



**MERCED COUNTY
BOARD OF SUPERVISORS
SUMMARY ACTION MINUTES**

Regular Meeting
TUESDAY, OCTOBER 31, 2000
Closed Session – 8:30 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

DEMITRIOS O. TATUM
ACTING 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

8:30 A. M.

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: Name of Case: Lim v. City of Long Beach

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- Bev Morse-Assistant County Administrator concerning negotiations from American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6, and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers' Association (MCSEA), Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2 and Merced County Law Enforcement Sergeants, Unit P

8:30 A. M.

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real property Negotiator(s) Paul Fillebrown-Public Works Director pursuant to Section 54956 as follows:
Property/Reference: F.A.A.
THE CHAIRMAN ADVISED CLOSED SESSION WAS HELD WITH ALL MEMBERS PRESENT AND DIRECTION WAS GIVEN TO STAFF

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)

The following speak: Darryl Rusk, IEMC Representative

UC MERCED PROJECT - Liaison Report

RECEIVED REPORT FROM LIAISON REPRESENTATIVE KATHLEEN CROOKHAM

BUDGET TRANSFERS FROM REVENUE (4/5 Vote Required)

District Attorney-\$2,100; Public Works/Fleet-\$27,000; Fire-\$73,183 and Retirement-\$55,750

APPROVED AS RECOMMENDED AYES: ALL

MINUTES SUBMITTED FOR BOARD APPROVAL:

FEBRUARY 29; MARCH 14, 21, 28; APRIL 4, 11, 18; MAY 2, 9, 16, 23, 30; JUNE 6, 7, 20, 27 AND JULY 11 AND 25, 2000

HELD OVER UNTIL NOVEMBER 7, 2000 BOARD MEETING AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 – 27)

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF COMMUNITY ACTION AGENCY CONSENT AGENDA (Items # 28 - 31)

APPROVED AS RECOMMENDED AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

PUBLIC WORKS – PUBLIC HEARING

Mitigated Negative Declaration based on the Results of the Initial Study for the Oakdale Road over the Merced River Bridge Project

REVIEW BOARD ORDER – SEE PAGE 13, 14

APPROVED AS RECOMMENDED AYES: ALL

10:30 A. M.

PUBLIC WORKS – PUBLIC HEARING – PROPOSED ORDINANCE, POSSIBLE ADOPTION

An Ordinance Granting the Right, Privilege and Franchise to Install, Operate, Maintain, Repair, Replace, Change the Size and Number of, Abandon In-Place and/or Remove Pipelines In, Under, Along and Across Any and all Public Streets, Roads, and Highways within the Unincorporated portions of the County of Merced

REVIEW BOARD ORDER – SEE PAGE 14

APPROVED AND ADOPTED ORDINANCE NO. 1650 AYES: ALL

PLANNING – PUBLIC HEARING – INTENDED DECISION

General Plan Amendment No. 00001 and Zone Change No. 00001
(Bianchi / Raymond, applicant)

To amend the County General Plan land use diagram from Franklin-Beachwood Specific Urban Development Plan (SUDP) Residential Reserve to Medium Density Residential, and change the zoning from R-1 (Single-Family Residential, 6,000 square feet minimum) to R-1-5000 for property located south of Lobo Avenue and west of the El Capitan Canal in the Franklin-Beachwood area

REVIEW BOARD ORDER – SEE PAGE 14, 15

REFERRED BACK TO STAFF UNDERSTANDING THE ITEM WILL COME BACK TO THE BOARD WITHIN 60 DAYS AYES: 1, 2, 4, 5 NOES: 3

BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

FY 2000/2001 Community Development Block Grant Program Funding

REVIEW BOARD ORDER – SEE PAGE 15, 16

APPROVED AS RECOMMENDED AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES – PUBLIC HEARING

To consider Application by New Bethany for financing of its skilled nursing facilities located in Los Banos through Tax-Exempt Obligations not to exceed \$6,000,000

PULLED FROM AGENDA – NO ACTION TAKEN

HEALTH – PUBLIC HEARING (BEILENSON HEARING)

To consider testimony regarding the proposed assignment of the Hospital Lease and Health Care Operating Agreement from Sutter Merced Medical Center-Sutter Health to Mercy Hospital and Health Services-St. Joseph's Regional Health Care West and make findings based upon the evidence and testimony received that the proposed assignment will not have a detrimental impact upon health care services for indigents in Merced County

REVIEW BOARD ORDER – SEE PAGE 16, 17, 18

APPROVED AND ADOPTED RESOLUTION NO. 2000-209 AYES: ALL

10:30 A. M. **REPORTS/BOARD DIRECTION**
County Administrator
County Counsel
County Auditor
Board of Supervisors Members

LUNCH BREAK

WEDNESDAY, NOVEMBER 1, 2000
8:30 A. M. WATER FORUM STUDY SESSION

CONSENT CALENDAR (Items #1 – 27)
APPROVED AS RECOMMENDED AYES: ALL

Travel Requests

1. Approve Travel Requests for Private Industry Training Department (4), Public Works-Castle and Public Works-Solid Waste as recommended by Administration.

