



MERCED COUNTY BOARD OF SUPERVISORS

SUMMARY ACTION MINUTES

Regular Meeting

TUESDAY, JUNE 6, 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 pursuant to Section 54957.8 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 Merced County Lawyers Association, Unit 7

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:

Ventura County Retirement Cases, San Francisco County Judicial Coordination Proceedings No. 4849

THE BOARD RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISES DIRECTION WAS GIVEN TO COUNSEL

10:00 A. M.

PLEDGE OF ALLEGIANCE

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 REPORTS FROM LIAISON REPRESENTATIVE KATHLEEN CROOKHAM AND PROJECT DIRECTOR GREG WELLMAN

- Actions/Direction
- Public Comment

CASTLE JPA

- Report
- Possible Action

REVIEW BOARD ORDER – SEE PAGE 12

Administration re: (1) Discussion and possible action regarding direction to staff pertaining to Castle JPA membership and possible early dissolution

CONTINUED TO JUNE 7, 2000 AT 9:00 A.M. TO FURTHER DISCUSS LETTER TO CITY OF ATWATER TO ADDRESS EARLY DISSOLUTION AND OTHER ACTIONS AS NEEDED

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

Administration/Counsel re: (2) Authorize Administration to work with State Legislative Representatives to enact the statutory changes needed to conform with recent Federal designation of Merced County as the Local Redevelopment Authority for Castle in replacement of the Joint Powers Authority

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

BUDGET TRANSFERS FROM REVENUES (4/5 Vote Required)

District Attorney-\$8,772, Marshal-\$8,000, Sheriff-60,475, Business-Economic Opportunities-\$37,702 and Spring Fair-\$30,090

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

10:00 A. M.

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 – 28)
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

APPROVAL OF COMMUNITY ACTION AGENCY CONSENT AGENDA CALENDAR (Items # 29 - 33)
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)
REVIEW BOARD ORDER – SEE PAGE 17

ADDED AGENDA ITEM:

THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO TAKE ACTION ON A CONTRACT WITH OFFICE OF CRIMINAL JUSTICE PLANNING AND PLACES THE ITEM ON THE AGENDA FOR CONSIDERATION

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

THE BOARD AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 99114 WITH OFFICE OF CRIMINAL JUSTICE PLANNING FOR CONTINUATION OF GRANT FUNDS FOR ANSWERS BENEFITTING CHILDREN/CHILD ABUSE TREATMENT SERVICES PROGRAM AND APPROVES AMENDMENTS TO CONTRACT NO. 99044 WITH DISTRICT ATTORNEY'S OFFICE AND CONTRACT NO. 99049 WITH A WOMAN'S PLACE FOR PROVISION OF SERVICES AND ADOPTED RESOLUTION NO. 2000-101

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

10:30 A. M.

PUBLIC WORKS – PUBLIC HEARING – PROPOSED ORDINANCE, POSSIBLE ADOPTION
REVIEW BOARD ORDER – SEE PAGE 12

An Ordinance entitled "User Charge Rates for Zones of Benefit" for County Service Area 2000/2001 User Charge Rates (Repeals Ordinance No. 1626)

APPROVED AND ADOPTED ORDINANCE NO. 1640 AYES: 1, 2, 4, 5

NOT PRESENT: 3

PUBLIC WORKS – CONTINUED PUBLIC HEARING

REVIEW BOARD ORDER – SEE PAGE 13

Amending the Merced Countywide Siting Element and General Plan Consistency Resolution

APPROVED AND ADOPTED RESOLUTION NOS. 2000-102 (Siting Element) and 2000-103 (General Plan Consistency) AYES: 1, 2, 4, 5

NOT PRESENT: 3

PLANNING – CONTINUED PUBLIC HEARING – INTENDED DECISION

REVIEW BOARD ORDER – SEE PAGE 13-15

General Plan Amendment Application No. 98007, Zone Change Application No. 98008 and Administrative Permit Application No. 99060 – Northern Merced Hulling Association

To change the General Plan designation of two parcels totaling 35 acres from Ballico Specific Urban Development Plan (SUDP) Residential to Agricultural, change the zoning from R-1 (Single Family Residential) to A-1 (General Agricultural, change 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.

