



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JANUARY 14, 2003

Closed Session – 8:00 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
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE 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

8:00 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) pursuant to Section 54956.8 as follows:

Challenger Learning Center, Castle Airport
County Administrative Facilities

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: Two Case(s)

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (e) of Section 54957:

PUBLIC EMPLOYMENT

Title: County Counsel

THE BOARD RECESSED INTO CLOSED SESSION AT 8:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

10:00 A. M.

PLEDGE OF ALLEGIANCE

NOMINATION AND ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2003

THE BOARD NOMINATED SUPERVISOR CROOKHAM AS CHAIRMAN AND SUPERVISOR KELSEY AS VICE-CHAIRMAN FOR 2003

PRESENTATIONS - Recognition of contributions to help make our citizens aware of the importance of air

Ciera Laney - Sheehy Elementary School District, Merced

Danielle Garcia - Westside Union Intermediate School, Los Banos

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: Jim Price

UC MERCED PROJECT - LIAISON REPORT

NO REPORT

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Auditor-\$42,000; Dept. of Workforce Investment-\$57,604; Fire-\$101,423 and Sheriff-\$3,251, \$20,000 and \$18,225

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1-31)

MODIFIED APPROVAL WITH CONSENT ITEMS #15 AND 18 PULLED FROM CONSENT, ITEM #18 ACTED ON LATER IN THE DAY AYES: ALL

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:30 A. M.

FIRE - PROPOSED ORDINANCE – FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR JANUARY 28, 2003

An Ordinance to Adopt by Reference the 2000 Edition of the Uniform Fire Code (Amends Ordinance No. 876 and County Code Section 9.24.010 and 9.24.280)

PULLED FROM THE AGENDA – NO ACTION TAKEN

MENTAL HEALTH - PROPOSED ORDINANCE - PUBLIC HEARING AND POSSIBLE ADOPTION

An Ordinance Changing the Fees set for Mental Health Services Performed by the Merced County Mental Health Department (Repeals Ordinance No. 1672 and amends County Code Chapter 9.48)

REVIEW BOARD ORDER – SEE PAGE 13
ADOPTED ORDINANCE NO. 1692

PLANNING - PUBLIC HEARING

2003 Community Development Block Grant Program (CDBG) General Allocation Application and consideration of Program Participation Guidelines

REVIEW BOARD ORDER – SEE PAGE 13

PLANNING - PUBLIC HEARING

An Appeal received by Terrence Hoffman to Planning Commission denial of Zone Variance Application No. 02021 and Minor Subdivision Application No. 02037. Said Application is to vary from the minimum 20 acre parcel size in the A-1 (General Agricultural) Zone and subdivide a 33 acre parcel into two parcels: Parcel 1=3.1 acres and Parcel 2=29.9 acres on property located on the east side of Merced Avenue and 1720 feet north of Bradbury Road in the Delhi area

REVIEW BOARD ORDER – SEE PAGE 14
CONTINUED TO FEBRUARY 25, 2003 AT 10:30 A.M.

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, County Auditor, Board Members

LUNCH BREAK

CONSENT CALENDAR (Items #1-31)

APPROVED RECOMMENDATION PULLING ITEMS #15 AND 18 FROM CONSENT CALENDAR, WITH ITEM #18 BEING ACTED ON LATER IN THE DAY AYES: ALL

Budget Transfers

1. Approve Budget Transfers submitted by Ag. Commission-\$2,746; Public Works-\$22,410 (#028), \$2,100 (#029), \$-0 (#033) and Sheriff-\$186 as recommended by Executive Office.

Claims for Damages

2. Act on Claims for Damages submitted by Harold Alexander, Dale Tidwell, Duard Jameson, David Leonardo and Lenee Pearson and Thomas Schmidt as recommended by Risk Management.

Public Works

3. Adopt Resolution prohibiting parking on Bridget Court near Winton Way in the Winton area and authorize installation of No Parking signs along said portion of Bridget Court.