Overhires

2. Authorize Overhire of one Assessment Clerk I/II with a Limited Term Appointment for a period not to exceed six months for the Assessor's Office.
3. Authorize Overhire of two Road Maintenance Worker I's for a period not to exceed six months for Public Works.
4. Authorize Overhire of one Supervising Family Assistance Representative with a Limited Term Appointment for a period not to exceed six months for Human Services Agency.
5. Authorize Overhire of one Correctional Officer I/II for a period not to exceed six months for Sheriff.
6. Authorize one Underfill Overhire for the Chief Deputy Coroner position with a Deputy Coroner I/II position for a period of six months in the Sheriff/Coroner.

Claims for Damages

7. Act on Claims for Damages received from R. Cherry Linsey/Jacqueline Gilmore, Juan Carlos Sosa, Rosa Goodhart, Lamberto Rodriguez, Donna Crowder and Latasha Monique King as recommended by Risk Management.

Public Works

8. Authorize Tree Trimming Differential for Park Maintenance Specialist classification and adopt Resolution.

ADOPTED RESOLUTION NO. 2000-202

9. Approve Contract Documents for Reroofing of the Dos Palos Del Hale Community Hall, authorize Public Works Director to advertise and set bid opening and award contract to successful bidder and return to the Board with bid results.
10. Approve Plans and Specifications for Construction of Rural Driveway Approaches at various locations, authorize Public Works Director to advertise and set bid opening for December 7, 2000 and award contract to successful bidder and return to the Board with bid results.
11. Accept Final Map for Almond Blossom Estates Phase 2 Subdivision in the Atwater area.
12. Adopt Resolution and authorize Chairman to sign Right of Way Contract accepting Grant Deed from Jesus/Gloria Escalante for a parcel of land required for the Delhi Drainage Project.
ADOPTED RESOLUTION NO. 2000-203 AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000217
13. Adopt Resolution and authorize Chairman to sign Right of Way Contract accepting Grant Deed from Johnny/Garnet Crain for a parcel required for the Realignment/Reconstruction of Avenue Two over Canal Creek between Buhach Road and Santa Fe Avenue in Atwater.
ADOPTED RESOLUTION NO. 2000-204 AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000218
14. Adopt Resolution and authorize Chairman to sign Right of Way Contract accepting Grant Deed from Ae Cha Song for a parcel required for the Realignment/Reconstruction of Avenue Two over Canal Creek between Buhach Road and Santa Fe Avenue in Atwater.
ADOPTED RESOLUTION NO. 2000-205 AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000219
15. Approve and authorize Chairman to sign Addendum to Contract No. 7300 with Robert/Janice Hilder, Revocable Trust for Lake Yosemite Grazing Land Lease.

Health

16. Adopt Resolution and authorize Chairman to sign Renewal Contract No. 7825 with State Integrated Waste Management Board for Solid Waste Enforcement Assistance Grant.
ADOPTED RESOLUTION NO. 2000-206

Probation

17. Approve and authorize Chairman to sign Renewal Contract No. 6315 with State Dept. of Education for participation in the National School Breakfast and Lunch Program.

Ag. Commission

18. Approve and authorize Chairman to sign Amendment to Contract No. 6737 with Calif. Dept. of Food and Agriculture for Petroleum Products Inspections.

Human Services Agency

19. Approve and authorize Chairman to sign Addendum to Contract No. 200057 with Business-Economic Opportunities for monitoring of activities for business/job creation for CalWORKs clients.

Private Industry Training Department

20. Approve and authorize Chairman to sign Amendment to Contract No. 9858 with Merced College for Licensed Vocational Nursing Training Services for Workforce Investment Act (WIA) participants.
21. Approve and authorize Chairman to sign Amendment to Contract No. 99117 with Merced College to add six additional WIA Participants for RN Training.

