



# SUMMARY ACTION MINUTES

## MERCED COUNTY BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, JUNE 11, 2002**

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

DEMITRIOS O. TATUM  
COUNTY EXECUTIVE OFFICER

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

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 - ANTICIPATED 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: Three Case(s)

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Subdivision (a) of Section 54956.9:  
Zuber v. County of Merced  
Agueda v. County of Merced

**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 the County of Merced Staff negotiators concerning negotiations with Merced County Sheriff Employee Association (MCSEA), Unit 2

**THE BOARD RECONVENED AT 10:15 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**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 REPORT**

**RECEIVED REPORT FROM UC LIAISON KATHLEEN CROOKHAM**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Health-\$10,000; Probation-\$7,000, \$1,500, \$4,450 and \$6,500; Public Works (Planada Storm Drain)-\$38,300 (#095), \$33,000 (#100), \$37,400 (#105); Planning-\$14,048 and Human Services Agency-\$40,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items # 1 - 67)

**MODIFIED APPROVAL PULLING CONSENT ITEM NO. 65 FROM THE AGENDA AYES: ALL**

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

10:30 A. M.

**PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION**

To consider Proposed Ordinance setting the County Service Area Number One User Charge Rates for Zones of Benefit in the 2002/2003 Fiscal Year (Repeals Ordinance No. 1657)

**REVIEW BOARD ORDER - SEE PAGE 17**

10:30 A. M.

**SHERIFF - PUBLIC HEARING**

To consider the 2002/2003 Criminal Justice Administrative Fees (Booking Fees)

**REVIEW BOARD ORDER - SEE PAGE 17**

10:30 A. M.

**HEALTH - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR JUNE 11, 2002 AT 10:30 A.M.**

To consider Proposed Ordinance establishing the Abandoned Vehicle Ordinance

**REVIEW BOARD ORDER – SEE PAGE 18**

**PLANNING - PUBLIC HEARING**

To consider an Appeal submitted by Duane Andrews to Planning Commission decision on Zone Variance Application No. 01022 and Minor Subdivision Application No. 01056. Said Application submitted by Brenda Lee is to vary from the minimum parcel size of 20 acres in the A-1 (General Agricultural) Zone and to subdivide a 4.4 acre lot into two parcels consisting of Parcel No. 1=2.17 acres and Parcel No. 2=2.21 acres on property located south of Elliott Avenue approximately 500 feet east of Buhach Road in the McSwain area.

**REVIEW BOARD ORDER – SEE PAGE 18 AND 19**

**REPORTS/BOARD DIRECTION**

- County Administrator
- County Counsel
- County Auditor
- Board of Supervisors Members

**LUNCH BREAK**

**CONSENT CALENDAR (Items #1 - 67)**

**APPROVED AS RECOMMENDED, PULLING ITEM NO. 65 FROM THE AGENDA**

**AYES: ALL**

Budget Transfers

1. Approve Budget Transfers submitted by PW-Castle-\$42,000 (#099); Health-\$195,989 and \$4,039; Spring Fair-\$0 and Human Services Agency-\$3,700

Claims for Damages

2. Act on Claims for Damages submitted by Jack Victor, Roberto Hernandez, Jesus Diaz, Sue Anne Seeser and Eddie Vega (2) submitted by Risk Management.

Public Works

3. Resolution annexing the Hilmar Country Estates Subdivision No. 991 into the Hilmar-Irwin Street Lighting Maintenance Zone of Benefit #100 in County Service Area Number One.

**ADOPTED RESOLUTION NO. 2002-79**

4. Accepting the Final Map for Hilmar Country Estates Subdivision No. 991 in the Hilmar area.
5. Resolution authorizing Public Works Director to sign Regional Surface Transportation Program Exchange Fund Apportionments Claim for FY 2001/2002 and submit said Claim to MCAG.

**ADOPTED RESOLUTION NO. 2002-80**

6. Resolution authorizing the Public Works Director to sign the Federal Apportionment Exchange and State Match Program Contract (State No. X02-5939(050) to exchange Federal Funds with Non-Federal State Highway Account Funds.

**ADOPTED RESOLUTION NO. 2002-81**

7. Adopt Resolution authorizing Public Works Director and Auditor to sign and file the Local Transportation Funds Claim for 2002/2003 Fiscal Year with MCAG.

**ADOPTED RESOLUTION NO. 2002-82**

8. Award and authorize Chairman to sign Contract with Bob Holl Sheet Metal, Inc. for HVAC Replacement -Phase 2 at Area Agency on Aging.
9. Set public hearing for June 25, 2002 at 10:30 a.m. for proposed Mitigated Negative Declaration for the proposed new Transit Facility Project at County Center III located at Wardrobe Avenue and Thornton Road in Merced.

**Business-Economic Opportunities**

10. Approve and authorize Chairman to sign Renewal Contract No. 9796 with IMS Worldwide, Inc. for specified Foreign-Trade Zone consulting services.
11. Set public hearing for June 25, 2002 at 10:30 a.m. to consider Community Development Block Grant (CDBG) Program for Economic Development Planning and Technical Assistance Grant for FY 2002-03.

**Health**

12. Approve and authorize Chairman to sign Renewal Contract No. 8549 with State Dept. of Health Services for Lead Poisoning Prevention Program.
13. Approve and authorize Chairman to sign Renewal Contract No. 10025 with Thomas Cole, M.D. for professional services in the Tuberculosis Control Program.