ADOPTED RESOLUTION NO. 2003-01

4. Set public hearing for February 4, 2003 at 10:30 a.m. to consider a Resolution creating the Santa Nella Community Specific Plan Area Bridge and Major Thoroughfare Area of Benefit establishing fees to defray the cost of roadway improvements necessary as a direct result of anticipated growth.
5. Approve and authorize Chairman to sign Renewal Contract No. 2002150 with Merced Community College District to use the Bedesen Conference Room of the Old Courthouse Museum for an Oral History Class.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2002261 with Daylen, Inc. for Automatic Irrigation System and Tree Planting at O'Banion County Park.

Health

7. Approve the FY 2002-03 Proposed Plan of Expenditures for the California Healthcare for Indigents Program (CHIP) funds.
8. Approve and authorize Chairman to sign Contract No. 2003003 - FY 02-03 California Healthcare for Indigents Program (CHIPS) Standard Agreement.
9. Approve and authorize Chairman to sign Amendment to Contract with Teris LLC dba MSE Environmental for Household Hazardous Waste Disposal.

ADOPTED RESOLUTION NO. 2003-02

Sheriff

10. Approve one Overhire Deputy Sheriff for Position #17 in Budget Unit 22000.
11. Authorize a vacant Correctional Officer III position (Position #112) be underfilled with a Correctional Officer I/II position.

Child Support Services

12. Approve and authorize Chairman to sign Renewal Contract No. 200082 with Advanced Legal Services for Private Process Services.
13. Approve and authorize Chairman to sign Renewal Contract No. 200081 with ABC Legal Messengers, Inc. dba Process Forwarding International for Private Process Service outside the State of California.
14. Approve and authorize Chairman to sign Renewal Contract No. 200171 with Print N Mail for handling of Child Support monthly notices.

Mental Health

15. Approve and authorize Chairman to sign Renewal Contract No. 200012 with Stephen and Joan Tinetti for Administration and Information Services Mental Health office space located at 2926 G Street.

NO ACTION TAKEN - PULLED FROM THE AGENDA

Treasurer-Tax Collector

16. Grant the Treasurer Relief for a Shortage in the amount of \$100.00 and authorize replenishment of \$100 to be paid from 21700-Office Expense.

Dept. of Workforce Investment

17. Approve and authorize Chairman to sign Amendment to Contract No. 200038 with Community Action Agency for provisions of services at the Worknet Employment Resource Center.
18. Approve and authorize Chairman to sign Contract No. 2003015 with Merced County Office of Education to provide Job Search Services for Younger Youth during extended hours at the Worknet Employment Resource Center.

PULLED FROM CONSENT AND APPROVED LATER IN THE DAY

Community Action Agency

19. Approve and authorize CAB Chair to sign Contract with State Dept. of Health Services for the Women, Infants, and Children (WIC) Supplemental Nutrition Program funding.
20. Approve and authorize CAB Chair to sign Request for Funding Application for the Women, Infants and Children (WIC) Supplemental Nutrition Program for FY 2002-2005 and to submit said Application to the State Dept. of Health Services.
21. Approve and authorize CAB Chair to sign Contract with the State National Guard for use of the Armory as a Cold Weather Shelter for the Homeless during the period of December 18, 2002 through April 1, 2003.
22. Approve and authorize CAB Chair to sign Contract with State Dept. of Education for Funding Award to purchase educational materials and supplies for the Child Development Centers.
23. Accept and place CAA Information, and Committee Reports on file.

Human Services Agency

24. Approve and authorize Chairman to sign Amendment to Contract No. 2001159 with Children's Services Network, Inc. for State 1 Child Care funds.

Board of Supervisors

25. Accept and approve Minutes of September 10, 17 and 24; October 1, 8, 15 and 22; November 5 and 12 and December 3 and 17, 2002.

Board Recognition

26. Authorize Certificates of Recognition to the 2002 Los Banos Golden Agers Club Officers.
27. Authorize Certificate in Celebration of the Merced Hmong New Year 2002-2003 to the Merced Lao Family Community, Inc. on December 20, 2002.

28. Authorize Certificate in recognition of Grand Opening of Wavelengths Too on December 13, 2002.
29. Authorize Certificate of Recognition to Merced Historical Society in recognition of 40th Anniversary Celebration of the founding of the Society presented on December 29, 2002.
30. Authorize Certificates of Recognition to individuals selected by CAA as part of the Civic Entrepreneur Youth Program for Self-Employment in Microenterprise.
31. Authorize Certificate of Recognition to Gustine High School Football Team in celebration of their success.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

32. Contract with Televents of San Joaquin, Inc. for lease of existing County-owned land in the Santa Nella area for the transmission, reception and related activities of radio communication.

