

MEMBERS OF THE BOARD

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JEAN M. ROUSSEAL
County Administrator

KATHLEEN BALES-LANGE
County Counsel

MICHELLE BALDWIN
Chief Clerk

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Board of Supervisors Agenda

October 27, 2009

9:00 A.M. Board Convenes

PLEDGE OF ALLEGIANCE

Moment of Silence

NOTICE TO THE PUBLIC PUBLIC COMMENT PERIOD

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Board at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for Board consideration. Any person addressing the Board will be limited to a maximum of three (3) minutes so that all interested parties have an opportunity to speak with a total of fifteen (15) minutes allotted for the Public Comment Period. At all times, please use the microphone and state your name and address for the record.

1. Present Proclamation recognizing Ray M. Moreno upon receiving the Presidential Citation Unit in Washington, D.C.
2. Recognize Bill Appleby upon his retirement for 36 years of County service with the Agricultural Commissioner/Sealer Department.
3. Public Comments.
4. Board of Supervisors matters.

9:30 A.M. – TIMED ITEMS

5. **PUBLIC HEARING:** Request from Auditor-Controller/Treasurer-Tax Collector to deny the appeal filed by Geoffrey and Diana Glass regarding Transient Occupancy Tax and require that payment be paid for the total amount of taxes, penalties and interest due to the County of Tulare in the amount of \$6,928.05.
6. **PUBLIC HEARING:** Request from County Administrative Office to allow members of the public to comment on the proposed Project for Ventura Coastal LLC. Approve the Resolution approving the Issuance of Bonds in a principal amount not to exceed \$4,000,000 by the California Municipal Finance Authority for the benefit of Ventura Coastal LLC.
7. **PUBLIC HEARING:** Request from the Resource Management Agency to continue the Public Hearing to adopt, find, determine, declare and resolve as follows: a) The public interest and necessity require the Acquisition of Property by Eminent Domain for the Road 80 Widening Project Pursuant to Code of Civil Procedure Section 1245.330; Fareed Odeh Saphieh; b) The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; c) The property described in Appendix A is necessary for the Project; d) The offer required by section 7267.2(a) of the Government Code, together with the accompanying statement of and summary of the basis for the amount established as just compensation, was made to the owner or owners of record and the offer and accompanying statement and summary complied with the requirements of Government Code section 7267.2(a); and e) County Counsel is authorized to file a legal action against the property owner. (2/3rds vote required)

CONSENT CALENDAR (Number 8 through 33)**NOTICE TO THE PUBLIC**

Background information has been provided to the board on all matters listed under the Consent Agenda, and these items are considered to be routine by the Board. All items under the Consent Agenda are normally approved by one motion. If discussion is requested by any Board members on any item, that item will be removed from the Consent Agenda if separate action is required.

Board of Supervisors

8. Ratify Proclamations Honoring the following: Jordan Christiansen on the occasion of becoming an Eagle Scout; Dave Tonini as Tulare County Office of Education's Administrator/Manager of the Year; Michael Young as Tulare County Office of Education's Teacher of the Year; Maria Magallan as Tulare County Office of Education's School Employee of the Year; Cynthia Logan upon her retirement from the Tulare County Superior Court; Hortencia Espino as the Latino Peace Officers Association's 2009 Woman of the Year; and John Alvarez as the Latino Peace Officers Association's 2009 Man of the Year.

County Administrative Office

9. Reaffirm Resolution No. 2009-0728 declaring an emergency to waive the bid process for the purchase of two hot water heating units.

District Attorney

10. Ratify and approve the submission of an application for continued grant funding from the California Emergency Management Agency for the Elder Abuse Advocacy and Outreach Program in the amount of \$64,000, retroactive to October 1, 2009 through September 30, 2010. Ratify the Chairman's signature on the Face Sheet Agreement and all grant application documents necessary to secure grant funds. Find that the Board had authority to enter into the agreement as of October 1, 2009 and that it was in the best interest of the County to enter into the agreement on that date.
11. Ratify and approve an Amendment Addendum to Agreement No. 22669 with American Corrective Counseling Services, Inc. for Bad Check Restitution and Diversion Services, retroactive to January 1, 2009 through March 2, 2010. Ratify and approve District Attorney Phil Cline's signature on behalf of the Chairman. Find that the Board had authority to enter into the proposed Agreement Amendment Addendum as of January 1, 2009 and that it was in the County's best interest to enter into the agreement on that date.

