



SUMMARY ACTION MINUTES

MERCED COUNTY BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 25, 2003

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
CHAIR 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

8:30 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) pursuant to Section 54956.8

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 - 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:
San Joaquin Raptor Rescue Center et al v. County of Merced et al, Merced Superior Court Number 146533
Jesse Garcia v. County of Merced, Case No. CIV F-00-6216-AWI-LJO
California Motocross Association v. Merced County Spring Fair, Merced County and Ron Brandt, Case No. 146196

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

PUBLIC EMPLOYMENT Title: Public Health Director

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Subdivision (f) of Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with 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, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P and Deputy Sheriff Association, Unit 10

THE BOARD RECESSED INTO CLOSED SESSION AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR CORTEZ KEENE NOT PRESENT AND THE CHAIRMAN ADVISED ACTION WAS TAKEN IN CLOSED SESSION FOR A CONTRACT WITH TERRY ALLEN FOR SPECIAL COUNSEL SERVICES AND THE BOARD WILL MEET IN CONTINUED CLOSED SESSION LATER IN THE DAY

LATER IN THE DAY THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

10:00 A. M.

PLEDGE OF ALLEGIANCE

PRESENTATION

Black History Month

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

NO REPORT

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Health - \$4,457 and SCEAP/CHIP - \$2,040 and \$599 and SCEAP/CHDP - \$21,915 and Auditor-Recorder - \$15,000

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

10:00 A. M.

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 - 24)
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

ADDED AGENDA ITEM:

REVIEW BOARD ORDER – SEE PAGES 11, 12 AND 13

The Board finds the need to consider the following items and places them on the agenda for consideration:

(1)-Contract with Mike Ford as Interim Public Health Director; (2)- Increase CalWORKs Allocation actions; and (3) Change Reduction in Force dates for five Dept. of Workforce Investment positions Ayes: 2, 3, 4, 5 Not Present: 1

10:30 A. M.

PLANNING - CONTINUED PUBLIC HEARING (From February 4, 2003)

Appeal of the Planning Commission denial of Zone Variance Application No. 02029 and Minor Subdivision Application No. 02054 - David Souza

To vary from the minimum parcel size (20 acres) in the A-1 (General Agricultural) zone by 15.5 acres, to divide a 36 acre parcel into two parcels Parcel No. 1=4.33 acres and Parcel 2=31.65 acres on property located on the southeast corner of Westside Boulevard and Weir Avenue in the Livingston area

REVIEW BOARD ORDER – SEE PAGE 13

PLANNING - CONTINUED PUBLIC HEARING (From January 14, 2003)

To consider an appeal of the Planning Commission denial of Zone Variance Application No. 02021 and Minor Subdivision Application No. 02037 - Terrence Hoffman

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 13 AND 14

PLANNING - PUBLIC HEARING

General Plan Amendment No. 02009, Zone Change Application No. 02004, Major Subdivision Application No. 02003 - Luis Estates

CONTINUED AT PLANNING COMMISSION LEVEL

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 24)

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

Claims for Damages

1. Act on Claims for Damages submitted by Tony Spielman, Juan Garcia and Virginia Leon as recommended by Risk Management.

Board of Supervisors

2. Set public hearing for March 18, 2003 at 1:30 p.m. to consider an Appeal filed by Jerry L. Ruiz to Zone Variance Application No. 02030 and Minor Subdivision Application No. 02058.
3. Set Joint Meeting with Merced County Office of Education for April 1, 2003 at 1:30 p.m.

Public Works

4. Adopt Resolution annexing Minor Subdivision No. 3661 into the Elliott Estates Street Lighting Maintenance Zone of Benefit #214 and into the Elliott Manor Storm Drainage Maintenance Zone of Benefit #230 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2003-28

5. Adopt Resolution annexing Minor Subdivision No. 02047 into the Elliott Estates Street Lighting Maintenance Zone of Benefit #214 and into the Elliott Manor Storm Drainage Maintenance Zone of Benefit #230 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2003-29

6. Adopt Resolution prohibiting Parking on McConnell Road from Second Avenue to the entrance of McConnell State Park and authorize installation of no parking signs along said portion of McConnell Road.