The site is located at the northeast corner of Park Avenue and Broadway in the community of Ballico

WENT ON RECORD OF INTENDED DECISION TO APPROVE RECOMMENDATION SUBJECT TO CONDITIONS **AYES: 1, 2, 4, 5**
NOT PRESENT: 3

PLANNING – PUBLIC HEARING

REVIEW BOARD ORDER – SEE PAGE 17

REQUEST FOR PUBLIC HEARING TO BE CONTINUED UNTIL JUNE 20, 2000 AT 10:30 A . M.

Appeal – Zone Variance Application No. 99008 and Minor Subdivision Application No. 99033 – Ed Mackin

To subdivide a 19.5 acre parcel into two parcels of 2.5 and 17 acres each and to vary from the minimum 20 acre parcel requirement of the A1 (General Agricultural) zone on property located on the south side of American Avenue, 660 feet west of Golf Link Road in the Hilmar area

CONTINUED PUBLIC HEARING TO JUNE 20, 2000 AT 10:30 A.M. TO CONSIDER AN APPEAL TO ZONE VARIANCE APPLICATION NO. 99008 AND MINOR SUBDIVISION APPLICATION NO. 99033

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

11:00 A. M.

PLANNING - PRESENTATION - POSSIBLE DIRECTION

County Redevelopment Feasibility Study

REVIEW BOARD ORDER – SEE PAGE 16-17

DIRECTION GIVEN TO STAFF FOR ADDITIONAL INFORMATION PACKAGE TO INCLUDE EDUCATIONAL INFORMATION/STUDY SESSIONS AND POSSIBLE OPTIONS

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

REPORTS/BOARD DIRECTION

County Administrator

County Counsel

County Auditor

Board of Supervisors Members

CONSENT CALENDAR (Items #1 – 28)

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

1. Approve Budget Transfers for District Attorney-\$3,000 and \$2,850, Fire-\$2,500, Probation-\$3,200 and Public Works-\$8,400 as recommended by Administration.
2. Approve Travel Request for District Attorney as recommended by Administration.
3. Allocate one Bilingual Designation to Business-Economic Opportunities, Administration.

ADOPTED RESOLUTION NO. 2000-95

4. Authorize Overhire of one Alcohol and Drug Counselor position and one Psychiatric Staff Nurse position for a Limited Term Appointment for a period no more than six months, Administration.
5. Act on Claims for Damages submitted by Joe Baker, Monica Salgado, Rafaela Rodriguez, Genaro Reyes, Elisa Armendariz and Jarrod Toca, Risk Management.
6. Set public hearing for June 27, 2000 at 10:30 a.m. to consider Resolution of Necessity regarding Intent to Condemn Property for the expansion of the existing Highway 59 North Landfill from Cheng-Sung Kuo and Lee Mei-Lan Kuo, Public Works.

ADOPTED RESOLUTION NO. 2000-96

7. Approve and authorize Chairman to sign Renewal Contract No. 5978 with Merced Community College District to provide Alcohol and Drug Services as part of the Women's Services component and the Student Assistance Program, Mental Health.
8. Approve and authorize Chairman to sign Renewal and Amended Contract No. 99019 with J. Stanley Bunce, Ph.D., for Counseling Services for Sexual Offenders Activities, Mental Health.
9. Approve and authorize Chairman to sign Renewal Contract No. 5309 with Merced Community College District to provide First Offender Drinking Driver Program Services, Mental Health.
10. Approve and authorize Chairman to sign Renewal Contract No. 9301 with Merced Community College District to provide PC1000 Deferred Entry of Judgment Program Services, Mental Health.
11. Approve and authorize Chairman to sign Renewal Contract No. 99241 with Cynthia Butler Hunt, M.D. for provision of psychiatric services, Mental Health.
12. Approve and authorize Chairman to sign Renewal Contract No. 9754 with Center for Applied Local Research for Evaluation of the Dual Diagnosis Demonstration Project, Mental Health.
13. Approve and authorize Chairman to sign Renewal Contract No. 7199 with Community Social Model Advocates, Inc. to provide men's and women's alcohol and drug residential recovery services, Mental Health.
14. Approve and authorize Chairman to sign Renewal Contract No. 8922 with Central Valley Regional Center to provide accessible levels of services to individuals who are both developmentally disabled and seriously mentally ill and/or seriously emotionally disturbed, Mental Health.
15. Approve and authorize Chairman to sign Renewal Contract No. 9352 with State Dept. of Mental Health for mandated county performance contract outlining policies, Mental Health.