**Probation**

14. Approve and authorize Chairman to sign Renewal Contract No. 99160 with Merced County Office of Education for reimbursement of Deputy Probation Officer and authorize the continued addition of two Deputy Probation Officers to be located at Valley Community School.
15. Approve and authorize Chairman to sign Renewal Contract No. 2001193 with Los Banos Police Department for one Police Officer to the COOL Program.

**Ag. Commissioner**

16. Approve and authorize Chairman to sign Amendment to Contract No. 8835 with Calif. Dept. of Food and Agriculture for Licensed Weighmaster Enforcement Inspections for FY 2001/2002 and 2003/2004 and adopt Resolution.

**ADOPTED RESOLUTION NO. 2002-83**

17. Approve and authorize Chairman to sign Renewal Contract No. 7704 with Calif. Dept. of Pesticide Regulation for FY 2002/03 for Pesticide Application Reporting and adopt Resolution.

**ADOPTED RESOLUTION NO. 2002-84**

18. Approve and authorize Chairman to sign Renewal Contract No. 1133 with Calif. Dept. of Pesticide Regulation for Pesticide Regulatory Enforcement and adopt Resolution.

**ADOPTED RESOLUTION NO. 2002-85**

Sheriff

19. Approve and authorize Chairman to sign Addendum to Contract No. 2001166 with Mariposa County for provision of refrigeration and space for Autopsies.
20. Approve and authorize Chairman to sign Addendum to Contract No. 10235 with Merced County Jail Ministry Program for ministry services to the inmates.
21. Approve and authorize Chairman to sign Renewal Contract No. 200198 with Mental Health for provision of meals to the Marie Green Psychiatric Center.
22. Approve and authorize Chairman to sign Renewal Contract No. 8037 with Turlock Irrigation District for patrol of the Merced County Canals.
23. Approve and authorize Chairman to sign Addendum to Contract No. 9572 with Winton School District for Community and School Resource Deputy partnership.

Human Services Agency

24. Approve and authorize Chairman to sign Renewal Contract No. 200022 with Probation for utilization of a Deputy Probation Officer to CalWORKs eligible adults and authorize Human Services Agency Director to sign subsequent amendments within the contract budget upon Counsel and Auditor review.
25. Approve and authorize Chairman to sign Renewal Contract No. 99118 with Merced County Association of Governments to provide transportation needs for CalWORKs clients authorize Human Services Agency Director to sign subsequent amendments within the contract budget upon Counsel and Auditor review.
26. Approve and authorize Chairman to sign Renewal Contract No. 2000182A with Public Works for operation of the Afterschool Recreation/Tutor Program for CalWORKs clients in the amount of \$379,528 and authorize Human Services Agency Director to sign subsequent amendments within the contract budget upon Counsel and Auditor review
27. Approve and authorize Chairman to sign Renewal Contract No. 7239 with Private Industry Training Department for CalWORKs participants and authorize Human Services Agency Director to sign subsequent amendments within the contract budget upon Counsel and Auditor review.
28. Approve and authorize Chairman to sign Renewal Contract No. 2001187 with Community Action Board to provide Micro-Enterprise training and authorize Human Services Agency Director to sign subsequent amendments within the contract budget upon Counsel and Auditor review.
29. Approve and authorize Chairman to sign Extension to Contract No. 9440 with Information Systems for Intra County Electronic Data processing for FY 2002/2003.

Private Industry Training Department

30. Approve and authorize Chairman to sign Amendment to Contract No. 9115 with Merced Adult School to provide basic education services in the PLATO Lab at the Worknet Employment Resource Center.

31. Approve and authorize Chairman to sign Amendment to Contract No. 2001112 with Merced Adult School to provide Welfare-to-Work participants Basic Education Services.
32. Approve and authorize Chairman to sign Renewal Contract No. 200115 with Merced County Office of Education to provide workforce development services for younger youth (ages 14-18) through ROP Program.
33. Approve and authorize Chairman to sign Renewal Contract No. 9859 with Merced College for Westside Plato Lab Instruction.

#### Planning

34. Approve Request for Full Reconveyance for Community Development Block Grant Deferred Payment Loan Provided to Louise Brantley.
35. Approve and authorize Chairman to sign Amendment to Contract No. 2001284 with Giersch & Associates, Inc. for the preparation of a Preliminary Engineering Report for water system improvements proposed by Le Grand Community Services District.

#### UC Merced Project

36. Approve and authorize Chairman to sign Amendment to Contract No. 99106 with EIP Associates for the University Community Plan - Phase IIA and LEDPA support activities.

#### Mental Health

37. Approve and authorize Chairman to sign Renewal Contract No. 10224 with Health Department for Alcohol and Drug HIV Services.
38. Approve and authorize Chairman to sign Renewal Contract No. 9854 with Joseph Melton, MFT for provision of services as Certification Review Officer at Marie Green Psychiatric Inpatient Unit.
39. Approve and authorize Chairman to sign Renewal Contract No. 8922 with Central Valley Regional Center for provision of services to special individuals.
40. Approve and authorize Chairman to sign Amendment to Contract No. 2001114 with State Dept. of Alcohol and Drug Programs for provision of local alcohol and drug services and adopt Resolution.