ADOPTED RESOLUTION NO. 2003-30

Health

7. Approve and authorize Chairman to sign Amendment to Contract No. 2422 with State Dept. of Health Services for the Children's Dental Disease Prevention Program reducing the target caseload and the maximum reimbursement.
8. Adopt Resolution authorizing the Chairman to sign Renewal Contract No. 8385 and Certification Clauses with State Dept. of Health Services for funding of the 2003 Immunization Program in the amount of \$90,703.

ADOPTED RESOLUTION NO. 2003-31

Business-Economic Opportunities

9. Approve and authorize Chairman to sign Extension to Contract No. 200152 with Natoma Technologies, Inc. and authorize Chairman to sign Announcement Letter.

Child Support Services

10. Authorize payment for missed bilingual compensation for Rose Barajas, Position #122, from Pay Period 22 - October 7, 2002 through October 20, 2002.
11. Approve and authorize Chairman to sign Renewal Contract 99001 with Merced County Information Systems for costs associated with the child support program.

Dept. of Workforce Investment

12. Approve and authorize Chairman to sign Amendment to Contract No. 200037 with Central Valley Opportunity Center deleting the requirement to provide a forty hour Citizenship Training Program for Worknet Employment Resource Center customers.

Travel Requests

13. Approve Travel Requests submitted by Child Support Services, Sheriff and Treasurer as recommended by Executive Office.

Budget Transfers

14. Approve Budget Transfers from Health-\$19,842, Planning- \$3,614 and \$7,000 and Sheriff-\$35,000. \$13,000, \$25,000 and -0- as recommended by Executive Office.

Board Recognition

15. Authorize Certificate of Recognition to Redevelopment Agency in recognition and celebration of the completion of the Main Street Beautification Project.
16. Authorize Certificate of Recognition to Dave and Marie Anderson, DAC Remodeling, Inc., for being selected by the Qualified Remodeler Magazine for Top 500 Performers and Master Design Award.
17. Authorize Certificates of Recognition to Moonlight Investment Group, Theodore "Ted" A. Falasco Economic Development Leadership Award; Valley Auto Wreckers, Award of Excellence; Heritage Homes, LLC, Award of Excellence selected by the Merced Economic Development Corporation.
18. Proclaiming March 7, 2003 as "Arbor Day" in Merced County.
19. Authorize Certificates of Recognition to Dennis Williams, Roxanne Gonzales, Reyes Jantz and Jonathan Winans for being selected by the Community Action Agency and Civic Entrepreneurial Program.
20. Authorize Certificate of Recognition to Brett Baker for 2002 Outgoing President, for dedicated service to the Building Industry Association of Merced County.
21. Authorize Certificates of Recognition to Lois Haygood Jimenez and Betty McCollum Padilla for the 2002 Letus Wallace Award; Herb Wood for the 2002 Heacox Pioneer Award; and Ralph Milliken Museum for the 2003 Estee-Burchell Community Grant.
22. Authorize Certificates of Recognition to Nancie Baclig, Board of Trustees; Aloha M. Berino, Secretary; Millie Bouknight, Public Relations; Ed Fallago, Board of Trustees; Lodi Fallago, Treasurer; Alfonso Garcia, President; Remy Hillard, Public Relations; Rosita Jarozek, Public Relations; Ruben Junsay, Board of Trustees; and Cora Walls, Vice President for dedicated service in 2002 to the Filipino-American Association of Merced County.
23. Authorize Presentation of Plaque to the Housing Authority of Merced County in celebration of the John O'Banion Learning Center and Certificates of Recognition to Patrick O'Banion and Lisa O'Banion in John O'Banion's Memory.
24. Authorize Certificate of Recognition to Leo Lamb for dedicated service to the Workforce Investment Board.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

25. Adopt the Merced Storm Water Group - Storm Water Management Program to fulfill the requirements set forth by the State Water Resources Control Board General Permit in accordance with Section 402(p) of the Federal Clean Water Act.

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

26. Contract with Jean Pierre Sagousse, III for the lease of County Owned Land that is adjacent to the Billy Wright Landfill.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003035 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

27. Request for authorization to conduct a Mail-Out Ballot as required by Proposition 218 for the Expansion of the Easy Street Lighting Zone of Benefit #308 and set public hearing for April 29, 2003 at 10:30 a.m. to tabulate the ballots and adopt a Resolution of Intent to annex 37 adjoining parcels to the Easy Street Lighting Zone of Benefit #309 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2003-33 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

28. Authorize expenditure of Special Board Project Funds- District One in the amount of \$610 for the purchase of blinds for the Le Grand Municipal Building and approve the budget transfer (#045).

