

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

Regular Session

Tuesday

January 10, 2006

All Supervisors Present

Pledge of Allegiance to the Flag

O'Brien/DeMartini unan. **II.** Elected Supervisor Simon as the Chairman and Supervisor Mayfield as the Vice-Chairman of the Board of Supervisors for 2006 2006-1

DeMartini/O'Brien unan. **III.** Approved the Annual Progress Report for the Stanislaus County Employee Mentor Program and approved a resolution acknowledging the month of January 2006 as Mentoring Month, consistent with the National Mentor Month distinction 2006-2

Chairman Simon presented a resolution proclaiming the week of 1/8/06 as Family Services Specialist Recognition Week in Stanislaus County.

A presentation was given by Kristine Keele, Executive Director of CASA regarding the Court Appointed Special Advocates for Children (CASA) Program.

Donna Cescolini, member of Mid-Valley Water Ski Club, raised concerns regarding the Junior Development Team's request for exclusive use of the Modesto Reservoir ski site.

William Haynes, member of Mid-Valley Water Ski Club, also spoke regarding the Junior Development Team's request for exclusive use of the Modesto Reservoir ski site.

Laura Lehn also raised concerns regarding the request for exclusive use of the Modesto Reservoir ski site by the Junior Development Team.

Grover/Mayfield unan. Adopted the consent calendar after removing from consent item ***B2** Approval of a Three-Year Agricultural Lease for Approximately 1,112 Acres of Property Located on the Former Crows Landing Air Facility in Westside Stanislaus County and Authorization of Lease Modifications

***A1** Approved the minutes of 12/20/05

***A2a** Accepted the resignation of Michael Thompson from the Advisory Board on Substance Abuse Programs 2006-3

***A2b** Accepted the resignation of James H. Williams from the Stanislaus County Children's Council 2006-4

***A2c** Accepted the resignation of John McDonnell from the Stanislaus Economic Development and Workforce Alliance Board 2006-5

***A2d** Accepted the resignation of Judy Ensley and David P. Keller from the Youth Advisory Commission of the Stanislaus Economic Development and Workforce Alliance Board 2006-6

***A3** Appointed Patrick Alves to the Storm Drain District No. 8 Board 2006-7

***A4** Approved request for use of the Courthouse lawn from the City of Modesto for their 11th Annual Family Cycling Festival on Saturday, 5/20/06 2006-8

***A5** Amended the Stanislaus County Board of Supervisors' Meeting Calendar to reinstate the meeting on 3/7/06 and to cancel the meeting on 3/14/06 2006-9

- *A6 Approved the United States Board on Geographic Names recommendation to change the name of Robinson Creek to Robison Creek, a stream in Stanislaus County, and authorized the Chairman to sign the Proposal Recommendation form 2006-10
- *B1 Adopted and approved implementation of the Stanislaus County Fingerprint Resolution regarding access to state, federal and local criminal history information for employment screening, volunteers, licensing or certification 2006-11
- *B3 Approved the Interim Purchasing Agent to enter into an agreement with PSC 21st Century EMI for the sorting and recycling of latex paint collected at the Household Hazardous Waste Collection Facility at the Morgan Road Maintenance Yard at a cost not to exceed \$50,000 for the first year; and, authorized the Interim Purchasing Agent to extend the term of the contract upon mutual agreement for an additional two years, or through FY 2008/09, at a cost not to exceed \$50,000 per fiscal year – DER 2006-12
- *B4 Accepted the Report of Annual Inspection/Evaluation of Local Jail/Detention Facilities Pursuant to §101045 of the State of California Health and Safety Code – DER 2006-13
- *B5a Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 712 River Road No. 4, Modesto, CA (CE No. 05-1745) – DER 2006-14
- *B5b Adopted the recommendations of the Nuisance Abatement Hearing Board regarding nuisances at 4919 Brooklyn Court, Empire, CA (CE No. 05-1957) – DER 2006-15
- *B6 Adopted the recommendations of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the Nuisance CE No. 05-254 at 221 Crockett Avenue, Modesto, CA – DER 2006-16
- *B7 Approved the amended Master Agreement and MOU with the State Department of Health for AIDS services for the term of 7/1/04 through 6/30/07; authorized the HSA Managing Director, or her Designee, to sign and execute the amended contract and MOU; and, directed the Auditor-Controller to increase appropriations and estimated revenue in the amount of \$55,776 – HSA 2006-17
- *B8 Accepted the Stanislaus County Treasury Pool’s November 2005 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 that the report has been reviewed and accepted – T/TC 2006-18
- *C1 Approved the annexation of territory to the Hillcrest Estates Lighting District without an election – (Leer Court at Del Rio APN: 004-004-091); finds that the territory more particularly described on Exhibits A and B is owned by petitioner, and that petitioner ownership represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into said district; finds that Stanislaus County Code, §21.40.040 required the installation of a street lighting system to serve the territory; finds that the territory proposed to be annexed is not within the limits of any other lighting district; finds that public necessity and welfare require that the territory be annexed to the lighting district; ordered that the requirements of notice, hearing, and election shall not be applicable to this proceeding, pursuant to Streets and Highways Code, §19056; ordered that the territory be annexed to the Hillcrest Estates Lighting District of Stanislaus County; finds the fact of filing of the petition was received by the Clerk of the Board on 1/4/06; ordered that, pursuant to the streets and highways code, §19000, et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the district’s boundaries; directed the Clerk of the Board of Supervisors to send a certified copy of the resolution ordering the annexation to the lighting district to the Department of Public Works, the offices of the Assessor, Elections, Auditor-Controller, and the Clerk Recorder; and, directed the Department of Public Works

