

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

Special and Regular Session
All Supervisors Present
Pledge of Allegiance to the Flag

Tuesday

November 15, 2011

Recessed to Closed Session at 5:30 p.m. for conference with Labor Negotiator: Agency Negotiator: Richard Robinson. Labor Organizations: SEIU, Local 521. Government Code §54957.6.

Reconvened to sit as the Stanislaus County Board of Supervisors at 6:30 p.m. for Regular Session

A moment of silence was held for former Auditor-Controller Robert Hubbard.

A resolution proclaiming November 2011 as National Home Care Month in Stanislaus County was presented to Tammy Ferreria, Cheryl Bianchi, and Terry Walker.

The Stanislaus County Library 2011 Annual Report was presented by the Library and the Stanislaus County Free Library Advisory Board.

Chiesa/Withrow unan. Adopted the consent calendar

*A1 Approved the minutes of 11/08/2011

*A2 Appointed Bobby Yamamoto to the Patterson Cemetery District Board of Directors

2011-696

*A3a Accepted the resignation of Vaughn Brenda from the Advisory Board on Substance Abuse Programs

2011-697

*A3b Accepted the resignation of Harald Junker from CAPC

2011-698

*A4 Declared a vacancy on the Stanislaus County Emergency Medical Services Committee

2011-699

*A5 Accepted the appointments of David Orris, Douglas M. Kearney, and Ruby Beltran to the Western Hills Water District Board of Directors

2011-700

*B1 Approved entering into an agreement with the California Secretary of State to extend reimbursement to the County through 2015 for the expenses associated with complying with the requirements of §301 of the Help America Vote Act of 2002 ; directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$1,364,884.47 as detailed in the Budget Journal Form; and, approved the Registrar of Voters to negotiate, award, and execute all corresponding contracts in connection with HAVA related activities – Clerk-Recorder/Elections

2011-701

*B2 Approved the sample agreement to lease real property for dry-land farming on approximately 700 acres of property adjacent to the Fink Road Landfill in Crows Landing, CA; approved the lease award to (tenant) for the period of 12/01/2011, through 09/30/2012, or mutually agreeable termination date; and, authorized the Director of DER, or her designee, to sign the lease agreement on or after 12/01/2011, at 3800 Cornucopia Way, Suite C, Modesto, CA, to the party whose offer is most advantageous to Stanislaus County – DER

2011-702

*B3 Authorized the Director of DER to amend the long-term grazing lease with Paul Clarot for approximately 753 acres of County owned land adjacent to the Fink Road Landfill to allow

for additional acreage withdrawals as deemed necessary and/or beneficial to Stanislaus County – DER 2011-703

- *B4** Approved the tentative Health Insurance Agreement between Stanislaus County and the American Federation of State, County and Municipal Employees for the period 01/01/2012 through 12/31/2014; authorized the Chairman of the Board and all parties to sign the agreement; and, authorized the CEO, or designee, to execute all agreements related to implementation and maintenance of employee health insurance programs effective 01/01/2012 through 12/31/2014 – CEO 2011-704
- *C1** Determined, pursuant to Government Code 66477.5, that the purpose for the storm drain basins in the Keyes North Subdivision, La Jolla Subdivision and the Raymond Tract, all in the community of Keyes, no longer exists and that no portion thereof is needed for public utilities, and are therefore, surplus properties; authorized the sale of lots 31 and 32 in the Keyes North Subdivision and the sale of lot 35 in the Raymond Tract; directed the Auditor-Controller to deposit all receipts from the sale of these properties into County Service Area No. 26 – Keyes Fund (#1833); and, authorized the reconveyance of lot 6 in the La Jolla Subdivision pursuant to Government Code 66477.5 – PW 2011-705
- *C2** Approved the purchase of network and Voice-over Internet Protocol (VoIP) telephone equipment, software and services by the Department of Public Works; approved the use of \$24,042 of Public Facility Fees (PFF) for partial funding of the VoIP project; and, directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet – PW 2011-706
- *C3** Authorized the purchase of one 2011 Class E–IC thirty-two foot bus in the amount of \$195,036 for Stanislaus County’s Stanislaus Regional Transit (StaRT) public transit bus fleet from Creative Bus Sales, Inc.; and, authorized the Public Works Transit Division Manager to sign and execute all necessary documents – PW 2011-707
- *C4** Authorized the purchase of three 2011 John Deere roadside mowers from Tiger Corporation in the amount of \$267,228.46 (Federal Aid Project No. CML-5938 (185)); and, authorized the County Purchasing Agent to sign the purchase order – PW 2011-708
- *D1** Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 510 E. Hatch Road, Modesto, CA; and, directed staff to order an Abatement Lien to be recorded against the property through the Treasurer/Tax Collector’s office – Planning 2011-709
- *D2** Adopted the decision from the Nuisance Abatement Board to abate the dangerous buildings located at 503 and 505 Kerr Avenue, Modesto, CA; approved the use of the Dangerous Building Abatement Fund for all costs associated with the abatement of the public nuisance; directed the Department of Planning and Community Development to recover costs by recording a “Notice of Abatement Lien” against the property in an amount not to exceed \$9,500 in the event the owners and/or interested parties fail to pay the costs incurred by the Dangerous Building Abatement Fund following approval of cost recovery by the Nuisance Abatement Board; and directed the Auditor-Controller to increase appropriations in the Planning and Community Development- Dangerous Building Abatement budget as detailed on the financial transaction form due to increased activity in the Dangerous Building Program – Planning 2011-710
- *D3** Adopted the decision from the Nuisance Abatement Board to abate the dangerous buildings located at 1421 Canal Street, Modesto, CA; approved the use of the Dangerous Building Abatement Fund for all costs associated with the abatement of the public nuisance; directed the Department of Planning and Community Development to recover costs by recording a “Notice of Abatement Lien” against the property in an amount not to exceed \$9,500 in the event the owners and/or interested parties fail to pay the costs incurred by the Dangerous Building Abatement Fund following approval of cost recovery by the Nuisance

