



# MERCED COUNTY BOARD OF SUPERVISORS

## SUMMARY ACTION MINUTES

Regular Meeting

TUESDAY, FEBRUARY 29, 2000

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

MERCED COUNTY  
ADMINISTRATION BUILDING  
2222 "M" STREET  
BOARD ROOM, THIRD FLOOR  
MERCED, CALIFORNIA 95340  
(209) 385-7366

GLORIA CORTEZ KEENE.....DISTRICT 1  
KATHLEEN M. CROOKHAM....DISTRICT 2  
JOE RIVERO.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
CHAIRMAN JERRY O'BANION.....DISTRICT 5  
Lydia A. Beiswanger, Chief Clerk

GREGORY B. WELLMAN  
COUNTY ADMINISTRATIVE OFFICER

DENNIS MYERS  
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340  
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

### SCHEDULED ITEMS

9:00 A. M.

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957, subdivision (e):  
**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Title: Agricultural Commissioner/Director of Weights and Measures/Director of Animal Control

**CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** It is the intention of the Board to meet in Closed Session concerning a conference with Legal Counsel pursuant to Government Code Section 54956.9, Subdivision (c) as follows:  
Dysart v. County of Merced, Superior Court No. 140424

9:00 A. M.

**CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATOR:** It is the intention of the Board to meet in Closed Session concerning a conference with County of Merced negotiators, Gregory Wellman-County Administrator and Bev Morse-Assistant County Administrator concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6, and 8 and Independent Employees of Merced County (IEMC), Unit 3

**CHAIRMAN ADVISES DIRECTION WAS GIVEN TO LEGAL COUNSEL AND STAFF**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**PRESENTATION OF SERVICE PIN**

**35 Years of Service: Agricultural Commissioner – Mike Tanner**

**PRESENTED SERVICE PIN FOR YEARS OF SERVICE**

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (See Board Clerk - Testimony limited to five minutes per person)**

**THE FOLLOWING SPEAK: Donna Crowder, Dr. Windham and Ed Dietz**

**BUDGET TRANSFER FROM REVENUE (4/5 Vote Required)**

Private Industry Training Department

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 15)**

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF COMMUNITY ACTION AGENCY CONSENT AGENDA CALENDAR (Items #16 – 17)**

**APPROVED AS RECOMMENDED AYES: ALL**

10:30 A. M.

**MENTAL HEALTH – Public Hearing**

**An Ordinance changing Fees set for Mental Health Services performed by the Merced County Mental Health Department (Amends County Code Chapter 9.48 and Repeals Ordinance No. 1560)**

**APPROVED AND ADOPTED ORDINANCE NO. 1636 AYES: ALL**

10:30 A. M.

**PLANNING – Public Hearing – Intended Decision**

**General Plan Amendment No. 99009 and Parallel Zone Change Application No. 99010** – Anderson, Chapman, Inguanzo, Prince, Appling – To change the General Plan designation from Le Grand Specific Urban Development Plan (SUDP) Commercial Transition to Le Grand SUDP Medium-Density Residential and to change the zoning from C-T (Commercial Transition) to R-2 (Medium-Density Residential) on property located on the southwest corner of Le Grand and Cook Streets

**THE BOARD GOES ON RECORD OF INTENDED APPROVAL AS RECOMMENDED AYES: ALL**

**REPORTS/BOARD DIRECTION**

County Administrator

County Counsel

Board of Supervisors Members

**RECEIVED REPORTS FROM BOARD MEMBERS AND AUDITOR**

**LUNCH BREAK**

**CONSENT CALENDAR (Items #1 -15)**

**MODIFIED APPROVAL TO PULL CLAIM #2000-11 FROM ITEM #7 TO BE BROUGHT BACK TO THE BOARD AT A LATER DATE AYES: ALL**

1. Approve Travel Requests for Counsel as recommended by Administration.
2. Approve Budget Transfer from Human Services Agency as recommended by Administration.
3. Authorize Overhire of one Juvenile Hall Division Director for a Limited Term Period not to exceed six months, Probation.
4. Authorize Overhire of one Traffic Hearing Clerk for a Limited Term Period not to exceed six months, Probation.
5. Authorize Overhire of one Secretary I/II – Confidential for no more than two pay periods in Family Support Division, District Attorney.
6. Set public hearing for March 14, 2000 at 10:30 a.m. to consider the FY 1999/2000 Community Development Block Grant Program, Planning/Technical Assistance Allocation, Planning.
7. Act on Claims for Damages submitted by Jacqueline Alvara, Larry Lindsay, Stacey Lynn Perez, Jimmy Ramos, Norma Mungia, Francisco Javier Gasper, Karla Houweling, Rosa Cecena, Janice Zuber, Raymond Mendoza, Charles Shields and Jesus Rodriguez Garcia, Pacific Bell, Risk Management.
8. Grant Relief of Shortages in the amount of \$54.83 for accumulated shortages in collections on various dates over four years, Tax Collector.

