



MERCED COUNTY
BOARD OF SUPERVISORS

SUMMARY ACTION MINUTES

Regular Meeting
TUESDAY, MAY 9, 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. (209) 385-7366

SCHEDULED ITEMS

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

9:00 A. M.

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:

- (1) Ran-Bar Corp. dba Thomas Equipment vs. County of Merced, No. 141181;
- (2) Thao vs. Merced Irrigation District, Superior Court No. 143766;
- (3) Ventura County Retirement Cases, San Francisco County Judicial Coordination Proceedings No. 4849
- (4) Kenneth Taylor vs. County of Merced, No. 143091

RECONVENED AT 10:20 A.M. AND THE CHAIRMAN ADVISES DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

BUDGET TRANSFERS FROM REVENUE (4/5 Vote Required)

General Services and Human Services Agency (H-8)

CONTINUED TO MAY 16, 2000 MEETING – NO ACTION TAKEN

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)

UC MERCED PROJECT

- Liaison and Project Director Report

RECEIVED REPORT FROM PROJECT DIRECTOR GREG WELLMAN

- Actions/Direction
- Public Comment

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 23)

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2, 3

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

PUBLIC WORKS – PUBLIC HEARING

REVIEW BOARD ORDER – SEE PAGE 9

To consider Termination of Maintenance on a portion of Jordan Road in the Le Grand area

APPROVED AND ADOPTED RESOLUTION NO. 2000-78

AYES: 1, 4, 5 NOT PRESENT: 2, 3

10:30 A. M.

PUBLIC WORKS – PUBLIC HEARING

REVIEW BOARD ORDER – SEE PAGE 9

To consider Amending Merced Countywide Siting Element and adopt General Plan Consistency Resolution

CONTINUED TO JUNE 6, 2000 MEETING

AYES: 1, 4, 5 NOT PRESENT: 2, 3

PLANNING – PUBLIC HEARING

REVIEW BOARD ORDER – SEE PAGE 9, 10

General Plan Amendment No. 98007, Zone Change No. 98007 and Administrative Application No. 99060 – Northern Merced Hulling

THE BOARD WILL CONTINUE THE PUBLIC HEARING TO JUNE 6, 2000 AT 10:30 A. M.

REPORTS/BOARD DIRECTION

County Administrator
County Counsel
Board of Supervisors Members

CONSENT CALENDAR (Items #1 – 23)

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2, 3

1. Approve Budget Transfers for Cooperative Extension-\$2,177 and Human Services Agency-\$22,000 as recommended by Administration.
2. Authorize Promotion of one Engineering Associate I to Engineering Associate II retroactive to August 16, 1999, Administration.
3. Approve and authorize Chairman to sign Renewal Contract No. 99121 with Hilmar Hammerheads Swim Club, Hilmar Unified School District, Hilmar Recreation Council, Inc. to operate Hilmar Swimming Pool for Swim Team Events, Public Works.
4. Authorize re-signing of Contract No. 8400 with State Dept. of Health Services for Medi-Cal Administrative Activities, Health.
5. Approve and authorize Chairman to sign Renewal Contract No. 200033 with Evelyn B. Aquino-Caro, M.D. for provision of psychiatric services, Mental Health.
6. Approve and authorize Chairman to sign Renewal Contract No. 200026 with Primitiv Canlas Coronado, M.D. for provision of psychiatric services, Mental Health.
7. Approve and authorize Chairman to sign Renewal Contract No. 200027 with Archimeds Garcia, M.D. for provision of psychiatric services, Mental Health.
8. Approve and authorize Chairman to sign Renewal Contract No. 9279 with Laura Georgina Valdovinos, M.D., M.P.H. for provision of psychiatric services, Mental Health.