Abatement Board; and directed the Auditor-Controller to increase appropriations in the Planning and Community Development-Dangerous Building Abatement budget as detailed on the financial transaction form due to increased activity in the Dangerous Building Program – Planning 2011-711

***D4** Adopted the decision from the Nuisance Abatement Board to abate the dangerous buildings located at 507 Kerr Avenue, Modesto, CA; approved the use of the Dangerous Building Abatement Fund for all costs associated with the abatement of the public nuisance; directed the Department of Planning and Community Development to recover costs by recording a “Notice of Abatement Lien” against the property in an amount not to exceed \$9,500 in the event the owners and/or interested parties fail to pay the costs incurred by the Dangerous Building Abatement Fund following approval of cost recovery by the Nuisance Abatement Board; and, directed the Auditor-Controller to increase appropriations in the Planning and Community Development- Dangerous Building Abatement budget as detailed on the financial transaction form due to increased activity in the Dangerous Building Program – Planning 2011-712

***D5** Authorized the submission of a \$1,000,000 grant application to the California State Department of Housing and Community Development under the CalHome Program to supplement the Stanislaus County First Time Home Buyer Program; adopted the CalHome Program Resolution; authorized the CEO to sign the CalHome Applicant Certification and Commitment of Responsibility; authorized the Director of Planning and Community Development, or his designee, to act on all matters relating to the application, if approved, including executing the Standard Agreement, and all other documents required by HCD for participation in the CalHome Program, and any amendments thereto – Planning 2011-713

Withrow/De Martini unan. **B5** In accordance with Employee Relations Ordinance 3.68.370 and Government Code §3505.4, approved implementing the provisions of the County’s last, best, and final offer for healthcare benefits, as provided for in Attachment A, to Service Employees International Union (SEIU) representing the Community and Health Services Bargaining Unit – CEO 2011-714

O’Brien/Chiesa unan. **B6** Accepted the one year summary report of the Regional Transportation Impact Fee group; adopted a Resolution approving the preparation of a Nexus Study for the Regional Transportation Impact Fee program; and, authorized the use of Public Facilities Fees in the amount of \$10,713.90 for the preparation of a Regional Nexus Study – CEO 2011-715

County Counsel determined that Supervisors O’Brien, Chiesa, Withrow and De Martini have disqualifying conflicts of interest with agenda item **D-6** because they all own agricultural property under Williamson Act contract or qualified to be under contract. Therefore, in order to establish a quorum to consider this matter, the Board invoked the rule of necessity and Supervisor O’Brien and Supervisor De Martini drew long straws and thus participated in the decision.

De Martini/O’Brien (3-0)(Withrow and Chiesa abstained) **D6** Finds that the County received less than one-half of the foregone property tax revenue pursuant to Government Code §16142.1(d)(1) for the 2011-2012 Fiscal Year; approved the implementation of AB 1265 (Formerly SB 863) to maintain Williamson Act Contracts including a reduction of property tax benefits by ten percent and a related reduction of the term of the contracts to nine years, to be effective for calendar year 2012; and directed the Assessor, Auditor-Controller, Treasurer-Tax Collector, and Director of Planning and Community Development to take all necessary steps to implement AB 1265 for the 2012-2013 Fiscal Year including, but not limited to, making the appropriate modifications to all affected properties assessed values, modifying tax bills to

reflect the assessment changes and supplemental fees associated with the reduced tax benefit, and recording any necessary notices – Planning

2011-716

Corr 1 Acknowledged receipt of the California State Association of Counties Excess Insurance Authority 2011 Annual Report.

Corr 2 Referred to the Alliance WorkNet and the Stanislaus Economic Development and Workforce Alliance, a letter from The Financial Performance Center regarding their intention to permanently close the XPAL Power Inc. located at 100 Sycamore Avenue, Suite 200, Modesto, CA and relocating the corporation per the WARN Act.

Corr 3 Referred to the Auditor-Controller, a letter from the Orestimba Creek Flood Control District requesting a change from a three-year audit to a five-year audit.

Corr 4 Referred to the Fish and Wildlife Committee, a notice from the California Department of Fish and Game regarding the American pika being listed as a candidate for a threatened species.

Corr 5 Referred to the Fish and Wildlife Committee, a notice from the California Department of Fish and Game regarding their rejection of a petition to list The Cedars buckwheat as an endangered species.

Corr 6 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Javier B. Estrada and City of Waterford.

Supervisor De Martini noted that Supervisor O'Brien has a birthday this week. Supervisor De Martini served on the Observer Panel for the 11/08/11 Election and reported that the elections were run professionally and flawlessly, and that he found no irregularities with the procedure.

CEO Robinson reported that the State cash report has been in the news for the last 2 weeks. For the month of October, California was \$810.5 million behind in expected collections, or 16.3% down year-to-date, and personal income tax is down by approximately \$450 million. In addition, the State spent \$1.7 billion more than was anticipated for the first 4 months of the fiscal year. He reported that the Federal Continuing Resolution lasts through 11/18/11, and it is anticipated that Congress will approve a new Continuing Resolution.

Adjourned at 8:00 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.)