Fire

22. Approve and authorize Chairman to sign Renewal Contract No. 7291 with Merced Community College District to continue to provide firefighting training.

Board Recognition

23. Authorize Certificates of Recognition honoring 'Make a Difference Day' in Atwater and Los Banos communities and proclaim October 23 – 27, 2000 as 'Red Ribbon Week' in Merced County.
24. Authorize Certificates of Recognition honoring Louise Farley, Jeannie Johnson and Sally Vaught for National Business Women's Week Awards by Merced Business and Professional Women.
25. Authorize Certificates of Recognition to various individuals for their Awards by A Woman's Place 'Response with a Heart' in recognition of their dedicated service.

REVIEW BOARD ORDER – SEE PAGE 13

26. Adjourn Meeting in memory of Helen Eyraud.

Ag. Commission

27. Approve Budget Transfers for Ag. Commission-Weights & Measures as follows: \$1,300; \$600 and 2,350.

COMMUNITY ACTION AGENCY CONSENT CALENDAR (Items #28 – 31)

APPROVED AS RECOMMENDED AYES: ALL

28. Approve and authorize CAB Chair to sign Contract with Winton Community Hall Board for lease agreement for use as Winton CHERISH Site.
29. Approve and authorize CAA to apply for Federal Emergency Management Agency (FEMA) Phase XIX Funding to be used for Housing/Shelter Department in the amount of \$70,000.
30. Approve and authorize CAA to apply for Grant Funding from the State Dept. of Housing and Community Development for Emergency Housing Assistance Program (EHAP) and authorize CAA Executive Director to sign Contract if grant is approved.
31. Accept and place CAA Information, Staff and Committee Reports on file.

REGULAR CALENDAR

BOARD ACTION

BUSINESS-ECONOMIC OPPORTUNITIES

32. Authorize submittal of Final Application to U.S. Dept. of Commerce-Economic Development Administration for a Castle Airport Development Grant.

REVIEW BOARD ORDER – SEE PAGE 13

APPROVED AND ADOPTED RESOLUTION NO. 2000-207 AYES: ALL

- 32a. Approve Request for Joint Venture Proposal FOCUS Program (RFJVP) No. 5678 categorical awards as follows: Category 1 – Davis Office Systems, Inc. and Category 2 – Davis Office Systems, Inc.; the Board find, based on evidence in the record, that the provision of special services will not adversely impact the provision of similar services by private sector companies or individuals within the County; and authorize Contracts be prepared and signed by Chairman.

**APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN
CONTRACT NO. 2000230 AYES: ALL**

PUBLIC WORKS

33. Authorize Public Works to prepare and circulate a Request for Proposal to solicit interested Firms/Individuals to provide Professional Consultant Services for Audio/Visual Consulting under an Annual Retainer Contract with a \$75,000/per Project Limit and no per year maximum for a period from execution of a Contract until June 30, 2003.

APPROVED AS RECOMMENDED AYES: ALL

34. Resolution funding the City of Merced's Rule 20A Underground Utility District #9 for Merced County Owned Property using P.G.&E. allocation for Underground Utility conversions.

APPROVED AND ADOPTED RESOLUTION NO. 2000-208 AYES: ALL

35. Approve Budget Transfer in the amount of \$285,000 in Budget Unit 75100 for the purchase of a Wood Waste Grinder.

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS-CASTLE

36. Airport Sublease between Merced County and Chuck Gonzales DBA Golden State Trucking for month to month tenancy of Facility 1316.

**APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN
CONTRACT NO. 2000223 AYES: ALL**

37. Amendment to Lease Contract with U.S. Air Force and if approved, authorize Amendment to Sublease with Challenger Learning Center extending the term of lease for four years.

**APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN
CONTRACT NO. 2000228 AYES: ALL**

38. PULLED

HEALTH

39. California Healthcare for Indigents Program (CHIP) Application for FY 2000/2001 and approve Budget Transfers to bring SCEAP Budgets into alignment with anticipated revenues and authorize Chairman to sign appropriate documents.

APPROVED AS RECOMMENDED AYES: ALL

40. Contract with Human Services Agency for Social Worker services in conjunction with "First Steps" Project.

APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000224 AYES: ALL

41. Contract with Mental Health Department for Alcohol and Drug Counselor services in conjunction with "First Steps" Project.

APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000225 AYES: ALL

AG. COMMISSION

42. Contract with Dr. J. Kendall Harding, DVM for independent contractual Veterinarian for interim medical services at the County Animal Shelter and authorize coordination for the development of specifications to be used in the solicitation of proposals for said services and return to the Board with appropriate contract(s) derived from proposal.

APPROVED AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000226 AYES: ALL

HUMAN SERVICES AGENCY

43. PULLED.

44. Authorize Sole Source Purchase of Plato Lab Software/Licenses by General Services on behalf of Human Services Agency for Livingston District Office in the amount of \$33,694 to train CalWORKs participants and authorize Chairman to sign Client Order Form.

APPROVED AS RECOMMENDED AYES: ALL

45. Contract with Central Valley Opportunity Corp. to provide CalWORKs activities to participants for specialized services and authorize Human Services Agency Director to sign Contract Amendments within Contract Budget.

APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000229 AYES: ALL

ASSESSOR/PLANNING & COMMUNITY DEVELOPMENT

46. Approve and authorize Chairman to sign Williamson Act Contracts with the following Applicant(s): Anthony/Nora Forte, Lewis Mathis, Anthony/Esther Lopez and Raymond/Jacqueline Ferreira (4).

REVIEW BOARD ORDER – SEE PAGE 18

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

47. Accept California Law Enforcement Equipment Program (CLEEP) High Technology Grant Funding in the amount of \$172,610.00 allocated by State Controller for one time grants to local law enforcement agencies for purchase of technology and equipment, authorize solicitation of proposals for the acquisition of required In Car Video Systems plus accessories and installation, mobile radios and accessories, authorize Chairman to sign Contract and approve necessary budget transfer.

APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000220 ACCEPTING FUNDS SUBJECT TO CONCURRENCE OF COUNSEL AYES: ALL

48. Authorize Sheriff to utilize solely the firm of Mayer and Coble, Attorney at Law to review and update current departmental operations policies and manuals to ensure compliance with current law and consistency with other Sheriff Departments, authorize General Services Director to review and execute contracts subject to review of Counsel, contracts not to exceed \$10,000 understanding cost of item will be offset with available Sheriff Department Trust Funds and approve necessary budget transfer.

APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000221 AYES: ALL

GENERAL SERVICES

49. Contract with Stuart Land Owners, LLC for Human Services Agency Adult Service Program office lease.

APPROVED RECOMMENDATION AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2000222 AYES: ALL

PLANNING

50. Resolution authorizing submission of Application for \$500,000 Grant to State Dept. of Housing and Community Development under the Home Investment Partnerships Program (HOME), adopts the Participant Guidelines for the 2000 HOME Program and authorizes the Director or Assistant Director of Planning and Community Development to execute in the name of the County of Merced, the application and the Standard Agreement or Contract, if awarded, all other documents required by the Calif. Department of HUD for participation in the HOME Program and any amendments thereto.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT AND ADOPTED RESOLUTION NO. 2000-210 AYES: ALL

51. Approve and authorize Director of Planning and Community Development to sign the Subordination Agreement with Jesus/Carolina Arceo for Deed of Trust recorded September 11, 1996.

REVIEW BOARD ORDER – SEE PAGE 18
APPROVED AS RECOMMENDED AYES: ALL

52. Referrals of Development Projects and Environmental Documents to Municipal Advisory Councils.

REVIEW BOARD ORDER – SEE PAGE 19
ACCEPTED RECOMMENDATION AS PROPOSED AYES: ALL

MERCED COUNTY SPRING FAIR-LOS BANOS

53. Approve Year 2001 Spring Fair Budget and authorize submission to the Calif. Dept. of Food & Agriculture-Division of Fairs & Expositions for Funding for calendar year January 1, 2001 through December 31, 2001.

APPROVED AS RECOMMENDED **AYES: ALL**

ADMINISTRATION

54. Approve Modification of the Minimum Qualifications for the County Museum Director classification.

APPROVED AS RECOMMENDED **AYES: ALL**

55. Authorize a twenty-four month period for two incumbent County Employees – one Management Analyst I/II/III position and one Executive Secretary position - transferring to the UC Merced Project Office to return to their previously held position with no loss of seniority.

REVIEW BOARD ORDER – SEE PAGE 19

MODIFIED RECOMMENDATION TO AUTHORIZE A 48 MONTH PERIOD **AYES: ALL**

56. Approve assessing Santa Nella Assessment District No. 1993-1 approved by the Board on June 22, 1993, Resolution No. 93-187 (Santa Nella Outlet parcels) in excess of the 50% maximum (assessment/ current value) provided for in the Assessment Engineer's preliminary report.