REVIEW BOARD ORDER – SEE PAGE 14 AND 15
NO ACTION TAKEN – PULLED FROM THE AGENDA

33. Accept the California Heritage Fund Grant in the amount of \$107,500 from the State Historic Preservation Office for a total project cost of \$215,064 with \$107,532 match for the Design and Construction of Repairs to the Roof Structure and Replacement of the Roofing to protect the Old Merced County High School/Library for future adaptive re-use and authorize Public Works to proceed with previously established Board action and policy.

REVIEW BOARD ORDER – SEE PAGE 15
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003005 WITH STATE HISTORIC PRESERVATION OFFICE AND CONTRACT NO. 2003006 WITH McCANDLESS ARCHITECTS AYES: ALL

34. Resolution authorizing Public Works to sign and submit State Matching Grant Application for FAA Airport Improvement Program Application to Office of Aviation, Calif. Dept. of Transportation.

REVIEW BOARD ORDER – SEE PAGE 15
AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003007 AND ADOPTED RESOLUTION NO. 2003-04 AYES: ALL

35. Resolution authorizing Quitclaim Deed conveying title of property (APN 12-212-001) to Dos Palos Oro Loma Joint Unified School District and authorize the Chairman to sign the Cooperative Agreement.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003002 AND ADOPTED RESOLUTION NO. 2003-05 AYES: ALL

36. Un-obligate \$43,882.03 of Parkland Dedication Money already set aside for the purchase of the swimming pool at the Delhi Educational Park, obligate \$43,882.03 of Parkland Dedication Funds to the Delhi School District to purchase portable skate park apparatus, approve expenditure of \$4,300 from Special Board Project Funds-District Four upon completion of an agreement with the School District and approve the necessary budget

transfer. (#025)

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS-CASTLE

37. Contract with Browning Ferris Industries (BFI) for use of fenced area between Building 88 and Building 90 for temporary storing of trash containers to be distributed to the City of Atwater.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003008 AYES: ALL

38. Contract with Livingston Court Theater Restoration Committee for lease of Building 1324 for storage of equipment to be moved into theater at a later date.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003009 AYES: ALL

39. Authorize termination of Contract No. 2002175 with A Woman's Place for use of Building 411.

APPROVED AS RECOMMENDED AYES: ALL

40. Declare 25 each 4-yard Dumpsters as Surplus Property Equipment and authorize transfer of said surplus equipment to the City of Merced. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 15

APPROVED AS RECOMMENDED AYES: ALL

41. Contract with Chris Lawrence dba The SportsPlex for Building 871 at Castle Airport Aviation and Development Center for use as a fitness center and sports complex.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003010 AYES: ALL

42. Contract with UC Merced Project Office for Building 411 for Office Space at Castle Airport Aviation and Development Center.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003011 AYES: ALL

43. Amendment to Contracts with Challenger Learning Center Foundation to Sublease (BCA OL-1-95-02) Contract and Lease (BCA-CAS-13-96-0201) Contract to relinquish all interest in approximately 55 acres of land to the county in exchange for \$380,000 and to lease Building 175 occupied by Aviation Challenge and approve necessary budget transfer. #035 (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003001 AYES: ALL

BUSINESS-ECONOMIC OPPORTUNITIES

44. Approve the release of a Request for Proposal (RFP) for a Needs Assessment for the creation of a Countywide Business Assistance Finance Center.

APPROVED AS RECOMMENDED AYES: ALL

45. Approve the 2001-2002 Foreign Trade Zone No. 226 Annual Report and authorize submission to the U.S. Foreign Trade Zone Board.