to send a certified copy of the resolution ordering the annexation to the lighting district and all other required documents and the processing fee to the State Board of Equalization
– PW DL-22-A-6 2006-19

- *C2 Approved the purchase agreement to acquire road right-of-way for the Albers Road and Geer Road Intersection Improvements (Albers Road and Milnes Road) – Oakdale Farms, Inc.; authorized the Chairman of the Board to execute the Agreement; directed the Auditor-Controller to increase appropriations and estimated revenue for the Albers at Milnes, signal project by \$51,000.00; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$50,000.00, payable to Fidelity National Title Company – PW
M-64-D-16 2006-20
- *C3 Approved the purchase agreement to acquire road right-of-way for the Albers Road and Geer Road Intersection Improvements (Albers Road and Milnes Road) – Perez Trust; authorized the Chairman of the Board to execute the Agreement; directed the Auditor-Controller to increase appropriations and estimated revenue for the Albers Road at Milnes Road Intersection Improvements project by \$2,000.00; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$1,000.00, payable to Fidelity National Title Company – PW
M-64-D-17 2006-21
- *C4 Approved the purchase agreement to acquire road right-of-way for the Albers Road and Geer Road Intersection Improvements (Albers Road and Fox Road) – Mireles; authorized the Chairman of the Board to execute the Agreement; directed the Auditor-Controller to increase appropriations and estimated revenue for the Geer Road and Fox Road Intersection Improvements project by \$3,000.00; and, directed the Auditor-Controller to issue a warrant for the purchase amount of \$2,000.00, payable to Fidelity National Title Company – PW
M-64-D-18 2006-22
- *C5 Approved the agreement with North American Technical Services (NATS) to provide material testing for various Public Works Department projects for a period of one year; authorized the Public Works Director, or his Designee, to sign the agreement; authorized the Public Works Director, or his Designee, to sign future amendments during the life of the agreement; and, authorized the Public Works Director to extend the term of the agreement, upon mutual agreement, for up to an additional two years – PW
2006-23

DeMartini/Grover unan. *B2 Approved a three-year agricultural lease for approximately 1,112 acres of property located on the Former Crows Landing Air Facility in Stanislaus County; recognized a first year plant back restriction due to prior tenant pesticide-spraying activities and modified the year one agricultural lease rate; allowed tenants to maintain the property around the runways and at the entrance of the runways for weed control twice annually at a further annual lease reduction of \$6,800 to account for tenant's weed control spraying activities around the County's runways; and, authorized the CEO to sign the revised lease agreements
2006-24