APPROVED AS RECOMMENDED **AYES: ALL**

- 56a. Calif. County Tobacco Securitization Agency (JPA) with Stanislaus County, Sonoma County and Kern County – Appoint the Chairman and Vice-Chairman to represent Merced County.

APPROVED AS RECOMMENDED **AYES: ALL**

BOARD OF SUPERVISORS

57. Adopt Resolution amending the Snelling Municipal Advisory Council membership by increasing the membership from 5 to 7 members and expanding the membership boundary to include the portion of the Merced River School District lying north of Oakdale Road.

APPROVED AND ADOPTED RESOLUTION NO. 2000-211 **AYES: ALL**

BOARD APPOINTMENTS

58. San Joaquin Valley Water Coalition - Appoint the following to represent Merced County in the San Joaquin Valley Water Coalition:

City – Amy Spann; Agriculture – Stan Morimoto; Environmental – Jeff Palsgaard; Business – Mike Gallo; Water District – Steve Cheddester; Building Industry/ Development – Duane Andrews; Academic – Les McCabe; Citizen At Large – Jim Cunningham and Jim O'Banion; and Recreational/ Fishing/ Sportsmen - Bob Abrahams.

APPROVED AS RECOMMENDED **AYES: ALL**

59. PULLED.

60. Board of Supervisors re: Committee/Commissions and Boards.
Mental Health Advisory Board

APPOINTED DR. LINDA GAMBLE TO SERVE AS A MEMBER OF THE MENTAL HEALTH ADVISORY BOARD REPRESENTING DISTRICT FOUR UNTIL JUNE 30, 2002
AYES: ALL

BOARD INFORMATION AND POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

61. Vietnam Veterans of America, Inc.-Chapter 691 re: Letter to inform that Merced County, Chapter 691, Vietnam Veterans of America, Inc. was not party to the proposal to change the name of the Merced County Court House Park to the Veterans Memorial Park.
62. Merced Lao Family Community, Inc. re: Official request the honor of your presence and participation in the Traditional 2000-2001 Hmong New Year Celebration Opening Ceremonies to be held at the Merced County Fairgrounds set to begin December 16, 2000.
63. Shepherd of the Valley Lutheran Church re: November 5, 2000 Events dedicating 'Merced Victims Wall' and to honor veterans of all Armed Forces.
64. U.S. Fish & Wildlife Services re: Comment Period Reopened for Proposed Critical Habitat Designation for the California Red-legged Frog until November 19, 2000.
65. U.S. Fish & Wildlife Services re: Announcement of Open House on the Draft Recovery Plan for the California Red-legged Frog and written comments will be accepted until November 8, 2000.
66. Oroville-Wyandotte Irrigation District re: Pursuant to Section 1726 of the State Water Code – Petition for Temporary Change to facilitate the transfer of water from Oroville-Wyandotte Irrigation District to the Dept. of Water Resources during October through November, 2000. (On file with Clerk)
67. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of 10,000 acre-feet of water to the environmental water account, under Oroville-Wyandotte Irrigation District's permits 1267 and 2492.
68. State Water Resources Control Board re: Application 16186 – Order approving petition for Temporary Transfer of Water from Merced Irrigation District to the U.S. Bureau of Reclamation's Central Valley Project Improvement Act Water Acquisition Program. (On file with Clerk)
69. State Wildlife Conservation Board re: Minutes of August 10, 2000. (On file with Clerk)
70. State Board of Equalization re: Invitation to attend Property Taxpayers' Bill of Rights public hearings before the California State Board of Equalization set for November 29, 2000-Culver City District Office and December 13, 2000-Sacramento Headquarters Office.

71. State Board of Corrections re: Frequently Asked Questions – Request for Proposals for Local Juvenile Detention Facility Construction Grants Issued on September 21, 2000. (On file with Clerk)
72. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Section 402, Title 14, Calif. Code of Regulations relating to issuance of permits to kill Mountain Lions causing damage.
73. State Board of Equalization re: Summons to County Assessors to meet with State Board of Equalization to discuss issues relating to administration of assessment and taxation laws.
74. Yosemite Area Regional Transportation System re: Concept of Marketing Committee discussed and supported by the YARTS' Advisory Committee and Board of Commissioners.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF CHESSIE A. KELLEY, CHERYL LYNN JONES MOKU AND JAMES F. NICHOLAS UNTIL TUESDAY, NOVEMBER 7, 2000 AT 8:30 A.M.