9. Approve and authorize Chairman to sign Renewal Contract No. 9854 with Joseph Melton, MFT for provision of services as Certification Review Officer, Mental Health.
10. Approve and authorize Chairman to sign Amendment to Contract No. 9476 with Delhi United Drug for necessary prescription medications, Mental Health.
11. Approve and authorize Chairman to sign Renewal Contract No. 7449 with Merced Faculty Associates to provide services to Marie Green Psychiatric Center Inpatient Facility, Mental Health.
12. Approve and authorize Chairman to sign Renewal Contract No. 9892 with Manuela D. Fernandez, M.D. for provision of psychiatric services and increase salary from \$72 to \$74/hour and adopt Resolution, Mental Health.

ADOPTED RESOLUTION NO. 2000-71

13. Approve and authorize Chairman to sign Renewal Contract No. 7852 with Maria Daisy Ilano for provision of psychiatric services and increase salary from \$84 to \$87/hour and adopt Resolution, Mental Health.

ADOPTED RESOLUTION NO. 2000-72

14. Approve and authorize Chairman to sign Renewal Contract No. 9436 with Edward Benton, M.D. for provision of psychiatric services and increase salary from \$75 to \$77/hour and adopt Resolution, Mental Health.

ADOPTED RESOLUTION NO. 2000-73

- 14a. Approve and authorize Chairman to sign Renewal Contract No. 200025 with Evangeline Murillo, M.D. for provision of psychiatric services, Mental Health.

15. Approve and authorize Chairman to sign Amendment to Contract No. 1034 with Community Action Agency to modify funding and decrease the amount by \$2,136 for Congregate Meals Program, Area Agency on Aging.

16. Approve and authorize Chairman to sign Amendment to Contract No. 1033 with Community Action Agency to modify funding and increase the amount by \$10,747 for Home-Delivered Meals Program, Area Agency on Aging.

17. Approve and authorize Chairman to sign Renewal of Contract No. 5868 with Calif. Dept. of Aging for senior services, Area Agency on Aging.

ADOPTED RESOLUTION NO. 2000-74

18. Approve and authorize Chairman to sign Amendment to Contract No. 99117 with Merced College for Registered Nursing Training Services to JTPA/WIA participants, PITD.

19. Approve and authorize Chairman to sign Amendment to Contract No. 9858 with Merced College for Licensed Vocational Training Services to JTPA participants, PITD.

20. Authorize Certificate of Recognition to Lloyd Nyeman in recognition of his selection as Hilmar Citizen of the Year, Board of Supervisors.

21. Authorize Certificate of Recognition to Al Peterson in recognition of his Volunteer of the Year-Winton CLEO Award, Board of Supervisors.
22. Adjourn Meeting in memory of Albert Zacky, Board of Supervisors.
23. Accept Merced County Pooled Investments Report for the Quarter Ending March 31, 2000, Treasurer.

REGULAR CALENDAR
BOARD ACTION

24. Public Works re: Contract and Grant Deed with Rodney/Kay Hoffard for a 1.80 acre parcel required for the Oakdale Bridge Replacement Project at the Merced River prior to Project Right of Way funding.

ADOPTED RESOLUTION NO. 2000-75 AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000117 AYES: 1, 4, 5 NOT PRESENT: 2, 3

25. Public Works re: Contract Award to Bedesen-Cardoza, Associates and Golden Valley Engineering & Surveying, Inc. for Campus Parkway Surveying Services for a not-to-exceed amount of \$475,000.

REVIEW BOARD ORDER – SEE PAGE 10
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000118
AYES: 1, 4, 5 NOT PRESENT: 2, 3

26. Public Works re: Resolution authorizing Public Works Director to execute property acquisition contracts associated with Delhi Drainage Project on behalf of the County not to exceed \$500 on each parcel.

APPROVED AND ADOPTED RESOLUTION NO. 2000-76 AYES: 1, 4, 5
NOT PRESENT: 2, 3

27. Public Works re: Authorize use of Corrective Action Trust Funds as the means for providing financial assurance for corrective action costs at the Billy Wright Landfill and the Highway 59 Landfill.