9. Authorize the Auditor to make a one-time payment for Late Charges assessed by Pacific Bell Telephone Company and additional accrued charges incurred up to the time the bill is paid, Mental Health.
10. Authorize Public Works to advertise for bids for Construction of an Asphalt Concrete Overlay of Minturn Road and Santa Fe Avenue; award and sign Contract with lowest responsible bidder and report back to the Board on results, Public Works.
11. Adopt Resolution annexing Parcel 1 of Parcel Maps. Volume 39, Page 10 to the Stonemill Estates Street Lighting and Drainage Maintenance Zone of Benefit No. 355 in County Service Area Number One, Public Works.
12. Approve and authorize Chairman to sign Amendment to Contract No. 9719 with Merced Lao Family Community, Inc. for administrative services/costs for Refugee Employment and Social Services Program, Human Services Agency.
13. Approve and authorize Chairman to sign Amendment to Contract No. 9782 with The Fourth "R" to provide Computer Software Training Services to JTPA participants, PITD.
14. Approve and authorize Chairman to sign Amendment to Contract No. 99199 with C & D Guest Home for provision of special services for one consumer who provides special services, Mental Health.
15. Authorize Certificate of Recognition honoring the Groundbreaking Ceremony for the New High School in Atwater on February 10, 2000, Board of Supervisors.

COMMUNITY ACTION AGENCY CONSENT CALENDAR (Items #16 - 17)

**APPROVED AS RECOMMENDED AYES: ALL**

16. Approve and authorize Community Action Agency Housing Department to submit an Application to apply for the Albertson's Best Neighbor Policy Grant Funding in the amount of \$35,050 to provide Nutrition Education, Perishable Foods and CPR Training to the residents of the three homeless shelters operated by Community Action Agency.
17. Accept and place CAA Information, Staff and Committee Reports on file.

REGULAR CALENDAR

BOARD ACTION

18. Board of Supervisors re: Year 2000 Committee and Board Assignments.  
**APPROVED AS RECOMMENDED WITH CASTLE JOINT POWERS AUTHORITY  
REGULAR MEMBER APPOINTMENT TO COME BACK TO THE BOARD FOR FURTHER  
DISCUSSION AYES: ALL**
19. Board of Supervisors re: UC Merced County Working Group – Committee Assignment.  
**MODIFIED APPROVAL AYES: ALL**

20. Counsel re: Proposed MOU with University of California and Virginia Smith and Cyril Smith Trusts.  
**MODIFIED APPROVAL TO INCLUDE JOINT STATEMENT OF PRINCIPLES BETWEEN THE UNIVERSITY OF CALIFORNIA AND MERCED COUNTY AYES: ALL**
21. Public Works re: Contract with Lake Yosemite Sailing Association, Inc. to manage the seasonal rental of sailboat slips and provide for the annual maintenance of the sailboat slips.  
**APPROVED AS RECOMMENDED AYES: ALL**
22. Health re: FY 1999/2000 California Health Care for the Indigents Program (CHIP) Standard Agreement.  
**APPROVED AS RECOMMENDED AYES: ALL**
23. Health re: Application to the State Dept. of Health Services for Federal Funding under the Ryan White Care Act in the amount of \$157,157.  
**APPROVED AS RECOMMENDED AYES: ALL**
24. Mental Health re: FY 1999/2000 Amendment to Contract No. 9239 with Calif. State University, Fresno for provision of two \$14,000 Stipends for two Master's Level Students in the Social Work Program for a maximum not to exceed \$28,000 and approve the necessary budget transfer. (4/5 Vote Required)  
**APPROVED AS RECOMMENDED AYES: ALL**
25. General Services re: Terminate and Cancel Contract No. 9708 with Gourmet Foods and enter into Contract with Big Dog Mom to provide and operate a mobile vending cart in the Courthouse Park.  
**APPROVED AS RECOMMENDED AYES: ALL**
26. Administration re: Amend Legislative Agenda 2000 with any changes as recommended by Board and forward to Congressional Representatives and Advocates.  
**MODIFIED APPROVAL TO INCLUDE ADDITIONAL LANGUAGE ON UNIVERSITY OF CALIF., MERCED AND UNINCORPORATED AREAS AYES: ALL**
27. Assessor re: Contract with Terra-Mar Resource Information Services, Inc. for resellers license and distribution of ortho imagery (aerial photos).  
**APPROVED AS RECOMMENDED AYES: ALL**
28. Administration re: Letter of support for Job for California Graduates-Merced County.  
**APPROVED AS RECOMMENDED AYES: ALL**
29. PULLED