APPROVED AS RECOMMENDED AYES: ALL

46. Approve the Foreign Trade Zone No. 226 Tariff Schedule Adjustments and adopt Resolution.

ADOPTED RESOLUTION NO. 2003-06 AYES: ALL

HEALTH

47. Resolution authorizing Contract with State Integrated Waste Management Board for Solid Waste Enforcement Assistance Grant Cycle FY 2002-03 and approve the necessary budget transfer. (4/5 Vote Required)

**AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003012 AND ADOPTED
RESOLUTION NO. 2003-07 AYES: ALL**

48. Authorize formation of the Dairy Technical Advisory Committee in accordance with the Animal Confinement Ordinance and EIR and appoint the members to a Two Year Term.

NO ACTION TAKEN – PULLED FROM THE AGENDA

SHERIFF

49. Accept the 2002/2003 Calif. Law Enforcement Equipment Program Award and the 2002/2003 Local Assistance for Rural and Small County Law Enforcement Award with the Unanticipated Revenue to be transferred to the Sheriff Trust Fund 2610 understanding the Sheriff will return to the Board with recommendations.

APPROVED AS RECOMMENDED AYES: ALL

50. Renewal Contract with Merced County Office of Education for one School Officer to service both Planada and Weaver School Systems (Suppression of Drug Abuse Schools Program) and approve the necessary budget transfer.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003013 AYES: ALL

51. Authorize the Sheriff to accept donations from schools and businesses to offset the cost of the Canine Program or for future Program funding and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

52. Authorize termination of Contract with Mary Eirich for office space at 1836, 1848 and 1850 K Street effective February 15, 2003 and authorize Termination Letter.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

53. PULLED

FIRE

54. Authorize Office of Emergency Services to apply for FY 2002 FEMA Supplemental Grant/Citizens Corps and Community Emergency Response Team Funds to assist with improving and enhancing emergency response coordination with volunteer organizations within the Merced Operational Area understanding Fire will return to the Board with a plan if awarded.

APPROVED AS RECOMMENDED AYES: ALL

55. Authorize Office of Emergency Services to apply for FY 2002 FEMA Supplemental Grant/Emergency Operations Planning Funds to update our local government Emergency Operational Plans and if awarded, to return to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

56. Authorize Fire Department to accept the donation from Quebecor World Merced in the amount of \$14,000 to purchase needed emergency response equipment improvements.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

57. PULLED

58. Contract with Community Action Agency for special services and to transfer funds in the amount of \$7,500 for the Father of the Year Contest.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003014 AYES: ALL

GENERAL SERVICES

59. Establish Lien Rights, in accordance with Vehicle Code Section 22850 and Civil Code Section 3067-3074, of the Vehicles stored at PW-Fleet as shown in Exhibit A and authorize a Lien Sale with process requirements to be handled by Steve Nelson Auctions.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

60. Authorization to apply for the Immigrant Experience in California Grant in the amount of \$4,000 for the Merced and Livingston Libraries.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

61. Grant retroactive Merit Increase from Step 3 to Step 4 for Jeib Thianpimai, Employment and Training Specialist II, effective Pay Period 20 (9/9/2002), Budget Unit 55000.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

62. Authorize issuance of Purchase Orders for the Annual Software Maintenance and additional programming needed for the Vital Record Image Conversion Program and approve the necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

63. Authorized un-aligned Extra Help Special Projects Coordinator, \$33.00/hour to Mental Health, Budget Unit 41500 and adopt Resolution.

ADOPTED RESOLUTION NO. 2003-08 AYES: ALL

64. Approve the Assistant Sheriff position (vacant) as an Employment-At-Will position, direct staff to amend the Personnel Rules, Regulations and documents and change the title to Undersheriff.

ADOPTED RESOLUTION NO. 2003-09 AYES: ALL

65. Authorize notification of a Reduction in Force (RIF) effective February 28, 2003 pursuant to Human Resources Rules and Regulations, Section 2.W. affecting five Employment & Training Specialists I/II in Dept. of Workforce Investment, BU 55000 and two Offset Equipment Operator's and one Delivery Driver in G.S.-Central Duplicating, BU 75800; authorize notification of a RIF effective May 1, 2003 pursuant to Human Resources Rules and Regulations, Section 2.W. affecting one Variable Shift Support Services Assistant in Sheriff, BU 22100; delete the following vacant positions from Dept. of Workforce Investment – one Typist Clerk I/II (Position #139), one MIS Technician (Position #45), three Assessment Technician I/II (Position #'s 20, 48 and 137), three Employment & Training Specialist I/II (Position #'s 51, 54, 61), one Employment & Training Analyst I/II (Position #129), one Vocational Assessment Coordinator (Position #127) and one Program Manager (Position #78); and delete the following vacant positions from General Services – one Duplicating Shop Manager (Position #2), one Graphics Arts Technician I/II (Position #1) and

one Offset Equipment Operator I/II (Position #5) and adopt Resolution.