APPROVED AND ADOPTED RESOLUTION NO. 2000-77 AYES: 1, 4, 5
NOT PRESENT: 2, 3

28. Private Industry Training Department re: Youth Program – Request for Proposal.

APPROVED AS RECOMMENDED AYES: 1, 4, 5 NOT PRESENT: 2, 3

29. Private Industry Training Department re: Building Trades Pre-Apprentice Program Contract with Human Services Agency, Merced College, Northern California Carpenter Regional Council and Northern California Construction and Trade, Inc.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000119
AYES: 1, 4, 5 NOT PRESENT: 2, 3

30. Area Agency on Aging re: Amendment to Contract No. 5868 with California Dept. of Aging to modify funding in the amount of \$9,426 for Titles II/VII to provide senior services and approve necessary budget transfer (A-10). (4/5 Vote Required)
CONTINUED TO MAY 16, 2000 MEETING – NO ACTION TAKEN
31. Approve purchase of Telephone System for Agricultural Commissioner, Animal Control and Cooperative Extension (NEAX2000 with a remote PIM including a CCIS link for voicemail services) and approve the necessary budget transfer. (4/5 Vote Required)
CONTINUED TO MAY 16, 2000 MEETING – NO ACTION TAKEN
32. Administration re: Appropriation of State Library Funding– Revenue will be used to support and expand existing programs and services as follows: Variable Shift Library Assistant and Supervising Librarian, tables and supplies, installation of computers and purchase of books for all of the Branch Libraries.
CONTINUED TO MAY 16, 2000 MEETING – NO ACTION TAKEN
33. Health re: Short Term Cash Flow Loans to the Dairy Loan Program on an as-needed basis for the amount needed, not to exceed \$200,000.
REVIEW BOARD ORDER – SEE PAGE 10
MODIFIED APPROVAL TO INCLUDE REPAYMENT WITHIN SIX MONTHS OR TO REPORT BACK TO THE BOARD **AYES: 1, 4, 5** **NOT PRESENT: 2, 3**
34. Administration re: Delete two vacant Supervising Deputy District Attorney positions, Range 74.4 and add two Deputy District Attorney I/II/III/IV positions and increase Special Prosecution Pay from four positions to six positions and adopt Resolution.
APPROVED AND ADOPTED RESOLUTION NO. 2000-79 (Special Compensation) AND 2000-80 (Positions Listing) **AYES: 1, 4, 5** **NOT PRESENT: 2, 3**
35. Administration re: Add Extra Help Laborer position to Office of Emergency Services and adopt Resolution.
APPROVED AND ADOPTED RESOLUTION NO. 2000-81 **AYES: 1, 4, 5**
NOT PRESENT: 2, 3
36. Administration re: Change the Management Level Designation for the Family Support Director classification from “B” to “A” Level and adopt Resolution.
APPROVED AND ADOPTED RESOLUTION NO. 2000-82 **AYES: 1, 4, 5**
NOT PRESENT: 2, 3
37. Fire re: Resolution and Contract Amendment with Calif. Dept. of Forestry and Fire Protection for Fire Protection Services and approve “Schedule A” detail sheets at a level of \$5,743,922 for FY 1999/2000.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 6720 AND ADOPTED RESOLUTION NO. 2000-83 **AYES: 1, 4, 5** **NOT PRESENT: 2, 3**

37. Administration re: Support AB 2495 (Ashburn)-prohibit local government agencies that conduct governmental functions outside their boundaries from overriding the local zoning, building and health and safety regulations of other jurisdictions and oppose SB 1956 (Polanco)-prohibit enactment or enforcement of any local sludge ordinance that is stronger than the federal or state standard.