Health & Human Services Agency

12. Reaffirm declaration of state of emergency in the Tulare County Drought Resolution No. 2008-0472 adopted June 24, 2008.
13. Ratify and accept the award of \$37,775 from the California Department of Public Health, Tuberculosis Control Branch, to support tuberculosis prevention and control, retroactive to July 1, 2009 through June 30, 2010. Find that the Board had the authority to accept the award as of July 1, 2009 and that it was in the County's best interest to accept the award on that date.
14. Ratify and approve an agreement with Woodlake Family Resource Center for Tulare County Health & Human Services, as the Local Government Agency, to act as the claims processing agent of Medi-Cal Administrative Activities (MAA) claims on behalf of their school district, retroactive to July 1, 2008 through June 30, 2012. Find that the Board had authority to enter into the proposed agreement as of July 1, 2008 and that it was in the County's best interest to enter into the agreement on that date.
15. Ratify and approve an agreement with Turning Point of Central California, Inc. for the One-Stop Center-Central Tulare County in the amount of \$814,478 to develop a center for youth and transitional age youth with severe mental illness and/or severe emotional disturbances, retroactive to July 1, 2009 through June 30, 2010. Find that the Board had authority to enter into the proposed agreement as of July 1, 2009 and that it was in the County's best interest to enter into the agreement on that date.
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16. Ratify and approve an agreement with Kings View Corporation for the Unidos Para La Salud/United for Health Mobile Unit-South Tulare County in the amount of \$941,259 to advance mobile mental health services for populations with severe mental illness and/or severe emotional disturbances in largely un-served and underserved areas of Tulare County, retroactive to July 1, 2009 through June 30, 2010. Find that the Board had authority to enter into the proposed agreement as of July 1, 2009 and that it was in the County's best interest to enter into the agreement on that date.
17. Ratify and approve an amendment to Agreement 22797 with Turning Point of Central California, Inc. for the One-Stop Center-North Tulare County in the amount of \$716,155 to develop a center for youth and transitional age youth with severe mental illness and/or severe emotional disturbances, retroactive to July 1, 2009 through June 30, 2010. Find that the Board had authority to enter into the proposed agreement as of July 1, 2009 and that it was in

the County's best interest to enter into the agreement on that date.

18. Ratify and approve an amendment to Agreement No. 22798 with Kings View Corporation for the provision of services under the Mental Health Services Act, retroactive to July 1, 2009 through June 30, 2010. Find that the Board had authority to enter into the proposed agreement as of July 1, 2009 and that it was in the County's best interest to enter into the agreement on that date.
19. Ratify and approve an amendment to Agreement No. 22800 with Turning Point of Central California, Inc. for the Unidos Para La Salud/United for Health Mobile Unit-North Tulare County in the amount of \$730,823 to advance mobile mental health services for populations with severe mental illness and/or severe emotional disturbances in largely un-served and underserved areas of Tulare County, retroactive to July 1, 2009 through June 30, 2010. Find that the Board had authority to enter into the proposed agreement as of July 1, 2009 and that it was in the County's best interest to enter into the agreement on that date.
20. Ratify and approve an amendment to Agreement No. 22801 with EMQ Families First, Inc. to provide Mental Health Services Act services, retroactive to July 1, 2009 through June 30, 2010. Find that the Board had authority to enter into the proposed agreement as of July 1, 2009 and that it was in the County's best interest to enter into the agreement on that date.
21. Ratify and approve an amendment to Agreement No. 23771 with Tulare Joint Union High School for Tulare County Health & Human Services, as the Local Government Agency, to act as the claims processing agent of Medi-Cal Administrative Activities (MAA) claims on behalf of their school district, retroactive to July 1, 2008 through June 30, 2012. Find that the Board had the authority to enter into the proposed agreement as of July 1, 2008 and that it was in the County's best interest to enter into the agreement on that date.