SUMMARY ACTION MINUTES – OCTOBER 31, 2001 – BOARD ORDERS

CONSENT ITEM NO. 25

2000-10-31 BOARD OF SUPERVISORS - Commendation

Upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board authorizes Certificates of Recognition in honor of being selected by a Woman's Place "Response with a Heart" for dedicated service in the County of Merced as follows:

Detective Mike Parish, Merced County Sheriff's Department;
Kimberly Helms, Deputy District Attorney-Merced County;
Officer John Dunagan, Merced City Police Department;
Officer Jesse Ceja, Los Banos Police Department;
Officer Reece Haile, Livingston Police Department;
Officer Charles Hale, Dos Palos Police Department;
Officer Michael Toste, Atwater Police Department;
Chief Jerry Moore, Atwater Police Department and
Michael Nation, Merced Fire Department

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

ACTION ITEM NO. 32

2000-10-31 BUSINESS-ECONOMIC OPPORTUNITIES

Supervisor Cortez Keene moves, seconded by Supervisor Crookham, the Board approve the submittal of the Final Application for an Economic Development Administration (EDA) Grant to develop high tech capabilities and remove over forty buildings at Castle Airport and if USEDA approves the application and awards the grant, the County according to the California Constitution commits to appropriating the grant required matching funds during the term of the grant; authorize the Chairman to sign all required documents and adopt Resolution No. 2000-207.

Business Economic Opportunities Director John Fowler reviews the guidelines and EDA Final Application for a Castle Airport Development Grant.

The Chairman calls for a Vote on the Motion. Motion carries.

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

10:30 A.M. SCHEDULED ITEM

2000-10-31 PUBLIC WORKS – Oakdale Road / Merced River Bridge Project

The time and date previously set for a public hearing to consider the Mitigated Negative Declaration based on the Results of the Initial Study for the Oakdale Road over the Merced River Bridge Project submitted by Public Works.

The Chairman asks if there is anyone present who wishes to speak.

Mike Bettencourt, adjacent property owner, appears before the Board and requests additional information on the affect on his property.

Property Project Engineer Randy Bardini states property will be slightly affected by the alignment of the bridge.

Supervisor Kelsey requests Public Works review the plans with all interested landowners.

Upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board approves the Mitigated Negative Declaration for the Oakdale Road over the Merced River Bridge Replacement Project.

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

10:30 A.M. SCHEDULED ITEM
2000-10-31 PUBLIC WORKS – Ordinance No. 1650

The time and date previously set for a public hearing to consider a proposed ordinance which will grant a franchise to California Gas Gathering, Inc. for the purposes of installing and maintaining an underground gas pipeline within County Road Right of Way, - An Ordinance Granting the Right, Privilege, Franchise to Install, Operate, Maintain and Repair, Replace, Change the size and number of, Abandon In-Place and/or Remove Pipelines in, under, along and across any and all public Streets, Roads, and Highways within the unincorporated portions of the County of Merced submitted by Public Works.

The Chairman asks if there is anyone present who wishes to speak.

Pat Rogers, Manager of California Gas Gathering, is present stating their company is a private company and complies with all federal, state and local requirements.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Rivero, duly carried, the Board waives further reading of the proposed ordinance and adopts Ordinance No. 1650.

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

10:30 A.M. SCHEDULED ITEM
2000-10-31 PLANNING – General Plan Amendment No. 00001 and Zone Change No. 00001

The time and date previously set for a public hearing to consider General Plan Amendment No. 00001 and Zone Change No. 00001 submitted by Bianchi / Raymond to amend the designation of a 25.2 acre site from Franklin-Beachwood SUDP Residential Reserve to Franklin-Beachwood SUDP Medium-Density Residential, and to change the Franklin-Beachwood zoning map from R-1 (Single-Family Residential – 6,000 sq. ft. minimum lot) to R-1-5000 on property located south of Lobo Avenue and west of the El Capitan Canal in the Franklin-Beachwood area.

Planner Desmond Johnston reviews the Staff Report and advises the Planning Commission recommended approval of findings in support of the modified project approval and approval of General Plan Amendment with a Low-Density Residential designation, retaining the park combining designation and existing R-1 Zoning. Mr. Johnston reviews the alternative possible board actions.

The Chairman asks if there is anyone present who wishes to speak.

Applicant representative Duane Andrews, Golden Valley Engineering, reviews the proposal stating the goal is to provide homes for low to middle income families.