APPROVED AS RECOMMENDED AND AUTHORIZED LETTERS TO APPROPRIATE LEGISLATORS **AYES: 1, 4, 5** **NOT PRESENT: 2, 3**

38. Administration re: Workers' Compensation Program Replacement of Third Party Administrator (TPA) – Authorization to identify and secure an alternative for Workers' Compensation claims administration.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000120 WITH ACCLAMATION INSURANCE MANAGEMENT SERVICES FOR WORKERS COMPENSATION CLAIMS ADMINISTRATION **AYES: 1, 4, 5** **NOT PRESENT: 2, 3**

39. Planning re: Status of Countywide Redevelopment.

CONTINUED TO MAY 16, 2000 MEETING - NO ACTION TAKEN

40. Board of Supervisors re: Committee/Commissions and Boards.
Hilmar Municipal Advisory Council

REAPPOINTED JOHN CONRAD AND GEORGE KAPOR TO SERVE AS MEMBERS OF THE HILMAR MUNICIPAL ADVISORY COUNCIL UNTIL MAY 3, 2004
AYES: 1, 4, 5 **NOT PRESENT: 2, 3**

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE **AYES: 1, 4, 5** **NOT PRESENT: 2, 3**

42. City of Merced re: Preliminary Report for the Gateways Redevelopment Plan Amendment – April 2000. (On file with Clerk)
43. Grassland Resource Conservation District re: 2000 Annual Plan and 1999 Annual Report. (On file with Clerk)
44. U.S. Dept of the Interior re: Notice of a Proposed Finding of No Significant Impact/Mitigated Negative Declaration on the San Joaquin River Riparian Habitat Restoration 2000 Pilot Project. (On file with Clerk)
45. California Law Revision Commission re: News Release - Request for Public Comment on its *revised* tentative recommendation concerning the composition of a board of law library trustees.
46. State Water Resources Control Board re: Notice of Public Hearing/Workshop – Proposed State Fiscal Year 2000/01 State Revolving Fund Loan Program Project Priority List – June 1, 2000 at 9:00 a.m.
47. California State Association of Counties re: Call for Entries for the 2000 Challenge Awards competition.

- 48. State Board of Equalization re: Report on 1999 State Assessee Appeal Decisions. (On file with Clerk)
- 49. Wilson & Broomfield, L.L.P. re: Dobson Cellular of California, Inc. – General Order 159A – Quarterly Report (January – March 31, 2000), notification of two cell sites into operation in Hilmar and J.R. Woods.
- 50. State Reclamation Board re: Copy of Notice to Public Works – Castle Dam and Reservoir, Merced County, Final Operation and Maintenance Manual, dated January 2000 and the U.S. Army Corps of Engineers' letter transmitting the manuals to The Reclamation Board.
- 51. City of Atwater re: Request to set up mutual date and time to discuss request to reopen negotiations pertaining to revenue sharing for the purpose of achieving a more balanced distribution of revenues which will not harm the City of Atwater and impede future growth.

REVIEW BOARD ORDER – SEE PAGE 11

THE BOARD REQUESTED THE LETTER BE PLACED ON THE NEXT BOARD AGENDA

FOR RESPONSE WHEN ALL A FULL BOARD IS PRESENT AYES: 1, 4, 5

NOT PRESENT: 2, 3

- 52. State Dept. of Water Resources re: Notice advising Department of Water Resources is seeking volunteers to serve on a public Advisory Committee being formed to provide input on preparation of the next update of the *California Water Plan* – updates describe statewide water supplies, water uses and actions that could be taken by water agencies to improve future water supply reliability with committee membership intended to represent a diverse cross-section of water use or water management interests with broad geographic distribution throughout California.

THE BOARD ADJOURNED THE MEETING UNTIL MAY 16, 2000 AT 9:00 A.M.

SUMMARY ACTION MINUTES – BOARD ORDERS – MAY 9, 2000

10:30 A. M. SCHEDULED ITEM

2000-05-09 PUBLIC WORKS - Public Hearing – Termination of Maintenance/Jordan Road

The time and date previously set for a public hearing to consider Termination of Maintenance on a portion of Jordan Road which is approximately 1.8 miles east from Fresno Road, and is 1.1 mile in length in the Le Grand area submitted by Public Works.

Public Works Director Paul Fillebrown advises the Le Grand Municipal Advisory Council endorses the proposal.

The Chairman asks if there is anyone present who would like to speak. No one speaks.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board terminates maintenance on a portion of Jordan Road in the Le Grand area and adopts Resolution No. 2000-78.