Resource Management Agency

22. Accept Caltrans Division of Aeronautics Capital Improvement Program funds in the amount of \$216,000 to update the Tulare County Comprehensive Airport Land Use Plan for Eckert Field Airport, Exeter Airport, Harmon Field Airport, Mefford Field (Tulare) Airport, Porterville Municipal Airport, Sequoia Field Airport, Visalia Municipal Airport and Woodlake Municipal Airport. Certify the availability of the County's ten percent (10%) matching funds. Authorize the Chairman of the Board to act on behalf of the County, to execute in the name of the County of Tulare, the Grant Agreement with the State of California, subject to County Counsel review and approval.
23. Approve Agreement for Purchase of Real Property/Right of Way and Temporary Construction Easement from Ronald F. McIntosh and Carolyn K. McIntosh for the Road 108 Widening Project in the amount of \$1,350. Authorize the Chairman to sign the Agreement. Authorize County Counsel to sign the Grant Deed and Temporary Construction Easement acceptances upon presentation. Authorize the Resource Management Agency Director or designee to open an escrow, sign all documents to facilitate the escrow for this acquisition. Direct the Auditor to draw a warrant in the amount of \$1,350 in favor of Ronald F. McIntosh and Carolyn K. McIntosh.
24. Approve Agreement for Purchase of Real Property/Right of Way and Temporary Construction Easement from Joe A. Pedro and Virginia Pedro, as Trustees of the Pedro Family Revocable Trust of July 3, 1997 for the Road 108 Widening Project in the amount of \$70,000. Authorize the Chairman to sign the Agreement. Authorize County Counsel to sign the Grant Deed and Temporary Construction Easement acceptances upon presentation. Authorize the Resource Management Agency Director or designee to open an escrow, sign all documents to facilitate

the escrow for this acquisition. Direct the Auditor to draw a warrant in the amount of \$85,000 in favor of Stewart Title Company.

25. Approve Agreement for Purchase of Real Property/Right of Way and Temporary Construction Easement from Richard D. Miller and Cleaveah J. Miller for the Road 108 Widening Project in the amount of \$15,200. Authorize the Chairman to sign the Agreement. Authorize County Counsel to sign the Grant Deed and Temporary Construction Easement acceptances upon presentation. Authorize the Resource Management Agency Director or designee to open an escrow, sign all documents to facilitate the escrow for this acquisition. Direct the Auditor to draw a warrant in the amount of \$16,700 in favor of Stewart Title Company.
26. Approve Agreement for Purchase of Real Property/Right of Way and Temporary Construction Easement from Cal-Western Farming Company for the Road 108 Widening Project in the amount of \$20,750. Authorize the Chairman to sign the Agreement. Authorize County Counsel to sign the Grant Deed and Temporary Construction Easement acceptances upon presentation. Authorize the Resource Management Agency Director or designee to open an escrow, sign all documents to facilitate the escrow for this acquisition. Direct the Auditor to draw a warrant in the amount of \$20,900 in favor of Stewart Title Company.
27. Approve Agreement for Purchase of Real Property/Right of Way and Temporary Construction Easement from Steve Wilson and Brandy Wilson for the Road 108 Widening Project in the amount of \$8,500. Authorize the Chairman to sign the Agreement. Authorize County Counsel to sign the Grant Deed and Temporary Construction Easement acceptances upon presentation. Authorize the Resource Management Agency Director or designee to open an escrow, sign all documents to facilitate the escrow for this acquisition. Direct the Auditor to draw a warrant in the amount of \$10,000 in favor of Stewart Title Company.
28. Approve Agreement for Purchase of Real Property/Right of Way and Temporary Construction Easement from Radford P. Spurlock and Telie Y. Spurlock for the Road 108 Widening Project in the amount of \$52,300. Authorize the Chairman to sign the Agreement. Authorize County Counsel to sign the Grant Deed and Temporary Construction Easement acceptances upon presentation. Authorize the Resource Management Agency Director or designee to open an escrow, sign all documents to facilitate the escrow for this acquisition. Direct the Auditor to draw a warrant in the amount of \$53,800 in favor of Stewart Title Company.
29. Approve the designation of STOP T-intersections, in accordance with Section 21354 of the California Vehicle Code, at the following locations: a) Road 92 at Avenue 272, west of the City of Visalia; b) Road 52 at Avenue 408, west of the City of Dinuba; and c) Road 220 at Cottage P.O. Drive (Diagonal 219), west of the community of Lindcove. Authorize the installation of STOP signs at the following T-intersections: a) Southbound lane of Road 92 at Avenue 272; b) Southbound lane of Road 52 at Avenue 408; and c) Northbound lane of Road 220 at Cottage P.O. Drive (Diagonal 219).
30. Ratify and approve an amendment to Agreement No. 23349 with the State of California for a time extension to purchase one 26-passenger compressed natural gas transit bus, retroactive to December 9, 2008 through October 31, 2009. Find that the Board had authority to enter into the proposed agreement as of December 9, 2008 and that it was in the County's best interest to enter into the agreement on that date.