16. Adopt Resolution authorizing submission of Solid Waste Enforcement Grant Application and authorize Chairman to sign Renewal Contract No. 7825 with California Integrated Waste Management Board, Health.
ADOPTED RESOLUTION NO. 2000-97
17. Adopt Resolution authorizing submission of Renewal Grant Application with State Department of Health Services for Children's Dental Disease Prevention Program, Health.
ADOPTED RESOLUTION NO. 2000-98
18. Approve and authorize Chairman to sign Amendment to Contract No. 99237 with Merced College for Truck Driver's Training Services for JTPA participants adding 10 additional training slots, Private Industry Training Department.
19. Approve and authorize Chairman to sign Addendum to Contract No. 9855 with Merced County Economic Development Corporation to compliment the economic development activities performed by County staff, Business-Economic Opportunities.
20. Adopt Resolution authorizing submission of Grant Application for the Statutory Rape Vertical Prosecution Project and authorize Chairman to sign Renewal Contract No. 9569 with the Office of Criminal Justice Planning, District Attorney.
ADOPTED RESOLUTION NO. 2000-99
21. Authorize Fiscal Year End Appropriate Adjustments as recommended by the Auditor-Controller, Auditor.
22. Approve and authorize Chairman to sign Amendment to Contract No. 9352 with State Dept. of Mental Health for Specialty Mental Health Services, Mental Health.
23. Authorize Certificates of Recognition for the following Entrepreneurial Class Graduation/Welfare to Work students: Gloria Cabanas, Arleen Castillo, Lorena Jimenez and Susan Kennedy, Board of Supervisors.
24. Authorize Certificate of Recognition for Maria Le Mere as "1999 Los Banos Memorial Hospital Volunteer of the Year", Board of Supervisors.
25. Approve and authorize Ag. Commissioner to sign Renewal Contract No. 7654 with State Structural Pest Control Board for administering written Certified Applicator examinations for exams in our area, Ag. Commission.
26. Approve and authorize Chairman to sign Renewal Contract No. 6777 with Calif. Dept. of Boating and Waterways for the Water Hyacinth Treatment and Control Program on the Merced and San Joaquin Rivers, Ag. Commission.
27. Approve and authorize Chairman to sign Renewal Contract No. 7513 with Calif. Dept. of Food and Agriculture for Insect Pest Detection/Prevention, Ag. Commission.
28. Approve and authorize Chairman to sign Renewal Contract No. 7649 with Lifestyle Management Drydock, Inc. to provide Multiple Offender Drinking Driver Program services, Mental Health.

COMMUNITY ACTION AGENCY CONSENT CALENDAR (Items #29 – 33)

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

29. Approve and authorize CAB Chair to sign Contract with State Dept. of Community Services and Development for Weatherization Program funding in Merced/Madera Counties.
ADOPTED RESOLUTION NO. 2000-100
30. Approve and authorize CAA Executive Director to sign Amendment to Renewal Contract with Merced Community College District for Head Start Center Facility on Los Banos Campus.
31. Approve and authorize CAB Chair to sign Contract with Tinetti Realty Group for Workforce Development Department Business Office.
32. Approve and authorize CAA to submit an Application to the Internal Revenue Service for Tax Exempt Status (501)(C)(3) to become a separate program under CAA umbrella to be able to implement the proposed “Children In-Crisis Shelter” proposal under Workforce Development Department.
33. Accept and file CAA Information, Staff and Committee Reports.