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

29. Authorize expenditure of Special Board Project Funds- District Four in the amount of \$2,500 to the City of Gustine for the Summer Youth Program to benefit Merced County Children and approve the necessary budget transfer (#044).

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

30. Authorize expenditure of Special Board Project Funds- District Four in the amount of \$1,000 for the Winton CLEO activities and approve the necessary budget transfer (#046).

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

31. Authorize replacement of Bus M-57 destroyed by Engine Fire on September 13, 2002; authorize receipt of \$49,133 from Merced Transportation Company with five monthly payments for period of January 2003 - May 2003; authorize transfer of ownership of Bus to Merced Transportation upon completion of payments; direct the \$49,133 be placed in reserve for use in purchasing replacement bus in FY 2003-04 and approve necessary budget transfer (#047). (4/5 Vote Required)

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

PUBLIC WORKS-CASTLE

32. Adopt the Request for Qualification (RFQ) Findings and recommendations of the Evaluation Committee and authorize Staff to develop and release a Request for Qualifications/Request for Business Proposal seeking a Master Developer or Master Developers for designated parcels at Castle Airport.

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

33. Authorize Castle Airport transfer of funds from the Castle Budget Account 21300 into the Fixed Asset Account 83620 for the purchase of a required Pressure Sensor to enable the FAA certification of the Automated Weather Observation System (AWOS) and approve the necessary budget transfer-\$5,000. (#043)

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

PLANNING

34. Resolution approving the use of Grant Funds for the purchase of agricultural conservation easements by the Merced County Farmland and Open Space Trust in the Delhi area.

ADOPTED RESOLUTION NO. 2003-34 AND APPROVED RECOMMENDATION

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

FIRE

35. Authorize Merced County Fire Department's participation in the Fire Fighter's Burn Institute "Fill the Boot" fundraiser.

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

36. Contract for Fire Protection services with the Calif. Dept. of Forestry and Fire Protection for FY 2002/03.

ADOPTED RESOLUTION NO. 2003-35 AND AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 6720 AYES: 2, 3, 4, 5 NOT PRESENT: 1

37. Authorization to apply for a Volunteer Fire Assistance Grant for the purchase of needed equipment and authorize the County Fire Chief to sign on behalf of the County.

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

MENTAL HEALTH

38. Approve and authorize Chairman to sign Contract with Stephen and Joan Tinetti for Mental Health Administration and Information Services office space.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 200012 AYES: 2, 3, 4, 5 NOT PRESENT: 1

DEPT. OF WORKFORCE INVESTMENT

39. Contract with Merced Union High School to provide one Variable-Shift Typist Clerk III in support of the GEAR-UP Merced Project; change one vacant Typist Clerk I/II (Position #123), Range 48.3/50.3 to one Variance Shift Typist Clerk III, Range 53.3 and adopt Resolution.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003039 AND ADOPTED RESOLUTION NO. 2003-36 AYES: 2, 3, 4, 5 NOT PRESENT: 1

HUMAN SERVICES AGENCY

40. Amendment to Contract No. 2001201 with California Dept. of Aging for Title III E Family Caregiver Support services annually for the senior citizens and approve necessary budget transfers-\$97,595. (4/5 Vote Required)

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

LIBRARY

41. Authorize the County Librarian to apply for the \$5,000 "Traditions of My Community" Folk Art Grant Application and authorize the Chairman to sign the Grant Application.

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

PUBLIC WORKS

42. Change project name from Snelling Courthouse Re-roof to Snelling Courthouse Re-roof and Repairs, authorize the use of donated labor with supervision of a Licensed General Contractor and authorize the use of all available funds for the purchase of labor as well as materials and approve the necessary budget transfer-\$0. (#040)

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

BOARD OF SUPERVISORS

43. Recognition April 27 - May 3, 2003 as Volunteer Week in order to coincide with National Volunteer Week and endorse the National Theme - Celebrate Volunteers-the Spirit of America; set April 29, 2003 as the date to award the Volunteer Recognition Awards; direct staff to coordinate applications, nominations and Screening Committee and set March 21, 2003 as the deadline to receive nominations/applications.