#### **ADOPTED RESOLUTION NO. 2002-86**

41. Approve and authorize Chairman to sign Renewal Contract No. 7649 with Lifestyle Management Drydock, Inc. to provide Multiple Offender Drinking Driver Program services.
42. Approve and authorize Chairman to sign Renewal Contract No. 9950 with Evans Private Security Patrol for services at the Marie Green Psychiatric Center.
43. Approve and authorize Chairman to sign the following Renewal Contracts for Institutions for Mental Diseases: No. 8051 with Merced Manor, No. 8056 with Crestwood, No. 2000206 with 7th Avenue Center and No. 200240 with Sylmar Health & Rehabilitation Center.
44. Approve and authorize Chairman to sign Renewal Contracts (MoU's) for Mail Services with Health Department-Contract No. 8361 and Human Services Agency-Contract No. 8548.
45. Approve and authorize Chairman to sign Renewal Contract No. 7508 with Mary Eirich for CalWORKs Treatment Program office building.

## Library

46. Approve and authorize Chairman to sign Renewal Contract No. 7464 with Mello Rentals for Winton Branch Library Facility.

## Community Action Agency

47. Approve and authorize CAB Chairman to sign Contract with Jobs for California Graduates-Merced County, Inc. for special services to Out of School Youth through CAA Workforce Development Department.
48. Approve and authorize CAB Chairman to sign Contract with Merced County Office of Education for Head Start Facilities located in Livingston.
49. Approve and authorize CAB Chairman to sign Renewal Contract with Barbara Tolson Fields for Merced Head Start facility.
50. Approve and authorize CAB Chairman to sign Renewal Application to Merced County Children and Families First Commission for the Inclusion Preschool Collaboration Project for funding to provide additional services for children with special needs.
51. Approve and authorize CAB Chairman to sign Amendment to Contract with State Dept. of Community Services and Development for Low Income Home Energy Assistance Program services.
52. Approve and authorize CAB Chair to sign Contract with San Benito County for Weatherization Assessment Services.
53. Authorize submission of proposal to Early Head Start, Nationwide Competition for Application for Early Head Start funding.
54. Adopt Resolution authorizing acceptance of Contract with Dept. of Energy for provision of weatherization assistance to eligible participants in the designated service areas of Merced/Madera Counties.

### **ADOPTED RESOLUTION NO. 2002-87**

55. Accept and place CAA Information, Staff and Committee Reports on file.

## Board of Supervisors/Recognition

56. Authorize Certificates of Recognition to students receiving the Regional Occupation Program Merit Awards selected by the Merced County Office of Education.

### **REVIEW BOARD ORDER – SEE PAGE 14**

57. Authorize Certificates of Recognition to Ruth Baldwin, Don Gabriel, Mark Quale and Greg Wyndam for completion of the CAA Self-Employment in Micro-Enterprise Program.
58. Authorize Certificate of Recognition to Janet Ramsey for her contributions as President of the Merced Business and Professional Women's Organization.
59. Authorize Certificates of Recognition to the following selected by Hispanic Chamber of Commerce: Man of the Year-Mark Garcia, Chamber Member of the Year-Greg Carver and Bryan Haynes, Business of the Year-Sierra Beverage and Woman of the Year-Stephanie Espinosa.
60. Authorize Proclamation in recognition of 26th Anniversary of the Calif. Association of Equal Rights Professionals.

- 61. Authorize Certificate of Recognition to Volta Elementary School for 2001 Award - Number One Elementary School in Merced County and 2000 Award - Most Improved Elementary School in Merced County.
- 62. Authorize Certificates of Recognition to seniors who have contributed to their communities for 2002 in recognition of Older American's Month.

**REVIEW BOARD ORDER – SEE PAGE 14 AND 15**

- 63. Authorize Certificates of Recognition to Tamara McLaughlin, Eric Cabrera and David Garrett, II for achievement and selection as California Art Scholars.
- 64. Authorize Certificates of Recognition to individuals for successfully completing the 18-month Drug Court Program of Merced County.
- 65. Set public hearing for June 18, 2002 at 10:30 a.m. to consider an Appeal submitted by Winton Municipal Advisory Council to Planning Commission decision on Major Subdivision Application No. 02002.

**PULLED FROM AGENDA – NO ACTION TAKEN**

- 66. Approve Minutes of January 8, 15, 29, February 5, 26 and March 12, 19 and 26, 2002.

Administration

- 67. Approve and authorize Chairman to sign Renewal Contract No. 2001301 with Shepherd's Crook Enterprises for Grant Writing Services for FY 2002/2003.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

- 68. Contract with Hilmar Hammerheads Swim Club, Hilmar Unified School District and Hilmar Recreation Council, Inc. for operation of the Hilmar Swimming Pool for swim team events and public swimming for period of July 1, 2002 through June 30, 2003.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002100 AS RECOMMENDED AYES: ALL**

- 69. Resolution authorizing the Chairman to sign Joint Use Agreement with Chevron Pipe Line Company for a public roadway within the Santa Nella Villages, Phase 4.

**ADOPTED RESOLUTION NO. 2002-88 AND APPROVED RECOMMENDATION AYES: ALL**

- 70. Approve project budget of \$16,100 for relocation of Television Outlets in Buildings Nos. 3, 4, 5, and 6 at the Correctional Facility; approve construction documents and authorize competitive bids and award as long as within budgeted amount, approve necessary budget transfer (#092) and direct Public Works to return to the Board with results.