IEMC Representative Darryl Rusk comments on the size of lots of the homes and requests the Board insure adequate analysis by Sheriff's Office regarding policing in the area.

Following discussion and based on findings, Supervisor Kelsey moves, seconded by Supervisor Rivero, the Board approve the Negative Declaration and makes the Findings in support of the modified project approval, makes an intended decision to approve General Plan Amendment No. 00001 as modified with a Low Density Residential designation, retaining the park combining designation and existing R-1 Zoning and denies Zone Change Application No. 00001.

Further discussion is had on fire protection, zoning and park issues.

Supervisor Kelsey moves an Amendment to the Motion, seconded by Supervisor Crookham, to refer the Application back to Planning, for no more than 60 days, to allow additional work with the developer and the community on the R-1-5000 designation request to come back to the Board.

Following further discussion, Applicant Representative Duane Andrews states the Applicant would like the project to continue moving, however, is agreeable with the request.

The Chairman calls for a Vote on the Amendment to the Original Motion.

Supervisor Rivero votes "no". Motion carries.

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

Noes: Rivero

10:30 A.M. SCHEDULED ITEM

2000-10-31 BUSINESS-ECONOMIC OPPORTUNITIES – Fiscal Year 2000/2001 Community Development Block Grant

The time and date previously set for a public hearing to consider and discuss Fiscal Year 2000/2001 Community Development Block Grant (CDBG) Program Funding availability.

Business-Economic Opportunities Director John Fowler reviews the Staff Report explaining the CDBG Program, provides information on the amount of funding available, reviews the range of possible activities that may be undertaken with the CDBG funds. He states the recommendation before the Board is to provide matching funds, two year allocation totaling \$1,000,000, for an Application to the U.S. Economic Development Administration (EDA) for a project at Castle Airport

and Aviation Development Center. He also states an additional request is for use of CDBG Planning funds to consider supplying sewer and water to the area around two Highway 99 Interchanges in the Delhi area.

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

Supervisor Cortez Keene states there is a problem with unincorporated areas unable to pay matching funds and this proposal should include the understanding that at some point we meet together and discuss other needs and have a cooperative cohesive plan to approach the unincorporated areas as well.

Following discussion and upon motion of Cortez Keene, seconded by Supervisor Crookham, duly carried, the Board approves development of an Application requesting a two year allocation in the amount of \$1,000,000 of CDBG Economic Development Over-The-Counter Funds to provide matching funds for the EDA project at Castle Airport and Aviation Development Center.

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

10:30 A.M. SCHEDULED ITEM
2000-10-31 HEALTH – Beilenson Hearing

The time and date previously set for a public hearing (Beilenson Hearing) to receive testimony regarding the proposed assignment of the Hospital Lease and Health Care Operating Agreement from Sutter Merced Medical Center–Sutter Health to Mercy Hospital and Health Services–St. Joseph's Regional Health Care West.

Director of Public Health Mike Ford reviews Sutter Merced Medical Center discussions with officials at Mercy Hospital regarding potential opportunities for a joint venture on a future health care system and services in Merced County. He states Section 1442.5 of the Health and Safety Code requires the Board to hold a public hearing, referred to as a "Beilenson Hearing", prior to the closure, lease or transfer of management of a public hospital to provide for public comment. He further states Merced County will continue to meet its obligation to provide indigent health care pursuant to Welfare and Institutions Code Section 17000 through the Health Care Operating arrangements with Mercy.

The Chairman asks if there is anyone present who wishes to speak.

Aldo Sansoni, business owner, speaks in support of the proposal.

Mike Cahill, CEO of Sutter Health–Central Valley Region, states efforts of working collaborately with Mercy Hospital came to the conclusion the transfer would provide the most viable solution for the community and employees and requests the Board's support.

Bert Crane, Sr., Chairman of Mercy Hospital Board of Directors, speaks in favor.

Bob Carpenter, Merced resident, speaks in favor stating this will be a benefit to UC Merced.

Margaret Randolph, business owner, speaks in support of the Hospital transfer.

Cynthia Temple, citizen and member of the Governing Body and Chairman of the Finance Committee for Mercy Hospital, speaks in support of health care for all the citizens.

Nancy Brawley, Mercy Hospital Foundation Board Member and Chamber of Commerce member, speaks in support of the Hospital transfer.

Heidi Prowell and Marie Moshitto, Sutter employees, express concern on employees possible loss of rights and earned vacation/sick/retirement time.