ADOPTED RESOLUTION NO. 2003-10 AYES: ALL

66. Authorize circulation of the Request for Proposal (RFP) to have an independent law firm or association provide Indigent Defense Services with a contract to be returned to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

67. Contract with Michael J. Tanner for temporary oversight of the Ag. Commissioner/Sealer of Weights and Measures/Animal Control Department.

PULLED FROM THE AGENDA – WITHDRAWN

APPOINTMENTS

68. District One - Area Agency on Aging.

APPOINTED LALO SANCHEZ TO SERVE AS A MEMBER OF THE AREA AGENCY ON AGING ADVISORY COUNCIL REPRESENTING DISTRICT ONE UNTIL JANUARY 31, 2005 AYES: ALL

69. District Two - Mental Health Advisory Board.

APPOINTED DR. MICHAEL DE AYORA TO SERVE AS A MEMBER OF THE MENTAL HEALTH ADVISORY BOARD REPRESENTING DISTRICT TWO UNTIL JUNE 30, 2003 AYES: ALL

70. District Three - Mental Health Advisory Board.

REAPPOINTED JAMES FULLER TO SERVE AS A MEMBER OF THE MENTAL HEALTH ADVISORY BOARD REPRESENTING DISTRICT THREE UNTIL JUNE 30, 2003 AYES: ALL

71. District Three - Franklin-Beachwood Municipal Advisory Council.

APPOINTED ANTHONY NORMAN AND JOSE CAMACHO UNTIL APRIL 6, 2007 AND APPOINTED CARL STARKS UNTIL APRIL 6, 2005 TO SERVE AS MEMBERS OF THE FRANKLIN/BEACHWOOD MUNICIPAL ADVISORY COUNCIL AYES: ALL

72. District Four - Winton Municipal Advisory Council.

REAPPOINTED NILO SARGENTINI TO SERVE AS A MEMBER OF THE WINTON MUNICIPAL ADVISORY COUNCIL UNTIL MARCH 31, 2004 AYES: ALL

73. District Four - Mental Health Advisory Board.

APPOINTED HELEN MAYO UNTIL JUNE 30, 2004 AND REAPPOINTED DR. LINDA GAMBLE UNTIL JUNE 30, 2005 TO SERVE AS MEMBERS OF THE MENTAL HEALTH ADVISORY BOARD REPRESENTING DISTRICT FOUR AYES: ALL

74. District Five - Planning Commission.

REAPPOINTED STEVE SLOAN TO SERVE AS A MEMBER OF THE PLANNING COMMISSION REPRESENTING DISTRICT FIVE UNTIL OCTOBER 1, 2003 AYES: ALL

75. Housing Authority of the County of Merced.

REAPPOINTED ALAN JENKINS TO SERVE AS A MEMBER OF THE HOUSING AUTHORITY OF THE COUNTY OF MERCED UNTIL FEBRUARY 18, 2007 AYES: ALL

76. Retirement Board.

REAPPOINTED RALPH BUSBY TO SERVE AS A MEMBER OF THE MERCED COUNTY EMPLOYEES RETIREMENT BOARD UNTIL JANUARY 1, 2006 AYES: ALL

77. Workforce Investment Board.

APPOINTED TERRY NICHOLS UNTIL JUNE 30, 2004 TO SERVE AS A MEMBER

OF THE WORKFORCE INVESTMENT BOARD REPRESENTING DEPARTMENT OF REHABILITATION UNTIL JUNE 30, 2004 AYES: ALL

78. Coalition for Tobacco Prevention and Cessation Programs.
APPOINTED FRAN STANSBURY TO SERVE AS A MEMBER OF THE COALITION FOR TOBACCO PREVENTION AND CESSATION PROGRAMS REPRESENTING THE AMERICAN CANCER SOCIETY UNTIL MAY 21, 2005 AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