**APPROVED RECOMMENDATION AYES: ALL**

- 71. Authorize expenditure of \$490 from Special Board Project Funds-District No. One for phone installation payment charges for Le Grand District office and approve necessary budget transfer-\$490. (#104)

**APPROVED RECOMMENDATION AYES: ALL**



72. Authorize purchase of aerial lift for truck chassis and cab funded in the current fiscal year budget, establish a Fixed Assets Account #82523 (One Truck Chassis, Cab and Aerial Life), authorize General Services Director to take advantage of the potential cost savings by negotiating with Pacific Utility Equipment Company for the purchase of Terex Telelect Model #XT-52 overcenter aerial device with a 2003 Navistar Model 4300 4x2 cab chassis and trade-in of 1978 GMC Hi-Ranger for \$2,500 and approve the necessary budget transfers of \$44,000 approved in 2001/02 Fiscal Year Budget and \$41,000 from Trust Fund #02497 (Parkland Dedicated Funds Interest) for the additional funding needed.

**APPROVED RECOMMENDATION AYES: ALL**

73. Resolution to implement local government control measures in the Severe Ozone Plan for the San Joaquin Valley.

**ADOPTED RESOLUTION NO. 2002-89 AND APPROVED RECOMMENDATION AYES: ALL**

#### PUBLIC WORKS-CASTLE

74. Approve revised total project budget of \$1,555,000 and award construction contract for Castle Airport Communications Hub and Video Conferencing Building to Tech Four Construction.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002135 AS RECOMMENDED AYES: ALL**

#### HEALTH

75. Resolution authorizing support of \$600,000 Grant Application from State Water Resources Control Board for Air Quality Studies related to Animal Confinement Facilities.

**ADOPTED RESOLUTION NO. 2002-90 AND APPROVED RECOMMENDATION AYES: ALL**

76. Resolution authorizing support of \$252,373 Grant Application from State Water Resources Control Board for development and field testing of Comprehensive Nutrient Management Plan.

**ADOPTED RESOLUTION NO. 2002-91 AND APPROVED RECOMMENDATION AYES: ALL**

77. Appoint George Nevatt, M.D. as Acting County Health Officer and to the Merced County Children and Families First Commission to serve as the designated County Health Officer with both appointments to be effective July 1, 2002 and authorize Chairman to sign Contract.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002103 AS RECOMMENDED AYES: ALL**

#### BUSINESS-ECONOMIC OPPORTUNITIES

78. Authorize Contract Award to Wallrich Landi Integrated Marketing Communications in the amount of \$95,000 for the Central San Joaquin Valley Regional Foreign-Trade Zone No. 226 based on RFP No. 5772 and FOCUS Program.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002104 AS RECOMMENDED AYES: ALL**

PRIVATE INDUSTRY TRAINING DEPARTMENT

79. Contract with Jobs for Calif. Graduates-Merced County, Inc. to provide employment and training services to WIA eligible out of school youth.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002105 AS RECOMMENDED AYES: ALL**

SHERIFF

80. Authorize Sheriff to trade in nine steel Scuba Tanks to offset the purchase of nine aluminum Scuba Tanks and authorize General Services Director to sign appropriate documents.

**APPROVED RECOMMENDATION AYES: ALL**

MENTAL HEALTH

81. Contract Amendment No. 7994 with Community Catalysts of California (formerly Client Development Programs, Inc.) for provision of special services towards full employment and approve necessary budget transfer-\$20,500.

**APPROVED RECOMMENDATION AYES: ALL**

82. Authorize submission of Grant Application for Funding through Substance Abuse and Mental Health Services Administration Center for Substance Abuse Treatment for FY 2002 and authorize signing of documentation.

**PULLED FROM AGENDA – NO ACTION TAKEN**

HUMAN SERVICES AGENCY

83. Contract with Merced County Office of Education to provide Summer Youth Employment Services (Youth 14-18 years).

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002107 AS RECOMMENDED AYES: ALL**

AUDITOR

84. Authorize the Auditor-Controller to make the following appropriation transfers: General Fund- transfer salary savings appropriation and Other Funds- transfer salary and service and supplies appropriations to cover overdrawn accounts and amounts required to pay Data Processing, Central Duplicating, Fleet Service Management billings and Insurance Pool and General and Other Funds- transfer accrual appropriation and estimated revenue from the accrual line items to cover accounts overdrawn as a result of accruals and authorize the Auditor to increase estimated proceeds from taxes and contingencies by the amount actual proceeds from taxes exceeds the estimates.

**APPROVED RECOMMENDATION AYES: ALL**

85. Authorize sale of 1950's Manual Typewriter (surplus typewriter) to Retired Employee (Jeraldine Hise) for \$10.00.

**APPROVED RECOMMENDATION AYES: ALL**

86. Approve setting up Fund 01795 Debt Service-Transit Facilities and approve the necessary budget transfer-\$50,014. (4/5 Vote Required)

**APPROVED RECOMMENDATION AYES: ALL**

TREASURER

87. Authorize lease with ADT for Treasury Vault Security System and approve necessary budget transfer-\$15,503. (4/5 Vote Required)

**APPROVED RECOMMENDATION AYES: ALL**

INFORMATION SYSTEMS

88. Authorize purchase of GroupWise (Version 6.0) with accompanying server operation software upgrades to Novell Netware (Version 6.0) and approve the necessary budget transfers from Salary Savings to 75600-22350 for \$68,700 and from Family Support to 75600-22350 for \$140,000.