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

EXECUTIVE OFFICE

44. Public Defender Contract with Marc Garcia for indigent defense services.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003038 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

45. Revenue Sharing Agreement with City of Dos Palos.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003037 AND ADOPTED RESOLUTION NO. 2003-37 AYES: 2, 3, 4, 5 NOT PRESENT: 1

46. Renewal Contract with Merced County Superior Court for services during FY 2002-03.

AUTHORIZED CHAIRMAN TO SIGN RENEWAL CONTRACT NO. 9938 AYES: 2, 3, 4, 5 NOT PRESENT: 1

47. FY 2002-03 Mid-Year Requested Personnel Actions.

NO ACTION TAKEN - PULLED FROM THE AGENDA

48. Adjustments related to compaction as a result of Bargaining Unit increases related to Memorandums of Understanding.

NO ACTION TAKEN - PULLED FROM THE AGENDA

49. Authorize the Director of County Information Systems to act as the E-911/911 Coordinator.

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

50. Sheriff Personnel Requests: Establish non-aligned classification of Extra Help Coroner's Aide at \$10/hour and Extra Help Sheriff Dispatcher's Aide at \$10/hour; Amend the Coroner I/II, Sheriff Dispatcher and Legal Transcriptionist classifications; delete one vacant Chief Deputy Coroner position and add one Deputy Coroner I/II; approve the necessary budget transfer and adopt the Resolutions.

NO ACTION TAKEN - PULLED FROM THE AGENDA

BOARD APPOINTMENTS

51. District Two - Area Agency on Aging Advisory Council.

REAPPOINTED GATHER HAYNES, REPRESENTING DISTRICT TWO, TO SERVE AS A MEMBER OF THE AREA AGENCY ON AGING ADVISORY COUNCIL UNTIL JANUARY 31, 2005 AYES: 2, 3, 4, 5 NOT PRESENT: 1

52. District Two - Community Action Board.

APPOINTED VALERY N. L. OEHLER, REPRESENTING DISTRICT TWO, TO

SERVE AS A MEMBER OF THE COMMUNITY ACTION BOARD AYES: 2, 3, 4, 5
NOT PRESENT: 1

53. District Three - Area Agency on Aging Advisory Council.
REAPPOINTED PAUL CROOKHAM, REPRESENTING DISTRICT THREE, TO SERVE AS A MEMBER OF THE AREA AGENCY ON AGING ADVISORY COUNCIL UNTIL JANUARY 31, 2005 AYES: 2, 3, 4, 5 NOT PRESENT: 1
54. District Three - Community Action Board.
REAPPOINTED MARGARET MERRITT, REPRESENTING DISTRICT THREE, TO SERVE AS A MEMBER OF THE COMMUNITY ACTION BOARD UNTIL JANUARY 31, 2005 AYES: 2, 3, 4, 5 NOT PRESENT: 1
55. District Four - Area Agency on Aging Advisory Council.
REAPPOINTED CARROLL REED, REPRESENTING DISTRICT FOUR, TO SERVE AS A MEMBER OF THE AREA AGENCY ON AGING ADVISORY COUNCIL UNTIL JANUARY 31, 2005 AYES: 2, 3, 4, 5 NOT PRESENT: 1
56. District Four - Mental Health Advisory Board.
APPOINTED AUDREY KOTRICH-SPANGLER TO THE MENTAL HEALTH ADVISORY BOARD, REPRESENTING DISTRICT FOUR, UNTIL JUNE 30, 2005 AYES: 2, 3, 4, 5 NOT PRESENT: 1
57. District Five – Los Banos Cemetery District.
APPOINTED TED MEZA TO SERVE AS A MEMBER OF THE LOS BANOS CEMETERY DISTRICT UNTIL JUNE 7, 2005 REPRESENTING DISTRICT FIVE AYES: 2, 3, 4, 5 NOT PRESENT: 1

BOARD INFORMATION & POSSIBLE ACTION

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

58. Business-Economic Opportunities re: AT&T Broadband - Notification changes to the timeline of billing and payment cycles will become effective March 15, 2003.
59. Stanislaus County Supervisor Mayfield re: 2001 Zero Emission Vehicle (ZEV) clean air program.
REVIEW BOARD ORDER – SEE PAGE 14
60. Mendocino County Board of Supervisors re: Resolution opposing preemptive military action against Iraq.
61. Madera Irrigation District re: Support for San Joaquin River Surface Storage Feasibility Studies.
REVIEW BOARD ORDER – SEE PAGE 14
62. Assemblyman Dave Cogdill re: Upper San Joaquin River Storage and Temperance Flat Feasibility Studies.
63. CALFED Bay-Delta Program re: Copy of the CALFED Bay-Delta Program's Annual Report for the second year of implementation. (On file with Clerk)
64. State Reclamation Board re: Response to December 12, 2002 letter regarding the Sacramento and San Joaquin River Basins Comprehensive Study. (On file with Clerk)
65. California Rural Home Mortgage Finance Authority re: Revised JPA Agreement.