30. Administration re: Amend Extraordinary Work Hours Policy Resolution and Rules and Regulations Resolution pertaining to Unrepresented Management Absence from Duty and Disciplinary Actions.

**APPROVED AND ADOPTED RESOLUTION NO. 2000-21, RULES AND REGULATIONS AND RESOLUTION NO. 2000-22, EXTRAORDINARY WORKING HOURS POLICY**

**AYES: ALL**

31. Board of Supervisors re: Committee/Commissions and Boards.  
(a) Vacancy Lists for all Boards – February, 2000  
(b) Listing of Pending Expirations for Month of February, 2000  
(c) Listing of Pending Expirations for Month of March, 2000

**REPORTS FILED–NO ACTION TAKEN**

**BOARD INFORMATION AND POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE AYES: ALL**

32. Human Services Agency re: Mervyn's Community Closet Tour.
33. Public Works re: Notice of Contract Award to Lockwood General Engineering, Inc. for the Underground Storage Tank Closure at the County Main Jail and Coroner's Office.
34. Private Industry Training Department re: PITD – January 2000 issue – Report.
35. Human Services Agency re: Report of Persons Receiving Public Assistance for December, 1999.
36. Northland Cable Properties, Inc. re: Franchise Fee payment for the six month period July – December, 1999.
37. City of Merced Redevelopment Agency re: Notice of Preparation of a Draft Environmental Impact Report – Gateways Redevelopment Plan Amendment. (On file with Clerk)
38. East Merced Resource Conservation District re: Support the enactment of the Williamson Act for Merced County.
39. Fresno County re: State Transportation Funding and Project Delivery.
40. Tulare County Board of Supervisors re: Proposed Forest Service Planning Rules.
41. Glenn County Board of Supervisors re: CALFED Bay-Delta Program.
42. State Board of Equalization re: Public Hearing decisions relative to Property Tax Rules 466-Valuation and Enrollment of Trees and Vines; 467-Taxable Possessory Interests; and 470-Enforceably Restricted Property.
43. State Board of Equalization re: Notice of Proposed Regulatory Action – Amend Property Tax Rules 305 and 306 – Local Equalization Rules – Public Hearing set for April 5, 2000. (On file with Clerk)

44. State Dept. of Health Services re: Final FY 1998/99 Maintenance of Effort Table for Proposition 99 Funding which reflects the actual Sales Tax, Vehicle License Fee, and Growth revenues received by the Counties.
45. State Fish and Game Commission re: Notice of Proposed Regulatory action relative to mammal hunting and trapping regulations in title 14, Calif. Code of Regulations that will appear in the Calif. Regulatory Notice Register. (On file with Clerk)
46. State Fish and Game Commission re: Notice of Meeting set for March 3, 2000.
47. State Water Resources Control Board re: Meeting/Workshop Agenda set for March 1 and 2, 2000.
48. U.S. Dept. of Justice re: Letter advising of departure from Office of Juvenile Justice and Delinquency Prevention Administration by Shay Bilchik.
49. State Controller re: Notice of distribution to the Counties \$74,610.99 from Federal Grazing Fees Fund in accordance with Sections 8555 and 8556 of the Public Resources Code.
50. Legal Community Against Violence and Prevent Handgun Violence Against Kids re: Firearms and Ammunition Local Ordinance Survey.

**THE BOARD ADOPTED RESOLUTIONS AND ADJOURNED THE MEETING IN MEMORY OF RICHARD SMITH UNTIL MARCH 14, 2000 AT 9:00 A.M.**