**APPROVED RECOMMENDATION AYES: ALL**

ASSESSOR

89. Authorize continued participation in the State-County Property Tax Administration Program per AB 1036 and authorize County Executive Officer to sign Contract with State Dept. of Finance.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002102 AS RECOMMENDED AYES: ALL**

ADMINISTRATION

90. Appointment of Ana Pagan as Director of Human Services Agency/Public Guardian-Conservator at Step 4, Range 81.0 effective July 8, 2002 with further advancement to the 5<sup>th</sup> Step upon completion of six months of employment upon the recommendation of the County Executive Officer, authorize the Chairman to sign the Employment Acknowledgment Letter upon approval of Counsel and authorize the Chairman to approve the reimbursement of up to \$1,000 in moving related expenses in order to relocate Ms. Pagan to the County of Merced.

**APPROVED RECOMMENDATION AYES: ALL**

91. Contracts for Indigent Defense Services as follows: Renewals with Deborah Bennett, David Capron, Arthur R. Collins, Steven Davis, William Davis, Marc Garcia, Dominic J. Falasco, C. Logan McKechnie, Casey Oliver, Thomas M. Pfeiff and Russell G. Whiting and new Contract with Jeffrey A. Tenenbaum.

**REVIEW BOARD ORDER – SEE PAGE 15**

**MODIFIED APPROVAL AYES: ALL**

92. Transfer of warrant and civil service from Marshal 's Office to the Sheriff Department.

**REVIEW BOARD ORDER – SEE PAGE 15 AND 16**

**ADOPTED RESOLUTION NO. 2002-92 AND APPROVED RECOMMENDATION AYES: ALL**

93. Adopt modification to minimum qualifications of Parks Superintendent job specification and places said classification at Range 67.7.

**PULLED FROM AGENDA – NO ACTION TAKEN**

94. Approve the waiver of provisions in Recruitment and Selection Resolution No. 91-32 as it applies to the appointment of the Sheriff-Elect to the position of Assistant Sheriff and allow the Sheriff to appoint Mark Pazin, Sheriff-Elect to the position of Assistant Sheriff.

**APPROVED RECOMMENDATION AYES: ALL**

95. Approve the side letter addendum to the June 27, 2001 Memorandum of Understanding (MOU) between the County of Merced and the Independent Employees of Merced County

(IEMC) to address the Sheriff Community Service Technician seniority points and maintenance of membership for Unit 3 and authorize the Assistant CEO to sign.

**APPROVED RECOMMENDATION      AYES: ALL**

96. Approve the additional member contribution rates for employees covered under the provisions of Resolution No. 2001-121 and direct Merced County Employee Retirement Association to implement these changes retroactive to July, 2001, for eligible employees who elect to participate.

**APPROVED RECOMMENDATION      AYES: ALL**

97. Approve a second three-party Agreement for deposit of \$80,000 into the Kit Fox Conservation Account of the Nature Conservancy for the new Juvenile Justice Correctional Complex (JJCC) for relief of the mitigation requirement for a riparian easement along Dead Man Creek and authorize the Chairman to sign said Agreement as submitted by Public Works.

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002106 AS RECOMMENDED      AYES: ALL**

#### APPOINTMENTS

98. Coalition for Tobacco Prevention and Cessation Programs - Appointment.

**REVIEW BOARD ORDER – SEE PAGE 16**

**APPROVED RECOMMENDATION      AYES: ALL**

99. Mental Health Advisory Board - Reappointments.

**REVIEW BOARD ORDER – SEE PAGE 16**

**MODIFIED RECOMMENDATION      AYES: ALL**

100. Community Action Agency - Appointment.

**REVIEW BOARD ORDER – SEE PAGE 16**

**APPROVED RECOMMENDATION      AYES: ALL**

101. San Luis Resource Conservation District - Appointment.

**REVIEW BOARD ORDER – SEE PAGE 16**

**APPROVED RECOMMENDATION      AYES: ALL**

102. Lower San Joaquin Levee District - Reappointment.

**REVIEW BOARD ORDER – SEE PAGE 17**

**APPROVED RECOMMENDATION      AYES: ALL**

#### **BOARD INFORMATION & POSSIBLE ACTION**

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

103. Public Works re: Study for the Adaptive re-use of the Snelling Courthouse.
104. Ag. Commissioner re: Animal Control Monthly Report - February, 2002.
105. Business-Economic Opportunities re: AT & T Broadband - price increases effective July 1, 2002 that will impact portions of supervisorial districts within the unincorporated areas of the County.
106. City of Gustine re: Letter of thanks to the County of Merced for donation to Summer Youth Program.