REGULAR CALENDAR

BOARD ACTION

34. Public Works re: Contract with Delhi Unified School District for the 2.79 acres of County property known as Shattuck Park in Delhi for an Alternative School.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000128
AYES: 1, 2, 4, 5 NOT PRESENT: 3
35. Public Works re: Contract with Merced Irrigation District for Maintenance and Operation of Castle Dam.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000129
AYES: 1, 2, 4, 5 NOT PRESENT: 3
36. Health re: Accept the request of Sutter Health/Sutter Merced Medical Center to terminate the Definitive Agreements for the lease and operation of the County Hospital and the request of Mercy Hospital/Catholic Health Care West to enter into formal negotiations with Merced County to assume the terms, conditions and obligations of those Definitive Agreements and authorize a Negotiation Team.
REVIEW BOARD ORDER – SEE PAGE 15-16
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
37. Health re: Contract with Epstein, Becker and Green, P.C. for Legal Services in conjunction with proposed negotiations for lease and operation of County Hospital.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000130
AYES: 1, 2, 4, 5 NOT PRESENT: 3

38. Health re: Authorization to collaborate with Merced College through a contribution of \$5,000 in FY 2000/2001 and FY 2001/2002 for the expansion of class size in the Registered Nurse Program.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
39. Mental Health re: Authorization to research Office Space availability for CalWORKs Treatment Program to come back to the Board for approval.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
40. Mental Health re: Authorization to research Office Space availability for Drug Court Program to come back to the Board for approval.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
41. Mental Health re: Contract with Dr. Thuy Huynh, M.D. for provision of Psychiatric Services and adopt Resolution adding one Contract Staff Psychiatrist for Merced Clinic.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000131 AND ADOPTED RESOLUTION NO. 2000-104 AYES: 1, 2, 4, 5 NOT PRESENT: 3
42. Mental Health re: Contract with The Bridge, J. Stanley Bunce, Ph.D. & Associates for the Employee Assistance Program (EAP) and Officers Assistance Program (OAP).
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000132 AYES: 1, 2, 4, 5 NOT PRESENT: 3
43. Mental Health re: Contract Amendment with Los Banos Drug for provision of prescription medication to consumers seen at Los Banos Clinic and approve necessary budget transfer-\$25,000.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 9341 AYES: 1, 2, 4, 5 NOT PRESENT: 3
44. Mental Health re: Contract with Child Advocates of Merced County to provide mentoring and advocacy services to abused and at-risk children.
APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000133 AYES: 1, 2, 4, 5 NOT PRESENT: 3
45. Business-Economic Opportunities re: Rescind Resolution No. 99-139 relative to Northland Cable Properties, Inc. serving the Le Grand and Planada areas due to notification that the Transfer from Northland Cable Properties, Inc. to Northland Cable Television, Inc. has been postponed and not scheduled to close in the foreseeable future.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
46. Administration re: Approve 2000 CSAC Challenge Award for the Probation Department for their "SOBER (Supervising Offenders by Enforcement Response) Program".
APPROVED AND ADOPTED RESOLUTION NO. 2000-105 AYES: 1, 2, 4, 5 NOT PRESENT: 3