Mayfield/Grover unan. B9 Authorized the Registrar of Voters to apply for, receive, and spend, Federal Help America Vote Act (HAVA) Section 301 Grant Funds for the following: the purchase, lease or rental of additional certified voting systems or components of voting systems, including transportation costs; voter education and poll worker training, reimbursement of HAVA costs incurred by the County and not otherwise reimbursed pursuant to Proposition 41 or any other State or Federal Program, and funding for salaries, wages, costs and benefits for staff, consultants or contractors involved in the process; authorized the Registrar of Voters to negotiate, award and execute all corresponding contracts; and, authorized the Auditor-Controller and the Chief Executive Office to make the necessary budget adjustments upon receipt of the funds – Clerk-Recorder
2006-25

Removed from the Agenda item C6 Approval of Purchase Agreement to Acquire Road Right-of-Way for the Albers Road and Geer Road Intersection Improvements (Geer Road and Fox Road) - Mayfield Trust – PW 2006-26

Mayfield/O'Brien unan. **D1** Approved the MOU with MID to evaluate the need of the unincorporated territory within the District's boundaries with regard to water supply, existing infrastructure, and necessary infrastructure to deliver water therein; and, authorized the Chairman of the Board to sign the MOU on behalf of the County – Planning 2006-27

Corr 1 Accepted a letter of resignation with regrets from the Health Services Agency Managing Director Margaret Szczepaniak effective 2/3/06.

Corr 2 Referred to the Office of Emergency Services, the Agricultural Commissioner and Sealer of Weights and Measures, and the Stanislaus Economic Development and Workforce Alliance, a letter from the Governor's Office of Emergency Services regarding the U.S. Small Business Administration disaster designation for the County of San Joaquin and the contiguous counties of Alameda, Amador, Calaveras, Contra Costa, Sacramento and Stanislaus, due to agriculture losses caused by the excessive rain that occurred 3/1/05 through 5/31/05.

Corr 3 Referred to the Department of Planning and Community Development, a letter from the California Fish and Game Commission and the Board of Forestry and Fire Protection requesting information regarding the protection of oak woodlands in Stanislaus County.

Corr 4 Referred to the Chief Executive Office, County Counsel and Department of Parks and Recreation, a letter from Mid Valley Water Ski Club regarding exclusive use of the Modesto Reservoir ski site.

Corr 5 Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Dominga Negrete; Sylvia Titus, Individually and on behalf of the three minor children of Dwayne F. Titus, as his heirs-at-law; Pamela Franco; Ruben Monarrez; Henry R. Thiel and Carole M. Thiel; Ryan Richard Thiel and Gianna Caroline Thiel-Celestine; Jesus Valdez; Alexis Clement; Christina Robles; Yun J. En; Cristina Souza, et al.; Marie L. Joiner; Eva Miller; Laura L. Henley; Karla VanBuren; Tim Kancianich; Monica Markham; and, Leonard W. Griggs.

Supervisor Mayfield spoke regarding the term limits of the Turlock Rural Fire Protection District Board of Directors. County Counsel noted that the Board of Supervisors adopted a resolution a number of years ago setting a two-term limitation for various Boards and Commissions, which included a provision for exceptions to this limit at the discretion of the Supervisor. According to this policy, individuals are allowed to serve more than two terms if allowed by the Board member. A discussion ensued among all the Board members regarding this policy, and no changes to the policy were recommended.

Chairman Simon noted that he would be giving the Board members a draft copy of the State of the County address for their comments.

Supervisor DeMartini asked what the status was of the Countywide complaint tracking system (CRM). John Emerson, CIO, noted that staff is continuing to work on this project and he expects implementation by late January or early February, 2006.

The CEO reported that Margaret Szczepaniak, HSA Managing Director, is testifying before a Senate Committee today regarding AB959- Frommer, which would provide reimbursement under the certified public expenditures program for Stanislaus County. He noted that tomorrow he, along with the Auditor-Controller and the Director of Communications and Legislative Affairs, will be testifying on SB 9-Denham, which would freeze the negative bailout. He acknowledged the work that Fire Warden Gary Hinshaw and Public Health Director Dr. John Walker are doing to develop an Avian Influenza response plan.

The Chairman announced that there will be a tour of Modesto Irrigation District Facilities on Wednesday, 1/11/06, leaving MID at 8:30 a.m. and returning at 2:15 p.m.

Adjourned to closed session at 10:30 a.m. for conference with Legal Counsel: anticipated litigation – significant exposure to litigation. One potential case. Government Code §54954.5(c).

Adjourned at 10:55 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.)