79. Human Services Agency re: Report of Persons Receiving Public Assistance for the Month of October, 2002.
80. Business-Economic Opportunities re: Purchase and Installation of Video Teleconferencing Equipment under Economic Development Administration Grant for Castle Airport.
81. Business-Economic Opportunities re: Comcast Corporation cable change.
82. Merced County Office of Education re: Submission of Certificates of Election of Counties of Madera and Merced pursuant to Calif. Education Code Section 15349 - Merced Community College District, School Facilities Improvement District No. 1. and District No. 2.
83. Madera County Board of Supervisors re: A Resolution opposing the proposed designation of Critical Habitat for 112,000 Acres in Madera County.
84. Madera County Board of Supervisors re: Consideration of Approval of a Resolution of opposition to the U.S. Dept .of Fish and Wildlife Services declaring 112,000 acres of Madera County Land as Critical Habitat.
85. Mariposa County Board of Supervisors re: Proposed Critical Habitat Designation of 1.6 million acres in California.
86. Kern County Board of Supervisors re: Resolution calling for State to offset increased county costs for In-Home Supportive Services.
87. The Calif. Wellness Foundation re: Release of the scorecard - "Choices for Youth: A Public Education Campaign to Prevent Violence Against Youth". (On file with Clerk)
88. State Water Resources Control Board re: Notice of a Proposed Modification to the Policy for Implementing the State Revolving Fund for construction of Wastewater Treatment Facilities.
89. State Wildlife Conservation Board re: Wildlife Conservation Board Minutes of August 22, 2002. (On file with Clerk)
90. U.S. Fish and Wildlife Service re: Reopen of Process to List Mountain Plover as threatened.
91. State Board of Equalization re: Restriction on information posted on Internet.
92. State Board of Equalization re: California Code of Regulations - Amendments to be considered by the Board to - Rule 281-Appraiser Defined, 282-Temporary Certification, 283-Permanent Certification and 284-Retention and Revocation of Appraiser Certification. (On file with Clerk)
93. State Board of Equalization re: Summary of 2002 Property Taxes Legislation (www.leginfo.ca.gov/bilinfo.html).

94. State Board of Equalization re: San Francisco City and County Assessment Practices Survey, December 2002. (On file with Clerk)
95. State Board of Equalization re: California Code of Regulations - Adoption of amended Property Tax Rule 905 - Assessment of Electric Generation Facilities. (On file with Clerk)
96. Regional Council of Rural Counties re: RCRC designated delegates for 2003.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF BETH HUTCHINGS CALLISTER BUCKLEY, RICHARD PARKER, HOWARD EGLING AND LAVONA MARIE MASSIE UNTIL JANUARY 28, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 14, 2003

10:30 A.M. SCHEDULED ITEM

2003-01-14 MENTAL HEALTH – PUBLIC HEARING

The time and date previously set for the Public Hearing to consider an Ordinance Changing the Fees set for Mental Health Services Performed by Mental Health submitted by the Mental Health Department.

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 waives further reading of the Proposed Ordinance and adopts Ordinance No. 1692 An Ordinance Changing the Fees set for Mental Health Services Performed by the Merced County Mental Health Department (Repeals Ordinance No. 1672 and amends County Code Chapter 9.48). Ayes: Crookham, Cortez Keene, Nelson, Kelsey, O'Banion

10:30 A.M. SCHEDULED ITEM

2003-01-14 PLANNING – PUBLIC HEARING

The time and date previously set for the Public Hearing to consider the 2003 Community Development Block Grant Program (CDBG) General Allocation Application and Program Participation Guidelines submitted by the Planning Department.

Planning and Community Development Director Bill Nicholson reviews the staff report and recommendations before the Board.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Cortez Keene, duly carried, the Board approves the submission of the Community Development Block Grant funding application in the amount of \$400,000 to implement a housing rehabilitation program within census tracts 20.00 (Gustine area), 21.00 (Volta area) and 24.00 (Dos Palos Y, Midway/South Dos Palos area); approves the Program Participation Guidelines for the Housing Rehabilitation Program; authorizes the Planning Director or his designation to sign Contract No. 2003004 if awarded and adopts Resolution No. 2003-03.