47. Administration re: Salary Survey Base for Unrepresented Management Employees – Approve the seven county survey base (San Joaquin, Stanislaus, Madera, Fresno, Kings, Tulare and Kern) for use in surveying un-represented management classifications and authorize the seven county base to replace any existing language contained in policies, agreements, resolutions and/or rules pertaining to un-represented management salary surveys and direct Staff to review any existing ordinances for similar language changes and return to the Board with appropriate changes.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
48. Private Industry Training Department re: Interim Workforce Investment Board – Youth Council additional appointments as follows: Lorena Briano, Laverne Brown, Natalie Mendoza, Pedro Mendoza, Aaron “Jack” Page, Carolyn Smith, Daniel Urteaga and Vernica Zamarripa.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
49. Administration re: Response to the 1999-2000 Grand Jury Recommendations pertaining to Mandated Inspection of the Juvenile Detention Center and Compensation for the Board of Supervisors.
AUTHORIZED LETTER OF RESPONSE TO THE PRESIDING JUDGE AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
50. Administration re: Designate Assistant Mental Health Director Troy Fox as Acting Director of Mental Health and authorize “A” Level Management Benefits.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
- 50a. Mental Health re: Authorize one time payment to Insurance Intermediaries from Budget Unit 41500-Mental Health not to exceed \$850,000 and approve necessary budget transfer-\$850,000.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
- 50b. Ag. Commission re: Contract with Calif. Dept. of Pesticide Regulation to develop a Field Border Database (mapping) system for permit and operator identification pesticide use program for Merced County, authorize non-aligned Extra Help Student Intern at \$7.68/hour, adopt Resolution and approve necessary budget transfer-\$5,000. (4/5 Vote Required)
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000134 AND ADOPTED RESOLUTION NO. 2000-106 AYES: 1, 2, 4, 5 NOT PRESENT: 3
51. Williamson Act Working Group Committee re: The Williamson Act – Authorize staff to conduct informational meetings in various locations throughout the County and direct the Williamson Act Working Group return to the Board on July 25, 2000 with a final recommendation on whether or not to implement the Williamson Act.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
52. Board of Supervisors re: Committee/Commissions and Boards.
(a) Recommended Appointments:
Le Grand Recreation Committee
REAPPOINTED LESLIE CHAPMAN TO SERVE AS A MEMBER OF THE LE GRAND RECREATION COMMITTEE UNTIL DECEMBER 1, 2001

Snelling Recreation Committee
REAPPOINTED HUBERT BOLAND AND KELLY BAUER TO SERVE AS MEMBERS OF THE SNELLING RECREATION COMMITTEE UNTIL SEPTEMBER 4, 2003.

Hilmar Municipal Advisory Council
REAPPOINTED DAVID ANDERSON TO SERVE AS A MEMBER OF THE HILMAR MUNICIPAL ADVISORY COUNCIL UNTIL MAY 3, 2003

Winton Recreation Committee
APPOINTED KELLY THOMAS TO SERVE AS A MEMBER OF THE WINTON RECREATION COMMITTEE UNTIL AUGUST 9, 2003 REPLACING PAUL PITCHFORD

Merced Cemetery District
REAPPOINTED JIM CASEY UNTIL NOVEMBER 25, 2003 AND NANCY THORINGTON UNTIL AUGUST 16, 2001 AND APPOINTED KAYTIE PETERSON UNTIL AUGUST 16, 2001 TO SERVE AS DIRECTORS OF THE MERCED CEMETERY DISTRICT

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

(b) Vacancy Lists for All Boards – May, 2000

BOARD INFORMATION AND POSSIBLE ACTION

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

53. Public Works re: Lake Yosemite Boat Launching Facilities Bid Results.
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200084 WITH LOCKWOOD GENERAL ENGINEERING
54. Planning re: University Community Plan Planning Fairs.
55. Mong Pheng Community, Inc. re: Invitation to attend Special Recognition Party on June 10, 2000.
56. CSAC re: Fair Competition and Taxpayer Savings Initiative.
57. United Domestic Workers of America re: In Home Supportive Services Advisory Committee.
58. California Narcotic Officers Association re: Notice of alert of a change in California law with respect to so-called "needle-exchange" programs.
59. State Dept. of Fish and Game re: Notification of grant request to CALFED for activities that could occur with Merced County in collaboration with Grassland Resources Conservation District and San Joaquin river parkway and Conservation Trust. (On file with Clerk)
60. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of 75,000 acre-feet of water to the United States Bureau of Reclamation under Calif. Dept. of Water Resources Permit 16482 (Application 17512).
61. State Water Resources Control Board re: Application 17512 – Order Approving Petition for Temporary Transfer of Water from the State Department of Water Resources to the Westlands Water District.