66. California Employment Development Department re: Notification of Worker Adjustment and Retraining Notification Act (WARN) and California Labor Code Section 1400 et. seq. - Company Name: Product Development Corporation.
67. California Wellness Foundation re: Annual Report - The Children and Youth Community Health Initiative. (On file with Clerk)
68. National Council of Family Relations re: Enclosed is the first of three NCFR Policy Briefing Papers, Promoting Effective Mothering. (On file with Clerk)
69. Salmonid Restoration Federation's re: 21st Annual Salmonid Restoration & Urban Stream Conference set for March 26-29. 2003. (On file with Clerk)
70. State Board of Equalization re: Notification of amended Property Tax Rule 904 - Unitary and Nonunitary Property Value Determinations and Petitions for Reassessment.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF WENDELL GORDON KELLEY, DON BLAUERT, MR. ED CHAPIN AND MARIE SCOTO UNTIL MARCH 11, 2003 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 25, 2003

10:00 A.M. ADDED AGENDA ITEM

2003-02-25 HEALTH

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider contract for oversight of the Health Department and places the matter on the Agenda for Board consideration.

Ayes: Crookham, Nelson, Kelsey, O'Banion

Not Present: Cortez Keene

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board establishes the classification of Contract Public Health Director; approves and authorizes the Chairman to sign Contract No. 2003036 with Michael Ford to serve as Interim Director providing temporary oversight of the Public Health Department and adopts Resolution No. 2003-32.

Ayes: Crookham, Nelson, Kelsey, O'Banion

Not Present: Cortez Keene

10:00 A.M. ADDED AGENDA ITEM

2003-02-25 HUMAN SERVICES AGENCY

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider increase of CalWORKs Allocation and places the matter on the Agenda for Board consideration.

Ayes: Crookham, Nelson, Kelsey, O'Banion

Not Present: Cortez Keene

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board takes the following action:

1. Approves the following list of Capital Projects:
 - H.S.A. Building No. 1, No. 2 and No. 3 – Re-roofing, Budget \$177,606
 - H.S.A. Building No. 3, Modify Roof Drainage, Budget \$17,750
 - H.S.A. Exhaust Fans in all Bathrooms, Budget \$13,870
 - H.S.A. Building No. 2 and No. 3 – Wiring Upgrade, Budget \$110,000
 - H.S.A. Building No. 1, No. 2 and No. 3 – Repaint Exterior, Budget \$80,402
 - H.S.A. Storage Shed and add HVAC to electric room, Budget \$22,000

and authorizes Public Works to advertise for competitive bids for and set the date and time for the opening of said bids for the listed projects;

2. Authorizes Public Works to approve plans and specifications for the projects listed;
3. Authorizes Public Works to award the contract to the lowest responsive bidder providing the bids are within the established budget subject to concurrence of Counsel and authorizes the Public Works Director to sign the construction project contracts to be returned to the Board for information;
4. Approves the necessary budget transfers;

5. Authorizes the Public Works Director to sign Change Orders to the existing construction contracts for Phase III work to add HVAC to the electrical room at Building I and a Prefab 12' x 20' storage shed outside Building 1;
6. Authorizes the Auditor-Controller to invoice the Human Services Agency and hold in trust the final 10% retention for delivery to the Director of Public Works to hold at the completion of construction until the expiration of the 35 day lien period;
7. Authorize General Services Director to approve the purchase the listed fixed assets; and,
8. Approve and authorize the Chairman to sign Amendments to the following Contracts to accomplish listed contractual expenditures as follows:
 - Contract No. 7171 with Merced County Office of Education for expanded services with the Regional Occupational Program;
 - Contract No. 200183 with Merced County Office of Education for additional funds to the Youth Opportunity Program;
 - Contract No. 7172 with Merced Union High School District for expanded services to Merced Adult School for CalWORKs participants;
 - Contract No. 2000195 with Community Action Agency for additional funds to the Head Start Program;
 - Contract No. 10027 with Mental Health for additional funds to the Alcohol and Drug Services;
 - Contract No. 10028 with Mental Health for additional funds for mental health assessments for Merced, Los Banos and Livingston;
 - Contract No. 2000257 with Merced Lao Family, Inc. for increased services to Southeast speaking CalWORKs participants;
 - Contract No. 2001276 with Perry Yokley Family Development Center for additional equipment;
 - Contract No. 9966 with A Woman's Place for domestic violence services to TANF eligible clients;
 - Contract No. 200018 with Public Works for after school activities for high CalWORKs population;
 - Contract No. 99118 with Merced County Association of Governments (MCAG) for modification of work statement to include Continuum of Care.