107. Turlock School District re: School Facilities Fees (Development Fees) increases effective immediately - May 22, 2002. (On file with Clerk)
108. Turlock School Districts re: School Facilities Fees (Development Fees) increases to be effective July 8, 2002. (On file with Clerk)
109. Kern County Board of Supervisors re: Strategy Session needed to take in order to avert funding cuts in the Rural Crime Grant Program has been set for June 19, 2002 at 10:00 a.m. in Kern County Administration.
110. State Board of Corrections re: Proposed May Revision of the FY 2002/2003 Budget Act.
111. State Board of Corrections re: Recent Clarifications by Calif. State Controller's Office on Juvenile Justice Crime Prevention Act (JJCPA).
112. State Water Resources Control Board re: Notice of extended public solicitation for water quality data and information.
113. State Dept. of Fish and Game re: Announcement of availability of the 2002 Nearshore Fishery Management Plan for review and comment. (On file with Clerk)
114. Calif. Regional Water Quality Control Board - Central Valley Region re: Notice of Public Hearing for Triennial Review of the Water Quality Control Plan for the Sacramento River and the San Joaquin River Basins and Notice of Filing of Draft Environmental Documents concerning Water Quality Objectives for Bacteria, and designating beneficial uses.
115. Calif. Regional Water Quality Control Board-Central Valley Region re: Notice of Public Hearing - Notice of Filing of a Draft Environmental Document concerning site specific objectives for pH and Turbidity for Deer Creek in El Dorado and Sacramento Counties.
116. State Board of Equalization re: Guidelines for the Assessment of Billboards.
117. State Board of Equalization re: Imperial County Assessment Practices Survey - May 2002.
118. State Board of Equalization re: Solano County Assessment Practices Survey - March 2002.
119. Deaf & Hard of Hearing Service Center, Inc. re: Request for donation or one-time pledge for new headquarters building.
120. CALFED Bay-Delta Program re: Notice of Public Meeting of CALFED Bay-Delta Science Program, San Joaquin River Dissolved Oxygen Review Workshop set for June 11 and 12, 2002, in Sacramento.
121. CALFED Bay-Delta Program re: Notice of public workshop to present final recommendations of Ecosystem Restoration and Science Projects to be funded by the CALFED Bay-Delta Program and Central Valley Project Improvement Act. - June 10, 2002 at 11:00 a.m. in Sacramento.
122. CALFED Bay-Delta Program re: Meeting Notice of CALFED Bay-Delta Public Advisory Committee - Environmental Justice Subcommittee set for June 14, 2002 at 10:00 a.m. in Sacramento.

**ADJOURNED MEETING UNTIL TUESDAY, JUNE 18, 2002 AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 11, 2002**

### **CONSENT ITEM NO. 56**

#### **2002-06-11 BOARD RECOGNITION**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to the following students receiving the Regional Occupation Program Merit Awards selected by the Merced County Office of Education:

**ADULT:** Laura L. Anton, Lynn Celis, Ellen Cox, Amarjit Kooner, Bruce Martinez and Oswald Valdez; **ATWATER:** Tara Albrecht, Cesar Avila, Brenton Bento, Leoterio A. Borges, Amber Heinz, Jill McIver, Rosangel Ochoa, Ryan Severin, Nicholas T. Smith, Dallin Wilcox and Johnny Ybarra; **CHOWCHILLA:** Cassidy Calley, Stephanie Cardona, Hector Hernandez, Yeimy Mungia, Justin Sandlin, Crystal Thissen, Charlton Vizcarra and Rachel Wolfshorndl; **DELHI:** Matthew Marsh; **DOS PALOS:** Tatianna Bunthoff, Angela Esparza, April Leyva, Agustina Macias, Edward Ore, Diana Ortega, Laura Ponce, Edgar Ramirez, Juan A. Ramirez, Mayra Ramirez, Cole Strickland and Rochelle Westlake; **GOLDEN VALLEY:** Matt Avila, Chris Birkmaier, LC Garrett, Amanda Gipe, Jennifer Headley, Ploua Her, Dustin Huffman, Kueseng Lee, Michael Levesque, Sarah Machado, Nicole D. McSwain, Stephanie M. Powell, Laura Ramriez, Fahm Saelee, Ou Saelee, San Saeturn, Aaron Stolle, Kong Thor, Chai Vang, Muy Chessey Vue, Joua Xiong, Yer Xiong, Zang Xiong, Mai Dee Yang and Mee Yang; **GUSTINE:** Bridgette Gifford and Cherie Mason; **HILMAR:** Amanda Hopper, Isabel Lima, Valerie Nees and Ashley C. Robinson; **INDEPENDENCE:** Veronica De La Fuentes; **LIVINGSTON:** Ilda Aguilar, Joel Bernal, Elvira Briones and Alicia Lucero; **LOS BANOS:** Krystin Allred, Dana Arambel, Maria Sayil Camacho, Lindsey Cascia, Griselda Contreas, Marcu Contreas, Maria Corona, Anton Espino, Melissa Freeman, Carmela Garcia, Brianne Giampietro, Brenda Gutierrez, Julia Halverson, Erika Jimenez, Ana Lopez, Mallory McDonald, Stacia Orr, Jena Pope, Sarah Post, Nathan Salha and Misty Scurti; **MERCED:** Delicia Cervantes, Marisela Huizar, Peter Kasanicky, Bobbie Lee, Debbie Lee, Yer Lee, Wendy Lomeli, LeLani Mariano, Francisco Rodriguez, Savannah Rubalcava, Juan Saldivar, Jason Stroth, Lee Vang, Mai Ker Vang, Charlotte Vega and Kang Yang; **YOSEMITE:** Angelica Pastrana and Grisel Tanori  
Ayes: Rivero, Cortez Keene, Crookham, Kelsey, O'Banion

### **CONSENT ITEM NO. 62**

#### **2002-06-11 BOARD RECOGNITION**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board authorizes Certificates of Recognition to seniors who have contributed to their communities for 2002 in recognition of Older American's Month:

Nancy Barcellos- Los Banos Golden Agers; Barbara Beltz- Merced AARP #282; Janice Brookiln- Planada Cherish; Angie Cardiel- Merced Cherish; Millie Conolly- Hilmar Cherish; Lawrence "Larry" Crawford- Planada Golden Agers; Barbara Gomes- Los Banos Cherish; Helen Halstead- Le Grand 50 Plus Club; Bill and Helen Mitchell- Merced Senior Social Club; Lucille Johnson- Le Grand 50 Plus Club; Francis "Fran" Koker- Planada Golden Agers; Alma Kollmann- Merced/Mariposa Retired Teachers Association; Michael Mrozinski- Atwater AARP Chapter 2194; Dolores Ortiz- Merced Over Fifty Club; Lena P. Pyle- Dos Palos Senior Citizen's Club; June Painter- Westside AARP; Frances Parker- Atwater Senior Social Club; Bonnie Prow- Winton

Cherish; Barbara Scoggins- Atwater Cherish; Tony Sprosiro- Gustine Cherish; Alice Van Gilder-Winton Senior Social Club; Sharon Wade- Winton Senior Social Club; Lillian White- Atwater Senior Social Club and Guanda Wood- Dos Palos Cherish.

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

**ACTION ITEM NO. 91**

**2002-06-11 ADMINISTRATION**

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board approves and authorizes the Chairman to sign Contracts for Indigent Defense Services as follows: Renewals – No. 9177-David Capron, No. 2000140-Arthur R. Collins, No. 2001270- Steven Davis, No. 9178-William Davis, No. 99165-Marc Garcia, No. 8872-Dominic J. Falasco, No. 9847-C. Logan McKechnie, No. 9120-Casey Simmons, No. 9860-Thomas M. Pfeiff and No. 9176-Russell G. Whiting and a new contract with Jeffrey A. Tenenbaum-No. 2002108.

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

**ACTION ITEM NO. 92**

**2002-06-11 ADMINISTRATION**

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board takes the following action transferring of warrant and civil service from the Marshal Office to the Sheriff Department-Budget Unit 22100:

1. Establish the classifications of Sheriff Community Service Technician I/II/III, Range 52.2/55.2/56.7 and Sheriff Administrative Supervisor, Range 59.4 and approve the job specifications.
2. Add four Deputy Sheriff I/II, Range 60.2/62.2.
3. Add two Sheriff Administrative Supervisor, Range 59.4 and direct staff to conduct a county-wide recruitment.
4. Add one Account Clerk III, Range 54.0.
5. Change one Sheriff's Record Technician I/II (Position #113), Range 51.2/53.2 to one Sheriff Community Service Technician I/II, Range 52.2/55.2 and reclassify incumbent.
6. Change one Sheriff's Records Technician III (Position #95), Range 55.2 to one Sheriff Community Service Technician III, Range 56.7 and reclassify incumbent.
7. Change one Community Service Officer (Position #99), Range 55.2 to one Sheriff Community Service Technician I/II, Range 52.2/55.2 and reclassify incumbent.
8. Transfer the following from Marshal, Budget Unit 22000, to Sheriff, Budget Unit 22210; change two Civil Assistant I/II (Position #12, 24), Range 52.2/55.2 to two Sheriff Community Service Technician I/II, Range 52.2/55.2 and reclassify incumbents.
9. Transfer the following from Marshal, Budget Unit 22000, to Sheriff, Budget Unit 22100, change one Civil Assistant III (Position #15), Range 56.7 to one Sheriff Community Service Technician III, Range 56.7 and reclassify incumbent.
10. Delete the classifications of Civil Assistant I/II and III, Sheriff Records Technician I/II and III and Community Service Officer.
11. Direct Administration and Sheriff staff to work with the necessary County agencies to insure all necessary purchases and transactions are accomplished for the warrant and civil transition to be effective July 1, 2002.

12. Authorization the Sheriff to terminate the County's agreement with A Women's Place for shared space at the Sheriff Facility located at the Castle Aviation and Development Center effective 10/1/02, including forgiveness of any remaining shared costs owed to Merced County which would have occurred between now and 10/1/02.
  13. Approve the Sheriff providing administrative support to the Marshal function pending resolution of Court Security issues.
  14. Adopt Resolution No. 2002-92 effective pay period 14.
- Ayes: Rivero, Cortez Keene, Crookham, Kelsey, O'Banion

**ACTION ITEM NO. 98**

**2002-06-11 HEALTH-Coalition for Tobacco Prevention and Cessation Programs**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board appoints Cora Gonzalez to serve on the Coalition for Tobacco Prevention and Cessation Programs representing Livingston Community Health Services until March 6, 2003 (replacing Angelina Torres).

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

**ACTION ITEM NO. 99**

**2002-06-11 MENTAL HEALTH – Mental Health Advisory Board**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board reappoints Steve Wilson to serve as a member of the Mental Health Advisory Board until June 30, 2005.

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

**ACTION ITEM NO. 100**

**2002-06-11 COMMUNITY ACTION AGENCY – Community Action Board**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board appoints Yadira Taylor to serve as a member of the Community Action Board representing District No. 4 to serve a term at the Pleasure of the Board.

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

**ACTION ITEM NO. 101**

**2002-06-11 SAN LUIS RESOURCE CONSERVATION DISTRICT**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board appoints John Gilardi to serve as a member of the San Luis Resource Conservation District until February 26, 2006.