Don Gormly, Anberry Rehabilitation Hospital owner, speaks in favor of the Mercy transfer.

Vicki Bandoni states she feels the hospital transfer is cost effective and a viable business decision for Merced County.

Carol Madruga, Mercy Hospital employee, speaks in support of the transfer.

Betty Goudy, Charter Member of Sutter Auxiliary, states health care needs to be a priority in Merced County.

Sue Ellen Rosen, Gilroy resident and Catholic Healthcare West nurse employee, reviews the 1996 transfer of Sutter Medical Center in Gilroy.

Lynn Cooman, Orthopedic Surgeon, comments on past position as Chief of Staff for each hospital and speaks in support of the merger.

Supervisor Crookham leaves the Chambers at 12:55 a.m.

George Poppyak, AFSCME Representative, speaks relative to Sutter employee protection and reproduction rights issues.

Supervisor Kelsey leaves the Chambers at 1:15 p.m.

Darryl Rusk, IEMC Representative, states the bargaining unit decision is inappropriate relative to the employees and requests the Board postpone any action until further negotiation is had on employee benefits, retirement, etc.

Dr. George Nevatt, Chief of Staff-Sutter, speaks in support of the transfer for the benefit to the community and addresses Sutter's shortfalls and weaknesses in their infrastructure, specifically the "on-call" medical staff and treatment programs.

Mike Krause, Sutter employee, states he was a County employee during the last hospital transfer and lost everything due to lack of seniority.

Supervisor Kelsey returns to the Chambers at 1:30 p.m.

Tim O'Neill and Ed Spinardi, local businessmen, speak in support of the Hospital transfer.

Dr. David Araujo, Sutter Residence Program Director, speaks in support of one hospital entity.

Terry Spring, Catholic Healthcare West Employee in Lodi, states they were faced with the same problem 10 years ago and the transfer has proven to be an outstanding healthcare choice.

The Board recesses at 1:30 p.m. and reconvenes at 2:30 p.m. with all members present.

John Headding, Mercy Hospital Chief Administrative Officer, reviews the benefits of Catholic Healthcare West should the County consent to the transfer.

Following discussion and upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board makes the Findings based upon the evidence and testimony received that the proposed assignment will not have a detrimental impact upon health care services for indigents in Merced County and adopts Resolution No. 2000-209.

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

ACTION ITEM NO. 46

2000-10-31 ASSESSOR / PLANNING

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign the following Contracts for Williamson Act designation:

Contract No. WA2000-0001 (APN 045-080-020); Contract No. WA2000-0002 (APN 045-320-012); Contract No. WA2000-0003 (APN 045-050-006, 045-050-021 and 045-050-014) and Contract No. WA2000-0004 (APN 005-200-028 and 005-200-027) with Raymond and Jacqueline Ferreira;

Contract No. WA2000-0005 (APN 140-170-055, 140-170-056 and 140-170-057) with Anthony R. and Esther P. Lopez, Co Trustees;

Contract No. WA2000-0006 (145-050-012) with Anthony J and Nora V. Forte, Trustees;
and,

Contract No. WA2000-0007 (053-040-003, 053-040-002, 053-040-001, 053-030-004, 053-020-003, 053-020-002, 053-020-001, 053-010-009, 053-010-004, 043-210-006, 043-210-005 and 043-210-004) with Lewis M. Mathis, Trustee.

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

ACTION ITEM NO. 51

2000-10-31 PLANNING

Upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Planning Director to sign Subordination of Deed of Trust recorded September 11, 1996 with Jesus and Carolina Arceo for funds received from the 95-HOME – 0179 First Time Home Buyer Grant.

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

ACTION ITEM NO. 52

2000-10-31 PLANNING

Following discussion and upon motion of Supervisor Rivero, seconded by Supervisor Crookham, duly carried, the Board accepts the recommendation for a County-wide Consistent Referral Procedure be established to maximum equity in the review of development projects and the review of environmental documents throughout the County of Merced by the Municipal Advisory Council's as proposed by Planning and Community Development understanding the procedure will come back to the Board for comment.

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

Supervisor Rivero suggests a Municipal Advisory Council be explored for the Lake Yosemite area.

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

ACTION ITEM NO. 55

2000-10-31 ADMINISTRATION

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Rivero, duly carried, the Board modifies the recommendation to authorize a Forty-Eight Month Period for two incumbent County employees – one Management Analyst I/II/III position and one Executive Secretary position transferring to the UC Merced Project Office to return to their previously held position with no loss of seniority.

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