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

10:00 A.M. ADDED AGENDA ITEM
2003-02-25 DEPARTMENT OF WORKFORCE INVESTMENT

Upon motion to Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board finds a need arose, subsequent to the posting of the agenda, to consider approval to change the effective date of the Reduction in Force for positions in Dept. of Workforce Investment and places the matter on the Agenda for Board consideration.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves the change of the effective date of the Reduction in Force for five Employment and Training Specialist I/II positions from February 28, 2003 to May 31, 2003.

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

10:30 A.M. SCHEDULED ITEM
2003-02-25 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider an Appeal of the Planning Commission denial of Zone Variance Application No. 02029 and Minor Subdivision Application No. 02054 submitted by David Souza. Said application is to vary from the minimum parcel size (20 acres) in the A-1 (General Agricultural) zone by 15.5 acres, to divide a 36 acre parcel into two parcels, Parcel No. 1=4.33 acres and Parcel No. 2=31.65 acres on property located on the southeast corner of Westside Boulevard and Weir Avenue in the Livingston area.

Planning Director Bill Nicholson reviews the Staff Report and states the General Plan Steering Committee is still discussing the matter.

Supervisor Kelsey speaks in support of the Board continuing the application to March 18, 2003 Board Meeting.

Chairman Crookham asks if the parties involve agree to the continuance in order to allow a full Board for the Hearing. She advises Supervisor Cortez Keene arrived this a.m. but was ill and left for the day.

David Souza, applicant, agrees with the request for continuance to March 18, 2003.

Following further discussion and upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board continues the public hearing for Zone Variance Application No. 02029 and Minor Subdivision Application No. 02054 to March 18, 2003 at 1:30 p.m.

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

10:30 A.M. SCHEDULED ITEM
2003-02-25 PLANNING – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider an Appeal of the Planning Commission denial of Zone Variance Application No. 02021 and Minor Subdivision Application No. 02037 submitted by Terrence Hoffman. Said application is to vary from the minimum 20 acre parcel size in the A-1 (General Agricultural) zone and subdivide a 22 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.

Supervisor Kelsey speaks in support of the Board continuing the application to March 18, 2003 Board Meeting.

Chairman Crookham asks if the parties involve agree to the continuance in order to allow a full Board for the Hearing. She advises Supervisor Cortez Keene arrived this a.m. but was ill and left for the day.

Terrance Hoffman, applicant, agrees with the request for continuance to March 18, 2003.

Following further discussion and upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board continues the public hearing for Zone Variance Application No. 02021 and Minor Subdivision Application No. 02037 to March 18, 2003 at 1:30 p.m.

Ayes: Crookham, Nelson, Kelsey, O'Banion

Not Present: Cortez Keene

BOARD INFO ITEM NO. 59

2003-02-25 BOARD OF SUPERVISORS

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board authorizes a Letter of Opposition to the California Air Resources Board and its members to any changes in the Zero Emission Vehicle (ZEV) Clean Air Program and requests the appropriate legislative representatives be so notified.

Ayes: Crookham, Nelson, Kelsey, O'Banion

Not Present: Cortez Keene

BOARD INFO ITEM NO. 61

2003-02-25 BOARD OF SUPERVISORS

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board authorizes a Letter of Support to Congressman Nunes advising that the Merced County Board of Supervisors went on record in support of the reauthorization and funding provided for in H.R. 309 to continue efforts and to complete the necessary environmental documentation required for the San Joaquin River Surface Storage Feasibility Studies.

Ayes: Crookham, Nelson, Kelsey, O'Banion

Not Present: Cortez Keene