Sheriff/Coroner

31. Ratify and approve an Agreement with the U.S. Department of Justice to accept Grant Award

No. 2009-WE-AX-0015 in the amount of \$400,000 for the operation of the Safety and Accountability in Family Environments Domestic Violence Enforcement Program, covering the period from October 1, 2009 to September 30, 2011. Find that the Board had the authority to enter into the agreement as of October 1, 2009, and that it was in the County's best interest to enter into the agreement on that date. Approve necessary budget adjustments. (4/5ths vote)

32. Approve an amendment to Agreement No. 22879 with Global Tel*Link to provide inmate telephone services at the Sheriff's Detention Facilities for the period of November 1, 2009 through October 31, 2010.

33. Ratify and approve an amendment to Memorandum of Understanding No. 22231 with Superior Court of California, County of Tulare, to provide court security functions during normal court hours, retroactive to July 1, 2009 through June 30, 2010. Find that the Board had the authority to enter into the proposed agreement as of July 1, 2009, and that it was in the County's best interest to enter into the agreement on that date. Approve the necessary budget adjustments. (4/5ths vote)

ITEMS NOT TIMED

Items not specifically timed may be taken in any order

34. Request from County Administrative Office to review and approve the recommended changes to Administrative Regulations as follows:

Deletion of:

AR 03 Grant Administration
 AR 05 Extra Help Personnel
 AR 07 Outside Employment
 AR 15 Vacation Donation Policy
 AR 16 Employee Performance Appraisals
 AR 17 Employee Grievance Procedure
 AR 18 Appeal of Disciplinary Action
 AR 19 Discrimination/Sexual Harassment Policy
 AR 24 Dress Code
 AR 27 Veteran's Preference

Revision of:

AR 02 Authorized County Drivers
 AR 04 Budgetary Controls
 AR 08 Vehicle Accident Review Committee
 AR 09 Vehicle Accident Reporting Policy
 AR 13 Employee Emergency Response Procedure
 AR 14 Construction Contract Change Orders
 AR 21 Mail Addressing Requirements
 AR 23 Relocation Expense

Review and approve as is:

