes of 05/18/2010
- *A2 Appointed Michael Golkin to the Stanislaus County Local Task Force on Solid Waste Management 2010-311
- *A3 Declared a vacancy on the El Solyo Water District Board of Directors and approved a commendation for Edward Bettencourt for his years of service 2010-312
- *A4a Commended University of California Cooperative Extension Director, d Perry upon his retirement from Stanislaus County 2010-313
- *A4b Commended Debbie LaBarbera upon here retirement from University of California Cooperative Extension of Stanislaus County 2010-314
- *B1 Approved the Senior Community Service Employment Program (SCSEP) Department of Labor Appropriations Act contract; authorized the Director of the Department of Aging & Veterans Services to sign the contract and any subsequent amendments to contract AA-0910-30 with the California Department of Aging for FY 2009-2010 and 2010-2011; and, directed the Auditor-Controller to increase appropriations and revenue by \$9,679 for this effort as detailed in the Budget Journal form – Aging & Veterans Services 2010-315
- *B2 Approved the agreements with service providers for mental health, alcohol and other drug, and ancillary services for FY 2010-2011; authorized the BHRS Director, or her designee, to sign the agreements for FY 2010-2011; authorized the BHRS Director, or her designee, to negotiate and sign amendments to all agreements in Attachment A, to add services and payment for services up to \$75,000 per agreement, budget permitting, throughout FY 2010-2011; and, authorized the BHRS Director, or her designee, to negotiate and sign amendments to all agreements in Attachment B, to add services and payment for services up to \$25,000 per agreement, budget permitting, throughout FY 2010-2011 – BHRS 2010-316

- *B3 Approved the multi-year agreement between BHRS and the State Department of Alcohol and Drug Programs for the provision of alcohol and other drug services for FY 2010-2011, 2011-2012 and 2012-2013; authorized the BHRS Director, or her Designee, to sign the multi-year agreement; authorized the BHRS Director, or her designee, to sign amendments to the multi-year agreement throughout FY 2010-2011, 2011-2012 and 2012-2013 – BHRS
2010-317
- *B4 Approved the acceptance of a County Self-Assessment for the CSA and the Probation Department for the California Child and Family Services Program; and, authorized the Chairman to sign the County Self-Assessment – CSA
2010-318
- *B5 Adopted the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 5954 and 5960 Wilkins Avenue, Oakdale, California (CE No. 10-0064) – DER
2010-319
- *B6a Approved the request from the Modesto North Rotary Club to have exclusive use of Frank Raines Regional Park, Deer Creek Day Use Area, on Saturday, 06/12/2010, from 7:00 a.m. to 4:00 p.m. for their Twentieth Annual Classic Canyon Century Bike Ride; directed Modesto North Rotary Club to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for the exclusive use, reservation, and portable restrooms for Frank Raines Regional Park, Deer Creek Day Use Area – Parks and Recreation
2010-320
- *B6b Approved the request from the Society for Handicapped Children & Adults to have exclusive use of Modesto Reservoir Water Ski Course beginning at 8:00 a.m. and ending no later than 4:00 p.m. for four Saturdays on June 26th, July 17th, August 14th, and September 11th for their 2010 Adapted Water Skiing Event Days; directed the Society for Handicapped Children & Adults to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for reservation, portable restrooms, vehicles, and boats – Parks and Recreation
2010-321
- *B6c Approved the request from the Greater Yosemite Council, Cub Scout Troop No. 48, to have exclusive use of Kiwanis Camp beginning at 9:00 a.m., Friday, 06/11/2010, and ending 6:00 p.m., Sunday, 06/13/2010, for their Scout Camp Out; directed Greater Yosemite Council, Cub Scout Troop No. 48 to adhere to the requirements set forth by the Department of Parks and Recreation; and, approved the waiver of fees for exclusive use – Parks and Recreation
2010-322
- *B7 Authorized the Chief Probation Officer to apply for and accept the Juvenile Accountability Block Grant (JABG) from the Corrections Standards Authority (CSA) to provide services and activities to assist youthful offenders in curbing their criminal behaviors; authorized the Chief Probation Officer to sign all necessary documents related to the grant; and, approved a resolution, as required by the Corrections Standards Authority (CSA), authorizing the Chief Probation Officer to apply for and accept the Juvenile Accountability Block Grant (JABG) – Probation
2010-323
- *B8 Accepted the Stanislaus County Treasury Pool's April 2010 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 of the Board to sign on behalf of the Board that the report has been reviewed and accepted – T/TC
2010-324
- *B9 Authorized the Auditor-Controller to issue checks totaling \$55,768.24 per the list of claims for excess proceeds submitted in accordance with the Revenue and Taxation Code §4675; authorized the Auditor-Controller to transfer the balance of excess proceeds of \$219.39 to the County General Fund; and, authorized disbursement of \$29,859.49 either to Global