Ayes: O'Banion, Cortez Keene, Kelsey

Not Present: Crookham, Rivero

10:30 A. M. SCHEDULED ITEM

2000-05-09 PUBLIC WORKS - Public Hearing – Countywide Siting Element

The time and date previously set for a public hearing to consider Amending Merced Countywide Siting Element and General Plan Consistency Resolution submitted by Public Works.

The Chairman asks if there is anyone present who wishes to speak. No one speaks.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board continues the Public Hearing to consider Amending Merced Countywide Siting Element and General Plan Consistency Resolution until June 6, 2000 at 10:30 a.m.

Ayes: O'Banion, Cortez Keene, Kelsey

Not Present: Crookham, Rivero

10:30 A. M. SCHEDULED ITEM

2000-05-09 PLANNING – Public Hearing

The time and date previously set for a public hearing to consider General Plan Amendment No. 98007, Zone Change No. 98007 and Administrative Application No. 99060 submitted by Northern Merced Hulling to change the General Plan designation of two parcels totaling 35 acres from Ballico Specific Urban Development Plan (SUDP) Residential to Agricultural, changing the zoning from R-1 (Single Family Residential) to A-1 (General Agricultural), and to use the site for seasonal stockpiling of field almonds that are processed at the almond hulling facility south of this site located at the northeast corner of Park Avenue and Broadway in the Community of Ballico.

The Chairman advises there has been a request to continue the Public Hearing until June 6, 2000 and asks if there is anyone present who wishes to speak. No one speaks.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board continues the public hearing to consider General Plan Amendment No. 98007, Zone Change No. 98007 and Administrative Application No. 99060 to June 6, 2000 at 10:30 a.m.

Ayes: O'Banion, Cortez Keene, Kelsey

Not Present: Crookham, Rivero

ACTION ITEM NO. 25

2000-05-09 PUBLIC WORKS

Supervisor Cortez Keene moves, seconded by Supervisor Kelsey, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2000118 with Bedesen-Cardoza, Associates, Inc. and Golden Valley Engineering and Surveying, Inc. for Campus Parkway Surveying Services in an amount not to exceed \$475,000.

Ayes: O'Banion, Cortez Keene, Kelsey

Not Present: Crookham, Rivero

Lydia Miller, San Joaquin Valley Raptor Rescue Center submits and reads a letter of opposition dated May 9, 2000.

Ayes: O'Banion, Cortez Keene, Kelsey

Not Present: Crookham, Rivero

ACTION ITEM NO. 33

2000-05-09 HEALTH

Supervisor Kelsey moves, seconded by Supervisor Cortez Keene, the Board approve the Auditor-Controller making short term cash flow loans to the Dairy Loan Program on an as-needed basis for the amount needed, not to exceed \$200,000 at the County's earnings rate of interest and to be repaid as soon as practical.

Discussion is had on Cash Flow Loans impacting the General Fund and whether or not the payment plan is practical. The methodology behind the payment plan is discussed in detail and Chairman O'Banion clarifies these types of loans are not paid to individuals, they are advances to the State to cover projects being done within the County.

Following lengthy discussion on clarification of the dairy industry, current outstanding loans and the number of loans being paid back and upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board amends the motion to read as follows:

Approves the Auditor-Controller to make short term cash flow loans to Dairy Loan Program on an as-needed basis for the amount needed, not to exceed \$200,000 at the County's earnings rate of interest and to be repaid within six months or must return to the Board for further consideration.

Ayes: O'Banion, Cortez Keene, Kelsey

Not Present: Crookham, Rivero

BOARD INFORMATION NO. 51

2000-05-09 BOARD OF SUPERVISORS / ADMINISTRATION

Following discussion on Correspondence received from the City of Atwater requesting a mutual date and time be set up to discuss request to reopen negotiations pertaining to revenue sharing and upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board requests the letter from the City of Atwater be placed on the next Board of Supervisors' Agenda for response when a full Board is present.

Ayes: O'Banion, Cortez Keene, Kelsey

Not Present: Crookham, Rivero