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



**ACTION ITEM NO. 102**

**2002-06-11 LOWER SAN JOAQUIN LEVEE DISTRICT**

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board reappoints Robert D. Kelley, Jr. to serve as a member of the Lower San Joaquin Levee District until July 4, 2006.

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

**10:30 A.M. SCHEDULED ITEM**

**2002-06-11 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider Proposed Ordinance setting the County Service Area Number One User Charge Rates for Zones of Benefit in the 2002/2003 Fiscal Year (Repeals Ordinance No. 1657) as submitted by Public Works.

Public Works Engineer Curt Royer reviews Staff Report and recommendation before the Board.

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

Upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board waives further reading of proposed Ordinance and adopts Ordinance No. 1676 An Ordinance setting the County Service Area Number One User Charge Rates for Zones of Benefit in the 2002/2003 Fiscal Year (Repeals Ordinance No. 1657).

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

**10:30 A.M. SCHEDULED ITEM**

**2002-06-11 SHERIFF – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider the 2002/2003 Criminal Justice Administrative Fees (Booking Fees) submitted by the Sheriff Department.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Cortez Keene, duly carried, the Board adopts the Criminal Justice Administrative Fees (Booking Fees) at \$112.00 for Fiscal Year 2002/2003.

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

**10:30 A.M. SCHEDULED ITEM**

**2002-06-11 HEALTH – PROPOSED ORDINANCE**

The time and date previously set to consider First Reading of Proposed Ordinance Establishing the Abandoned Vehicle Ordinance and set second reading and possible adoption for June 18, 2002 at 10:30 a.m. as submitted by the Health Department.

Environmental Health Director Jeff Palsgaard reviews the Staff Report.

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

Margie Crow, local resident residing at 210 East 22<sup>nd</sup> Street, speaks in favor of the ordinance and reviews items she requests be changed.

Following discussion and upon motion of Supervisor Cortez Keene, seconded by Supervisor O'Banion, duly carried, the Board waives further reading of the Proposed Ordinance sets second reading and possible adoption for June 18, 2002 at 10:30 a.m.

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

**10:30 A.M. SCHEDULED ITEM**

**2002-06-11 PLANNING – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider an Appeal submitted by Duane Andrews on behalf of property owner Brenda Lee. Said Appeal is of the Planning Commission denial of Zone Variance Application No. 01022 and Minor Subdivision Application No. 01056. Application is to vary from the minimum parcel size of 20 acres in the A-1 (General Agricultural) Zone and to subdivide a 4.4 acre lot into two parcels consisting of Parcel No. 1=2.17 acres and Parcel No. 2=2.21 acres on property located south of Elliott Avenue approximately 500 feet east of Buhach Road in the McSwain area submitted by the Planning Department.

Planning Director Bill Nicholson reviews the staff report and the options before the Board.

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

Duane Andrews, applicant's representative, recommends support of the Appeal stating there is no farming around this parcel.

Pam Schroeder, Elliott Road neighbor, speaks against splits in the A-1 zone.

Following discussion, Supervisor Kelsey moves, seconded by Supervisor Crookham, to uphold the action of the Planning Commission and deny the Applications.

The Chairman calls for a vote on the Motion.

Supervisors Cortez Keene, Rivero and O'Banion vote "no". Motion fails.

Ayes: Crookham, Kelsey

Noes: Cortez Keene, Rivero, O'Banion

Following further discussion, Supervisor Cortez Keene moves, seconded by Supervisor O'Banion, the Board approves the appeal and overturns the determination of the Planning

Commission and approves Zone Variance Application No. 01022 and Minor Subdivision Application No. 01056 based on the following findings recommended by Staff:

The project is exempt from the California Environmental Quality Act as per Section 15061(b)(3) of the CEQA Guidelines as it can be seen with certainty there is no possibility the project would have a significant impact on the environment. Zone Variances are evaluated on a case-by-case basis upon the decision making body's ability to make the zone variance findings. Therefore granting of a zone variance does not guarantee approval of future similar zone variances;

Adopts Staff's recommended Findings for the Application:

1. Zone Variance Application No. 01022 and Minor Subdivision Application No. 01056 propose to subdivide 4/4/ acres into two parcels consisting of Parcel 1 to equal 2.17 acres and parcel 2 of equal 2.21 acres.
2. The project is located on the south side of Elliott Avenue approximately 500 feet east of Buhach Road in the McSwain area.
3. Based on information provided by the applicant, there are physical circumstances such as size, shape, topography and location which, if strict application of the Zoning code is applied, would deprive the property owner of privileges enjoyed by other property in the vicinity and under identical zoning classification.
4. The granting of the variance would not constituted a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated based upon the information provided by the applicant.
5. The variance would not authorize a use or activity not otherwise allowed in the zone since the property owner states that the property would remain in agriculture.
6. Granting the variance is consistent with the Merced County General Plan based on the information presented by the applicant.
7. The public hearing has been adequately noticed and advertised.

And adopts the following Conditions of Approval for Zone Variance Application No. 01022 and Minor Subdivision Application No. 01056:

1. Minor Subdivision Application No. 01056 is subject to approval of Zone Variance Application No. 01022.
2. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date as required by the Subdivision Map Act and the Merced County Subdivision Code.
3. A Right-to-Farm Certificate shall be placed on the Parcel Map informing the future residents of resulting parcels of the inconveniences that they may encounter from living adjacent to active farming operations.

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