Discoveries and/or transfer to the General Fund as determined by the Deputy County Counsel from the 02/25/2009 Sale of Tax-Defaulted Properties – T/TC

2010-325

***B10** Amended the contract for the completion of a topographical survey for Phase III Tenant and Site Improvements at the Nick W. Blom Salida Library with Pacific Design Associates, Inc. in the amount not to exceed \$4,500; authorized the Project Manager to sign Amendment One to the agreement with Pacific Design Associates, Inc. for the completion of a topographical survey for Phase III Tenant and Site Improvements at the Nick W. Blom Salida Regional Library; and, authorized the Project Manager to cancel the request for proposals for professional surveyor services – CEO

2010-326

***C1** Approved the FY 2010-2011 Transit Transportation Development Act Claim; and, authorized the Director of Public Works to execute and submit the claim to StanCOG – PW

2010-327

***C2** 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 Union Pacific Railroad, for APN: N/A, and made the findings contained therein – PW

2010-328

***C3** Approved the conditional award of the contract in the amount of \$136,254.90 to Cunningham & Sons, Inc., of Oakdale, California for the construction of the Grayson Road Bridge at Laird Slough, subject to receipt of appropriate insurance and bonds; authorized the Director of Public Works to execute a contract with Cunningham & Sons, Inc., for \$136,254.90 and to sign necessary documents; authorized the Director of Public Works to execute change orders in accordance with Public Contract Code, §20142; upon project completion, authorized the Director of Public Works to accept the completed improvements and perform all necessary closeout activities; and, authorized the Construction Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds – PW

2010-329

***C4** Adopted plans and specifications for the 2009 Slurry Seal Project; directed the Department of Public Works to set the bid opening date and time; and, directed the Public Works Department to publish and mail a notice inviting bids to trade journals as required by law – PW

2010-330

O'Brien/Monteith unan. **B11** Approved the reduction-in-force of 16 filled full-time positions, the deletion of 7 vacant positions, and the downgrade of 3 filled full-time positions in the CSA budget as outlined in the Staffing Impacts section of the agenda item effective 08/21/2010; and, amended the Salary and Position Allocation Resolution to reflect the changes as outlined in the Staffing Impacts section of the agenda item effective 08/21/2010 – CSA

2010-331

DeMartini/Monteith (4-1)(O'Brien opposed) **D1** Approved the Residential Building Permit Pilot Amnesty Program – Planning

2010-332

Chiesa/Monteith unan. **9:05 am** Conducted the public hearing; finds Lot Line Adjustment Application No. 2009-13 and Williamson Act Cancellation No. 2009-02, Lindskoog, categorically exempt from CEQA and ordered the filing of the Notice of Exemption; finds, based on the discussion in the staff report and the whole of the record: (A) that the cancellation is for land on which a notice of nonrenewal has been served pursuant to California Government Code §51245, (B) that cancellation is not likely to result in the removal of adjacent lands from agricultural uses, (C) that cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan, (D) that cancellation will not result in discontinuous patterns of urban development, (E) that there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that