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

10:30 A.M. SCHEDULED ITEM
2003-01-14 PLANNING – PUBLIC HEARING

The time and date previously set for the Public Hearing to consider an Appeal filed by Terrence Hoffman of the Planning Commission denial of Zone Variance Application No. 02021 and Minor Subdivision Application No. 02037. Said application is to vary from the minimum 20 acre parcel size in the A-1 (General Agricultural) zone and subdivide a 33 acre parcel into two parcels: Parcel 1 equaling 3.1 acres and Parcel 2 equaling 29.9 acres on property located on the east side of Merced Avenue and 1720 feet north of Bradbury Road in the Delhi area

Planner I Mark Hamilton reviews the Staff Report and recommendations.

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

Mike Smith, Central California Permit Service, speaks on behalf of Mr. and Mrs. Hoffman. Mr. Smith explains the Hoffman's land has never been used for farming due to the soil being sandy and not farmable and they wish to retain their original home site and give the rest of the land to their children.

Beverly Hoffman, states she and her husband have lived on the property for 40 years. The land has never been farmed but they have horses on the property.

Lynn Roslyn, friend and personal secretary to Mrs. Hoffman, reiterates Mr. and Mrs. Hoffman have lived on the property for 40 years and the land has not been farmed.

Following discussion, Supervisor Kelsey moves, to take the Appeal of the Planning Commission denial of Zone Variance Application No. 02021 and Minor Subdivision Application No. 02037 back to the Planning Commission meeting scheduled for February 5, 2003 at which time the Planning Commission will be discussing the Delhi Community General Plan update then bring the issue back to the Board on February 25, 2003.

Following further discussion, Supervisor Nelson seconds the Motion on the Floor.

Supervisor O'Banion states he cannot support the Motion on the Floor and feels the County must continue to move forward on regular business.

Following further discussion, the Chairman calls a Vote on the Motion.

Supervisors Cortez Keene and O'Banion vote "no". Motion Carries.

Ayes: Crookham, Nelson, Kelsey

Noes: Cortez Keene, O'Banion

ACTION ITEM NO. 32
2003-01-14 PUBLIC WORKS

Following discussion, County Counsel Dennis Myers recommends the Board pull this item and bring back to the Board after the Board receives all the information regarding the lease between Merced County and Televents of San Joaquin, Inc for the existing county owned land in

the Santa Nella area for the transmission, reception and related activities of Radio Communication Signals.

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

ACTION ITEM NO. 33

2003-01-14 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board accepts the California Heritage Fund Grant in the amount of \$107,500 for a total project cost of \$215,064 with \$107,532 match for design and construction of repairs to the roof structure and replacement of the roofing to protect the Old Merced County High School/Library for future adaptive re-use and authorizes the Public Works Director to sign Contract No. 2003005 with the State Historic Preservation Office and any associated documents necessary to proceed with the grant as long as they are in keeping with previously established Board action and policy; adopt the finding that this project qualifies for a Class I Exemption from CEQA as it consists of the restoration of an existing public structure to meet current standards of Health and Safety as provided for under CEQA Guidelines Section 15301(d) and authorize the Public Works Director to negotiate and sign fee Contract No. 2003006 with McCandless Architects, as a sole source provider, since McCandless Architects prepared the Adaptive Reuse Study for the Historic Old Merced County Library Building which include a structural review to repair the roof structure and to replace the roofing.

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

ACTION ITEM NO. 34

2003-01-14 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Cortez Keene, duly carried, the Board approves and authorizes the Public Works Director to sign Contract No. 2003007 with State Dept. of Transportation-Aeronautics Program and all associated documents for an additional 5% (\$19,155) matching Grant Application for the FAA Airport Improvement Program (Runway Rehabilitation Phase II at Castle Airport) and adopts Resolution No. 2003-04.

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

ACTION ITEM NO. 40

2003-01-14 PUBLIC WORKS

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board calls for public comment resulting from Notice of Intended Action publication pursuant to Section 6061 of the Government Code and hearing no comment, declares 25 each 4-yard Dumpsters as Surplus Property and approves the City of Merced to purchase said property in accordance with Section 25365 of the Government Code.

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