62. California Regional Water Quality Control Board re: Addendum to Notice of Opportunity for Public Hearing concerning rescinding Waste Discharge Requirements Order No. 96-193, Cease and Desist Order No. 96-194 and Special Order No. 99-003 for City of Gustine – Wastewater Treatment Facility, Merced County.
63. State Board of Equalization re: Review of Possessory Interest Regulations Property Tax Rules 21, 22, 23, 24, 25 and 28.
64. State Board of Equalization re: Butte County Assessment Practices Survey – May 2000. (On file with Clerk)
65. State Board of Equalization re: Assessment Practices Survey released for San Diego County. (On file with Clerk)
66. U.S. Fish and Wildlife Service re: Draft Recovery Plan for the California Red-Legged Frog. (On file with Clerk)
67. U.S. Fish and Wildlife Service re: Environmental Assessment, Land Protection Plan, and Conceptual Management Plan for the Proposed Diablo Range Wildlife Management Area in Merced, Santa Clara, and Stanislaus Counties, California. (On file with Clerk)

ADOPTED RESOLUTION AND ADJOURNED THE MEETING IN MEMORY OF DWIGHT OLIVER UNTIL JUNE 7, 2000 AT 9:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 6, 2000

10:00 A. M. SCHEDULED ITEM

2000-06-06 CASTLE JOINT POWERS AUTHORITY

County Administrative Officer Greg Wellman advises discussion and possible action pertaining to Castle Joint Powers Authority (JPA) membership is before the Board for consideration. Mr. Wellman states correspondence has been received from the City of Atwater expressing their desire for an early dismissal from the JPA.

The Board discusses cooperatively finding a mutually acceptable date for an orderly transition and the Castle JPA actions that may be legally binding on the County.

Following further discussion, the Board continues the matter until Wednesday, June 7, 2000 to provide Supervisor Rivero with the opportunity to be present.

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board continues further discussion on the Castle JPA membership until June 7, 2000 at 9:00 a.m. and requests correspondence be drafted for Board review to the City of Atwater expressing Merced County's interest to work collaborately.

Ayes: O'Banion, Cortez Keene, Crookham, Kelsey

Not Present: Rivero

Following further discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes Administration to work with state legislative representatives to enact the statutory changes needed to conform with recent Federal designation of Merced County as the Local Redevelopment Authority for Castle in replacement of the Joint Powers Authority.

Ayes: O'Banion, Cortez Keene, Crookham, Kelsey

Not Present: Rivero

10:30 A.M. SCHEDULED ITEM

2000-06-06 PUBLIC WORKS – Public Hearing – User Charge Rates Zones of Benefit for County Service Area 2000/2001

The time and date previously set for a public hearing to consider An Ordinance entitled User Charge Rates for Zones of Benefit for County Service Area 2000/2001 User Charge Rates (Repeals Ordinance No. 1626) submitted by Public Works.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board waives further reading and adopts Ordinance No. 1640.

Ayes: O'Banion, Cortez Keene, Crookham, Kelsey

Not Present: Rivero

10:30 A.M. SCHEDULED ITEM

2000-06-06 PUBLIC WORKS – Public Hearing - Countywide Siting Element

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

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 Amends the Merced Countywide Siting Element and adopts Resolution No. 2000-102 (Siting Element) and Resolution No. 2000-103 (General Plan Consistency).

Ayes: O'Banion, Cortez Keene, Crookham, Kelsey

Not Present: Rivero

10:30 A. M. SCHEDULED ITEM

2000-06-06 PLANNING – Public Hearing - General Plan Amendment Application No. 98007, Zone Change Application No. 98008 and Administrative Permit Application No. 99060

The time and date previously set for a public hearing to consider General Plan Amendment Application No. 98007, Zone Change Application No. 98008 and Administrative Permit Application No. 99060 submitted by Northern Merced Hulling Association to change the General Plan designation of two parcels totaling 35 acres from Ballico Specific Urban Development Plan (SUDP) Residential to Agricultural, change the zoning from R-1 (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.

Planner III Mohammad Khorsand provides the Planning Staff Report and advises the Planning Commission recommends approval with modification to Condition No. 3 and an addition of Condition No. 13 to the Administrative Permit.

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

Based on findings and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board adopts the Negative Declaration and Mitigated Monitoring Program; makes an intended decision to approve General Plan Amendment No. 98007, Zone Change No. 98008 and Administrative Permit Application No. 99060 with the following conditions:

1. Administrative Permit Application No. 99060 is granted for using the subject property for seasonal stockpiling of field almonds that are processed at the almond processing plant south of the subject property. (From August to November)
2. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1 (part of applicant's staff report).