development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land, (F) that the cancellation is consistent with the purposes of Government Code §51282 f, and (G) that cancellation is in the public interest; accepted the cancellation value of the subject property as \$150,000 as determined by the County Assessor; certified to the County Auditor the cancellation fee which must be paid as deferred taxes to be 12½% of the accepted cancellation value (\$18,750); approved the Tentative Cancellation of a portion of Williamson Act Contract No. 76-2390 subject to payment of the cancellation fee; unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State Law; directed the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action; directed the Clerk of the Board, within 30 days of the Board action, to publish Notice of the Decision, pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation; rescinded portions of Williamson Act Contract No. 76-2390 and approved a new contract pursuant to Minor Lot Line Adjustment 2009-13 – Lindskoog; approved Lot Line Adjustment Application No. 2009-13, subject to the completion of Williamson Act Contract Cancellation No. 2009-02 - Lindskoog; and, authorized the Planning Director to execute new contracts pursuant to Minor Lot Line Adjustment 2009-13 and Williamson Act Contract Cancellation No. 2009-02 – Planning

2010-333

Adjourned to sit as the In-Home Supportive Services Public Authority of Stanislaus County at 9:22 a.m.

O'Brien/Cheisa unan. **9:10 a.m.** Adopted the consent calendar

9:10 a.m. *II-A Approved the minutes of 12/15/2009

Monteith/De Martini unan. **9:10 a.m. V-A.** Authorized the Executive Director of Link2Care, the In-Home Supportive Services (IHSS) Public Authority of Stanislaus County, to function as the manager of the Adult Services Division at CSA; authorized the closure of Link2Care, the IHSS Public Authority of Stanislaus County, office at 305 Downey Avenue; and, authorized the relocation of Link2Care, the IHSS Public Authority of Stanislaus County, to the CSA facility

2010-334

Reconvened to sit as the Stanislaus County Board of Supervisors at 9:26 a.m.

Corr 1 Referred to the Department of Public Works, DER, and the Agricultural Commissioner and Sealer of Weights and Measures, four letters from the State Water Resources Control Board regarding Petition for Temporary Change Involving the Transfer of Water from various agencies to eight water districts including the Oak Flat Water District in Stanislaus County.

Corr 2 Acknowledged receipt of the 2009 California State Association of Counties Excess Insurance Authority Annual Report.

Corr 3 Referred to the Auditor-Controller, a letter from the Stanislaus Consolidated Fire Protection District requesting “dry period” funding for FY 2010-2011.

Corr 4 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Bharat Sharma and Pamela Brown.

Supervisor Grover reported that he attended the California Transportation Commission meeting where \$91 million was re-designated for the Oakdale Bypass project. He announced that the State Route 219/Kiernan Avenue Widening Project Ribbon Cutting Ceremony will be held on Wednesday, 05/26/2010 at 1:00 p.m. at the north side of SR-219 between Sisk Road and Stoddard Road.

The CEO reported that SCR No. 54 (Cogdill), which would name a portion of State Highway Route 108 as the Kirk Lindsey Memorial Highway, has passed out of the Senate and is in the Assembly and has been referred to the Transportation Committee. AB 1770 (Galgiani), which would approve vital records fees for Stanislaus County up to \$2 to be allocated for purposes related to the Family Justice Center, has passed from the Assembly and has a Senate Local Government Committee hearing date set for 06/16/2010. He reported that the Legislative Analyst's Office (LAO) has stated that the Governor's May Revised Budget Proposal is basically dead-on-arrival. He noted that the Army Corps of Engineers has submitted a Schedule and Cost Change Request (SACCR) to Stanislaus County for increased costs in the feasibility study for the Orestimba Creek Flood Control Project. County staff is evaluating the Army Corps of Engineers' request which indicates an \$890,000 cost increase to complete the feasibility study, and a new date of November 2011 to file their report.

Adjourned to closed session at 10:13 a.m. for conference with Legal Counsel – Existing Litigation: Three Cases: Committee Concerning Community Improvement, et al. vs. County of Stanislaus, et al., United States District Court, Eastern District California, Case No. SIV F 04-6121 LJO DLB; Nicholson vs. County of Stanislaus, United States District Court, Eastern District California, Case No. CV 01941 AWI SMS; James Wells vs. County of Stanislaus, et al., United States District Court, Eastern District California, Case No. CV 01146 OWW GSA. Government Code §54956.9(a).

Adjourned at 11:33 a.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus
State of California

BY: CHRISTINE FERRARO TALLMAN, 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.)