AR 06 Audit Policy

- AR 20 County Intern Program
 - AR 30 Countywide Vehicle Acquisition Policy
 - AR 31 Use of County Facilities by Non-County Organizations
 - AR 32 Salary Bands
 - AR 33 Delegated Action Requests
 - AR 34 Employee Discounts
 - AR 35 Space Leasing Guidelines
 - AR 36 Identity Theft "Red Flag" Prevention Program
 - AR 37 Gift and Donation Acceptance Policy
35. Request from Resource Management Agency to review and accept the Kaweah River Management Plan 2009 Update. Authorize eight (8) rafting companies that were issued Commercial River Licenses in Calendar Year 2009 to maintain their status and be offered the opportunity to apply for a 2010 Commercial Rafting License.
36. Request from Resource Management Agency to authorize the Chairman to sign Williamson Act Full Nonrenewal Forms for County-initiated nonrenewal of substandard parcels by facsimile signature pursuant to Government Code Section 25103. Require that copies of the notices of nonrenewal be delivered to the Chairman and that the personal signature of the Chairman be certified and acknowledged by the Clerk of the Board of Supervisors and filed in the office of the Clerk of the Board of Supervisors.
37. Request from Resource Management Agency to approve the 2009-2010 Williamson Act Subvention Report. Authorize the Chairman to sign the 2009-2010 Williamson Act Subvention Report. Authorize the Chairman to sign the Williamson Act Subvention Reports in future years.
38. Request from Resource Management Agency to approve Application No. GPI 09-003 (Family Health Care Network/Self Help Enterprises) to proceed with a general plan amendment on Assessors Parcel Number 075-170-031, approximately 4.57 acres, located on the south side of Avenue 312, east of Road 72, in the community of Goshen. The land use would change from residential to community commercial. The zone change would be from R-1 (Single Family Residential) to a mix of P-O (Professional-Office) and C-1 (Neighborhood Commercial).
39. INFORMATION ONLY: Bid Opening results for the Avenue 280 and Road 156 Traffic Signal Project.

Contractor	Amount
Granite Construction	\$276,519.00
AC Electric Company	\$305,832.00
Lee's Paving Inc.	\$354,550.75
Lockwood General Eng. Inc.	\$419,414.00
Engineer's Estimate	\$310,396.00

**NOTICE TO THE PUBLIC
CLOSED SESSIONS**

As provided in the Ralph M. Brown Act, Government Code sections 54950 et seq., the Board of Supervisors may meet in closed session with members of its staff, county employees and its attorneys. These sessions are not open to the public and may not be attended by members of the public. The matters the Board will meet on in closed session are identified below or are those matters appropriately identified in open session as requiring immediate attention and arising after the posting of the agenda. Any public reports of action taken in the closed session will be made in accordance with Government Code sections 54957.1

CLOSED SESSION

It is the intention of the Board to meet in closed session concerning:

Sitting as the Tulare County Board of Supervisors

ITEM A

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation (Government Code Section 54956.9 (b)(1).)

Number of Potential Cases: 1

Appeal filed by Geoffrey and Diana Glass regarding Transient Occupancy Tax in the amount of \$6,928.05. Board of Supervisors agenda item on October 27, 2009.

ITEM B

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation (Government Code Section 54956.9 (b)(1).)

Number of Potential Cases: 4

Proposed Tulare County General Plan 2030 Update and Draft Environmental Impact Report

ITEM C

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation (Government Code Section 54956.9 (b)(1).)

Number of Potential Cases: 2

Proposals pertaining to Modification of the County of Tulare's Williamson Act Program, including but not limited to possible non-renewal of Williamson Act contracts.

ITEM D

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

(Government Code Section 54956.9 (c).)

Number of Potential Cases: 2

ITEM E

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation (Government Code Section 54956.9 (b)(1).)

Number of Potential Cases: 1

ITEM F

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Government Code Section 54956.8)

Property Description: APN 017-183-003

Agency Negotiator: Jean M. Rousseau and Robert Newby

Negotiating Parties: Fared Odeh Saphieh

Under Negotiation: Price and Terms of Payment

ITEM G

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

(Government Code Section 54956.9 (c).)

Number of Potential Cases: 1

ITEM H

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Government Code Section 54956.9 (a).)

Name of Case: GLAW v. County of Tulare,

Unfair Practice Charge Number: SA-CE-617-M

ITEM I

CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6)

Agency Designated Representative: Tim Huntley and Jean M. Rousseau

Employee Organization: All Certified Employee Organizations

Unrepresented Employees: All Unrepresented Employees except Elected