3. The applicant shall establish buffer acre along the north, west, and south property lines of the site of at least 150 feet wide. The buffer areas shall be planted with appropriate types of trees as determined by the Planning and Community Development Director to act as a wind barrier. The buffer areas shall be maintained and serviced by a permanent irrigation system. This Mitigation Measure shall be implemented by the applicant as long as the permit is in effect and be monitored by the Planning and Community Development Department through random site inspections (MM).
4. There shall be a vegetative cover planted following each seasonal use of the storage area. This Mitigation Measure shall be implemented by the applicant as long as the permit is in effect and be monitored by the Planning and Community Development Department through random site inspections (MM).
5. Access roads between the rows shall be sprayed with an appropriate dust suppressant material as often as necessary to keep dust to a minimum. The unused portion of the site shall be sprayed with an automatic sprinkler system as often as necessary to keep the dust to a minimum. This Mitigation Measure shall be implemented by the applicant as long as the permit is in effect and be monitored by the Planning and Community Development Department through random site inspections (MM).
6. To the extent feasible, the stockpiling of almonds shall begin at the northeast corner of the property and continue toward the south and west of the site. This Mitigation Measure shall be implemented by the applicant as long as the permit is in effect and be monitored by the Planning and Community Department through random site inspections (MM).
7. All trucks and equipment shall access the site from Broadway, and from a designated driveway. This Mitigation Measure shall be implemented by the applicant as long as the permit is in effect and to be monitored by the Planning and Community Development Department through random site inspections (MM).
8. Fumigation of the field almonds shall be done by a certified applicator in conformance with the requirements of the Environmental Protection Agency, the Agriculture Commissioner Office and the manufacturer's application procedures.
9. Prior to commencing the use of the property, the applicant shall obtain an encroachment permit from the County Road Division, and pay applicable permit fees, for construction of a designated driveway approach from the site to Broadway.
10. Prior to consideration of the project by the Board of Supervisors, the applicant shall record a Voluntary Merger merging all the lots within the subject 35 acre property into one parcel.
11. To cover the county staff time for monitoring the conditions and mitigation measures an initial amount of \$400.00 shall be paid within 10 days of the approval of the Administrative Permit by the Board of Supervisors. Should additional staff time be required for mitigation or condition monitoring, the applicant shall reimburse the County for staff time at the establishment hourly rate at the time of inspection.

12. Piles shall not be closer than 10 feet from the property line and shall not exceed 25 feet in height or a volume of more than 937,000 cubic feet. Piles shall be separated from each other by a minimum of 20 feet and shall not be placed under power lines.
13. Upon consideration of a sale of the homesite parcel, Northern Merced Hulling Association shall record a document similar to the Right to Farm Certificate for said parcel acknowledging that residents of the homesite parcel may be subject to inconveniences arising from operation of the adjacent storage facility and other farming operations that may occur on said parcel. Additionally, upon consideration of sale of the homesite, the Company shall create a similar buffer area along the property line that separates the homesite from the property used for storage of the field almonds.

Ayes: O'Banion, Cortez Keene, Crookham, Kelsey

Not Present: Rivero

ACTION ITEM NO. 36

2000-06-06 HEALTH – Sutter Merced Medical Center

The Chairman advises authorization to proceed with negotiations for adjustments to the definitive agreements relating to the lease and operation of the County Hospital is before the Board.

Supervisor Crookham advises she has received numerous phone calls by employees who are concerned with retirement/benefits.

AFSCME Business Representative Judy Steinke states the employees are very concerned about their jobs and wish to be part of the negotiating process.

Denise Murphy, Sutter employee, states she was disappointed in the treatment of the Sutter employees during the last hospital transfer.

Betty Goudy speaks concerning indigent/patient representation on health care issues.

Kristie Waskiewicz, AFSCME representative, speaks in support of the employees being protected.

Mercy Hospital Administrator John Heading appears before the Board stating the intent is to recognize the existing unions.

Health Officer Mike Ford reviews the Staff Report and clarifies the unions were not part of the negotiation process. However, at this point of time Mercy is making a commitment to rehire and recognize the bargaining units.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Kelsey, duly carried the Board accept in concept the request of Sutter Health/Sutter Merced Medical Center to terminate the Definitive Agreements, at a future point in time, for the lease and operation of the County Hospital and the request of Merced Hospital/Catholic Health Care West to enter into formal negotiations with Merced County to assume the terms, conditions and obligations of those Definitive Agreements and authorize a negotiation team consisting of the Public Health Director, the Auditor-Controller, County Counsel and an external legal services contractor, serving as lead negotiator, to proceed with those negotiations with Merced Hospital/Catholic Health Care West.

Ayes: O'Banion, Cortez Keene, Crookham, Kelsey

Not Present: Rivero

11:00 A.M. SCHEDULED PRESENTATION

2000-06-06 PLANNING – County Redevelopment Feasibility Study

Planning Director Robert Smith provides a brief staff report on the County Redevelopment Feasibility Study.

Quad-Knopf Consultant Mr. Peck reviews the Study dated August 1, 2000 for Merced County.

The Board and Staff discuss the redevelopment process, the areas with physical and economical blight reviewed and recommended for redevelopment, impact on other potential federal grants and the property tax effect.

Supervisor O'Banion expresses concern stating he does not feel a thorough study of the Merced County area has been conducted.

Supervisor Kelsey questions completion of General Fund analysis if it has not been identified which areas are targeted and requests various scenarios be developed that could be considered for adoption.

Following further discussion, Supervisor Cortez Keene moves, staff be directed to provide appropriate funds and consultant to provide the necessary information on specifics of the redevelopment process/law and to bring forth further information on concerns expressed on the completeness of the study and possible other areas of blight not recommended.

The Chairman calls for a Vote on the Motion. Motion dies for lack of second.

Present: O'Banion, Cortez Keene, Crookham, Kelsey

Not Present: Rivero

Following discussion, Supervisor Cortez Keene moves, seconded by Supervisor Kelsey, the Board direct Staff to provide an information package on the mechanisms of Redevelopment, specifically address financing and take appropriate steps to provide an educator through study sessions or other appropriate means; address further concerns of blight in the areas of Santa Nella and the Dos Palos "Y" area and the Castle legislative status with staff to come back to the Board no later than the end of July.

The Chairman calls for a Vote on the Motion. Motion carries.
Ayes: O'Banion, Cortez Keene, Crookham, Kelsey
Not Present: Rivero

10:30 A.M. SCHEDULED ITEM

2000-06-06 PLANNING – Public Hearing – Appeal of Zone Variance Application No. 99008 and Minor Subdivision Application No. 99033

The time and date previously set for a public hearing to consider an Appeal of Zone Variance Application No. 99008 and Minor Subdivision Application No. 99033 submitted by Ed Mackin to subdivide a 19.5 acre parcel into two parcels of 2.5 and 17 acres each and to vary from the minimum 20 acre parcel requirement of the A-1 (General Agricultural) zone on property located on the south side of American Avenue, 660 feet west of Golf Link Road in the Hilmar area.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board continues the Public Hearing until June 20, 2000 at 10:30 a.m. to consider an appeal to Zone Variance Application No. 99008 and Minor Subdivision Application No. 99033.

Ayes: O'Banion, Cortez Keene, Crookham, Kelsey
Not Present: Rivero

10:00 A.M. SCHEDULED ITEM

2000-06-06 ADDED AGENDA ITEM – DISTRICT ATTORNEY

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board finds the need, subsequent to the posting of the Agenda, to take action on a Contract with the Office of Criminal Justice Planning and places the item on the Agenda for Board consideration.

Ayes: O'Banion, Cortez Keene, Crookham, Kelsey
Not Present: Rivero

Upon motion of Supervisor Cortez Keene, seconded by Supervisor Kelsey, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 99114 with Office of Criminal Justice Planning for continuation of Grant Funds for Answers Benefiting Children/Child Abuse Treatment Services Program and approves Amendments to Contract No. 99044 with District Attorney and Contract No. 99049 with A Woman's Place for provision of services and adopts Resolution No. 2000-101.

Ayes: O'Banion, Cortez Keene, Crookham, Kelsey
Not Present: Rivero